Blackstone Career Institute™
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REAL ESTATE LAW PROGRAM OUTLINE

FOR INDIVIDUALS WHO ARE INCARCERATED



PROGRAM OVERVIEW

Representation of real estate clients is a major area of practice for many law firms. Therefore, opportunities for real estate paralegals are numerous. Blackstone's Real Estate Paralegal course covers the elements of real property; different methods used in recording and describing deeds; transference of title; rights associated with real estate ownership; elements of real estate contracts; basic landlord/tenant law; deeds, mortgages, and restrictions on land use; title insurance and title examination; the closing process; and tax implications of real estate transactions.

The textbook that accompanies this course; *Real Estate and Property Law for Paralegals* includes figures, tables and sample forms to provide visual aids for learning; annotated documents that focus on relevant sections of actual legal documents; case excerpts; and highlights of the specific skills students will need as real estate paralegals.

PROGRAM OUTLINE

LESSON 1 | Introduction and Estates

LESSON 2 | Property Descriptions, Transferring Title, and Rights Associated with Real Estate

LESSON 3 | Real Estate Contracts, Landlord and Tenant Laws, and Deeds

LESSON 4 | Mortgages and Restrictions on the Use of Land

LESSON 5 | Real Estate Professions; Title Insurance and Title Examinations

LESSON 6 | The Closing and Taxation Issues in Real Property

Introduction and Estates

LESSON 1

This lesson provides introduces the basic concepts concerning real property and personal property; addresses the economics of the real estate market, including classifications of land according to use; presents the concepts of unimproved land, residential property, commercial property, industrial property, farm and rural property. Covers estates in land; explains the difference between freehold state and non-freehold states; explores the rights of a fee simple owner, including the rights of owners in fee simple with condition subsequent and fee simple determinable estates; addresses the issue of concurrent ownership; lays out the details concerning purchase and sale by concurrent owners, as well as the right to partition land according to ownership interest rights.

Property Descriptions, Transferring Title, and Rights Associated with Real Estate

LESSON 2

This lesson introduces the concept of property boundaries and the importance these boundaries play in modern real estate practice; provides a brief history of the law of establishing and maintaining property boundaries; examines in detail the legal requirements for property descriptions in modern deeds; explores the legal consequences of ambiguity in property descriptions by discussing both patent ambiguity and latently ambiguous property descriptions; introduces the methods used to create property descriptions; discusses the impact of water rights on property boundaries and the rights of real estate owners. Focuses on the rights and responsibilities inherent in the transfer of title to real estate; describes the sale of real property between consenting parties; sets out in detail the basic requirements of the sale, including the elements of a legally binding real estate contract; examines the transfer of property rights; covers involuntary transfer, primarily through foreclosure; discusses the rights of borrowers, defaults, steps in a foreclosure and foreclosure auctions. Explores the rights associated with real estate ownership; discusses the law of fixtures and examines easements in all their various forms; describes the creation and termination of easements; presents licenses, profits, liens, assessments, their rights, water rights, and mineral rights.

Real Estate Contracts, Landlord and Tenant Laws, and Deeds

LESSON 3

This lesson focuses exclusively on the law of real estate contracts, from offer to acceptance, including the basic elements that any legally binding real estate contract must have; examines the Statute of Frauds in detail; presents individual types of real estate contracts, from listing agreements to offers of purchase and contract; discusses breach of contract and remedies that are available to the seller, buyer or broker. Explores the complexities of the landlord-tenant relationship; discusses the rights conveyed by the landlord to the tenant in a typical leasehold arrangement, the rights and obligations of the landlord, and the concomitant rights of the tenant; examines the law of tenancy as well as the various types of leasehold estates; discusses the standard lease, including typical lease provisions and a checklist for drafting a lease. Explains title examinations; distinguishes between the three types of recording statutes; discusses the process of a title examination; describes how to use the grantor-grantee indices, the plat index, and other items required for a title examination.

Mortgages and Restrictions on the Use of Land

LESSON 4

This lesson address the issues involved in obtaining financing to purchase real estate, starting with the primary mortgage market; provides an in-depth analysis of the secondary mortgage market, where governmental and private institutions purchase existing mortgages; details the role of federal agencies such as HUD and quasi-governmental agencies, such as Fannie Mae and Ginnie Mae; examines the minimum legal requirements found in both mortgages and deeds of trust. Public and Private Restrictions on the Use of Land. Covers the numerous public and private restrictions that can be imposed on a landowner. Also discusses nuisance actions.

Real Estate Professions; Title Insurance and Title Examinations

LESSON 5

This lesson discusses the different types of settlement agreements, and how to draft each type of settlement. Covers each of the various types of settlement contracts, including releases, covenants not to sue, and loan receipts. Also presents a review of the evidentiary rules relating to offers of settlements, and how to enforce a settlement contract. Discusses assisting a lawyer in preparing for trial and conducting trial. Examines the purpose of pretrial conferences and how paralegals can assist in drafting a pretrial memorandum. Provides specific steps for organizing the files and trial materials, preparing witnesses and marking the trial exhibits. Discusses the general order in which a trial proceeds and discusses the paralegal's role. Also explores the appellate process.

The Closing and Taxation Issues in Real Property

LESSON 6

This lesson introduces the terminology used in enforcing judgments and teaches the steps to take to obtain recovery on the judgment. Covers a number or easy and inexpensive techniques that can be used to enforce against a judgment debtor. Suggests ways to obtain information about the assets of the debtor. Introduces the two primary alternatives to dispute resolution: mediation and arbitration. Focuses primarily on arbitrations administered through the American Arbitration Association (AAA). Explores the use of social media in the discovery process, as well as how to use social media to gather evidence, explaining ethical limitations. Covers a paralegal's ethical obligations, such as keeping client information confidential.

PROGRAM OUTCOMES

- Define real property and differentiate between types of ownership and estates
- Describe the different forms of concurrent ownership
- Discuss encumbrances, easements, and licenses
- Outline the basic requirements for a legal contract, explain the remedies for a breach of contract, and identify the parties to a contract
- Explain how to prepare a deed
- Identify the paralegal's role in certain aspects of real estate finance
- Discuss title examinations, and explain the paralegal's role in ordering and preparing title examinations
- Describe the importance of title insurance and discuss how to prepare an insurance commitment and review a title insurance policy
- Outline the parts of a real estate closing and discuss the closing process
- Provide samples of real estate documents including affidavits, deeds, closing statements and other documents, and explain how to complete each document
- Explain and differentiate between the condominium and cooperative form of property ownership
- Describe different methods of surveying and land description and explain how to prepare a legal description of land
- Discuss commercial leases and lease provisions, including the remedies for a default of the lease available to both the landlord and the tenant
- Identify and describe the express and implied powers of corporations
- Describe the duties agents and principles owe to each other



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