

Real Estate Transactions

Fall 2021

Syllabus

Text Book:

Nelson, Whitman, Burkhart, Freymouth, *Real Estate Transfer, Finance and Development*, 9th Ed.
All assignments will be from this text unless otherwise specified.

Course Description:

This course involves the study of law relating to transfer of real estate including the impact of mortgage law and financing. The first half of the class focuses on the issues and legal relationships created when property is transferred. We will discuss the law relating to real estate brokers, formation and operation of real estate contracts, title insurance 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. That number is (503) 931-5389. Texts are welcome, but please identify who you are in the body of the text.

Participation and Attendance Expectations:

Most readings are designed to cover approximately two cases per class. This class works best when students are prepared and ready to discuss these materials in class. The class discussions

are not a regurgitation of the materials in the book. Rather, class discussions 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 and contrast the doctrines we are learning to other legal sources. I will also 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 other 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.

Reading Assignments:

August

23	3-24; ORS 696.710, ORS 696.800-696.855
25	24-45
26	45-62
30	63-83

September

1	83-96
2	97-113
6	Labor Day
8	113-123

9	134-161
13	161-183
15	183-196
16	208-222
20	222-252
22	Mid-term review
23	117-129 (background), 285-309
27	309-324 note 1
28	329-355 note 5
30	373-389
October	
4	389-403
6	408-428
7	429-438
11	451-469
13	477-491
14	491-500
18	No class
20	No class

21 500-516

25 517-540

27 592-615

28 630-643

November

1 669-694

3 694-714

4 714 note 2-724

8 724-740

10 740-759

11 800-821

15 969-984

17 984-998

18 998-1009

22 Break

24 Break

25 Break

29 Review