

Real Estate Transactions

Spring 2022

Syllabus

Text Book:

Burkhart, Freyermuth, Nelson and Whitman *Real Estate Transfer, Finance and Development*, 10th Ed. All assignments will be from this text unless otherwise specified. The initial reading list for January and February is set out below. I will supplement the reading with an updated syllabus in coming weeks.

Course Description:

This course explores the law relating to transfers of real estate, including the impact of mortgage law and financing. The first half of the class focuses on the legal relationships and issue created when property is transferred. We will discuss real estate brokers, formation and operation of real estate contracts, title insurance, deeds, conveyencing and issues arising from common real estate disputes. The second half of the class focuses on mortgage law. We will cover the creation of mortgage relationships and examine the rights and duties of parties to the mortgage before foreclosure. We will also discuss rules and policy relating to mortgage foreclosures.

Course Objectives:

Students successfully completing this class will gain experience evaluating legal issues arising in the sale and financing of real estate. Students will also develop an understanding of how disparate legal subjects like contracts, torts, remedies, and debtor creditor issues work together to create a comprehensive system of rules that govern real estate transactions. Most importantly, successful students will be able to identify critical facts, select appropriate legal doctrines to resolve complex legal issues using that system of rules.

Office Hours:

As an adjunct I do not have formal office hours. But I welcome opportunities to meet with students individually or in groups. I can be reached by email at norm.r.hill@ojd.state.or.us. or my Willamette email, nhill@willamette.edu. My office number is (503) 623-5235. You may also contact me by cell phone at (503) 931-5389. Texts are welcome, but please identify yourself in the body of the text.

Participation and Attendance Expectations:

This class works best when students are prepared and ready to discuss the assigned readings. Class discussions are not a regurgitation of the materials in the book. Rather, they are designed to go beyond the book. We will dissect the cases and identify the critical rules of each case. But we will also compare the doctrines we are learning to other legal sources. I will share practical observations about the material and strategic choices real estate lawyers make in evaluating potential courses of action. In my experience, that practical information is not available in the text or commercial outlines.

Successful students approach class preparation the same way they would prepare to represent a client in court. They develop a mastery of the assigned material before class and begin considering possible questions that might arise during our discussions.

Regular attendance is also critically important. As discussed above, a significant amount of material in the course comes exclusively from class discussion. Attendance and regular preparation are also essential to success because the course builds on itself. Many of the doctrines we learn early in the class form the foundation for more complex applications later in the semester. If you are behind, it is very challenging to catch up. Of course, if you are having difficulty with the subject matter, please do not hesitate to reach out to me. I am happy to discuss the material individually.

Exam:

Final is a three-hour closed book exam.

Initial Reading Assignments:

January

10	3-24; ORS 696.710, ORS 696.800-696.855
12	24-44
17	MLK no class
19	44-72-92
24	72-80, 129-138
26	80-106

31 106-129

February

2 Wilkinson v. Carpenter, 276 Or. 311, 554 P.2d 512 (1976); Onita Pacific Corp. v. Trustees of Bronson, 315 Or. 149, 843 P.2d 890 (1992); Harris v. Suniga, 344 Or. 301, 180 P.3d 12 (2008).

7 151-190

9 190-228

14 228-270

16 Review

21 138-149, 273-294

23 No class

28 294-318