

Course Outline

COURSE: RE 165 **DIVISION:** 50 **ALSO LISTED AS:**

TERM EFFECTIVE: Fall 2016 **CURRICULUM APPROVAL DATE:** 02/22/2016

SHORT TITLE: LEGAL ASPECTS RE

LONG TITLE: Legal Aspects of Real Estate

<u>Units</u>	<u>Number of Weeks</u>	<u>Type</u>	<u>Contact Hours/Week</u>	<u>Total Contact Hours</u>
3	18	Lecture:	3	54
		Lab:	0	0
		Other:	0	0
		Total:	3	54

COURSE DESCRIPTION:

A study of California real estate law including agency and contract law; title, escrow and closing; real estate financing; and landlord/tenant law. This course meets a requirement for the California Broker's License. This course has the option of a letter grade or pass/no pass. **ADVISORY:** Real Estate 160

PREREQUISITES:

COREQUISITES:

CREDIT STATUS: D - Credit - Degree Applicable

GRADING MODES

- L - Standard Letter Grade
- P - Pass/No Pass

REPEATABILITY: N - Course may not be repeated

SCHEDULE TYPES:

- 02 - Lecture and/or discussion
- 05 - Hybrid
- 72 - Dist. Ed Internet Delayed

STUDENT LEARNING OUTCOMES:

1. Explain the basic workings of the legal system in California and the United States as it applies to California real estate.

Measure: written exam

PLO:

ILO: 7,2

GE-LO:

Year assessed or anticipated year of assessment: 2016-17

2. Identify and compare the different types of real estate and agency contracts used in California.

Measure: written exam, homework- case study

PLO:

ILO: 7,2,1

GE-LO:

Year assessed or anticipated year of assessment: 2016-17

3. Describe the various types of listing agreements, how title is held to real property and the various tenancies in the rental of real property.

Measure: written exam, homework- sample document

PLO:

ILO: 7,2,1

GE-LO:

Year assessed or anticipated year of assessment: 2016-17

4. Describe the primary legal issues in appraising and financing real property in California and identify various types of real estate financing.

Measure: written exam, homework- sample document and case study

PLO:

ILO: 7,2,1,4

GE-LO:

Year assessed or anticipated year of assessment: 2016-17

5. Explain the real estate licensing process and identify the administrative agencies that regulate the California real estate industry.

Measure: written exam, homework- case study

PLO:

ILO: 7,2,1

GE-LO:

Year assessed or anticipated year of assessment: 2016-17

CONTENT, STUDENT PERFORMANCE OBJECTIVES, OUT-OF-CLASS ASSIGNMENTS

Curriculum Approval Date: 02/22/2016

3 Hours

Content: An Introduction to Law - Law and the Real Estate Profession, The Nature and Functions of Law, Historical Background, Legal Categories and Concepts, Sources of Law, The Judicial System, A Civil Lawsuit.

Student Performance Objectives: Discuss the nature and purposes of the law. Explain their fundamental legal categories and concepts. Discuss the sources of law: constitutions, legislatures, courts and administrative agencies. Examine the judicial system in detail. Describe a typical civil lawsuit from its outset through enforcement of the judgment. Explain how laws are made and how legal rights are enforced.

Out-of-Class Assignments: Read related chapter in the textbook and complete review questions quiz.

9 Hours

Content: Nature of Real Property - Land Description, Land, Attachments, Appurtenances. AND Interests in Real Property - Possessory Interests (Estates), Nonpossessory Interests (Encumbrances). AND Co-Ownership of Real Property - Forms of Co-Ownership, Ownership by Associations, Common Interest Developments, Timeshares.

Student Performance Objectives: Describe the difference between real property and personal property and explain why they are important to the sale of real estate. Name the three main methods of land description. Define attachment and appurtenance. Describe the various types of interests in real property. Explain how they are created and terminated, and how they affect the property. Explain the forms that concurrent ownership can take. Describe the various ways co-owners can hold title. Describe ownership by associations of two or more persons. Explain how condominiums and other properties developed for concurrent ownership work.

Out-of-Class Assignments: Read related chapters in the textbook and complete review questions quizzes.

Homework: Print out a subdivision map of your local area. Analyze the case problem provided regarding interests in real property and come prepared to discuss it in class. Answer the questions at the end of the case problem provided regarding co-ownership of real property.

6 Hours

Content: Introduction to Agency Law - Agency, How an Agency is Created, Real Estate Agency Relationships, Terminating an Agency, California Real Estate Law, Commissions. AND Agency Duties and Disclosures - Agency Disclosure, The Agent's Duties to the Principal, The Agent's Duties to Third Parties, Penalties for Breach of Agent's Duty, Disclosures Required of a Seller and/or a Broker/Agent.

Student Performance Objectives: Describe the agency relationships between real estate brokers and salespersons and their clients. Explain the different ways an agency relationship can be created and terminated. Discuss the duties imposed on brokers and salespersons by the California Real Estate Law in regard to licensing, record keeping and trust fund accounts. Describe the real estate agent's duties. Discuss the agent's liability - the penalties for failing to carry out those duties. State the obligations of the seller and the agent.

Out-of-Class Assignments: Read related chapters in the textbook and complete review questions quizzes.

Homework: Answer the questions at the end of the case problem provided regarding agency law. Complete the following sample forms: Disclosure Regarding Real Estate Agency Relationship, Real Estate Transfer Disclosure Statement, Buyer's Inspection Advisory and Statewide Buyer and Seller Advisory.

9 Hours

Content: Contract Law - Contract Classifications, Contract Formation, Performance and Breach of Contract, Discharge of a Contract, Remedies for a Breach of Contract. AND Real Estate Contracts - Broker/Salesperson Employment Agreements, Listing Agreements, The Purchase Agreement, Counter Offers and the Purchase Agreement, Options. AND Review for Midterm.

Student Performance Objectives: Describe how a valid contract is formed. Explain the possible remedies when a contract is not fulfilled. Describe specific contracts used by people in real estate. Explain the basic rules of contract law. Discuss what a listing agreement should contain. State the terms that the purchase agreement should set forth.

Out-of-Class Assignments: Read related chapters in the textbook and complete review questions quizzes.

Study for Midterm. Homework: Answer the questions at the end of the case problem provided regarding contract law. Complete the following sample forms: Independent Contractor Agreement, Residential Listing Agreement, California Residential Purchase Agreement, Counter Offer and Purchase Agreement Addendum.

5 Hours

Content: Midterm. Alternatives to Litigation - Alternative Dispute Resolution (ADR), Negotiation, Mediation, Arbitration, Resolving Disputes Concerning a Real Estate License.

Student Performance Objectives: Define Alternative Dispute Resolution (ADR). Describe the advantages of ADR when compared to litigation. State the disadvantages of arbitration. Define mediation. Explain the steps involved in mediation. Discuss the process for resolving disputes concerning a real estate license.

Out-of-Class Assignments: Read related chapter in the textbook and complete review questions quiz.

6 Hours

Content: Title and Alienation - Voluntary Alienation, Involuntary Alienation, Recording. AND Escrow and Closing - Preparing for Closing, Escrow, Termination of Escrow, When Title Passes, Real Estate Settlement Procedures Act, Settlement Statement, Title Insurance.

Student Performance Objectives: Recall a variety of ways in which ownership of real property is transferred from one person to another. Define the legal term alienation. Describe the requirements for the various types of transfers and their effects. Discuss the recording system and title insurance regarding the transfer of real property. Describe the closing process. Discuss the role of the escrow agent, the requirements for a valid escrow and the preparation of settlement statements.

Out-of-Class Assignments: Read related chapters in the textbook and complete review questions quizzes. Review the following: Escrow Progress Chart, Settlement Statement and Transaction Settlement Guide.

Homework: Answer the questions at the end of the case problem provided regarding title and alienation and come prepared to discuss the case in class. Complete the following sample form: Estimated Seller Proceeds.

8 Hours

Content: Real Estate Financing - Promissory Notes, Security Agreements, Common Optional Loan Terms, Foreclosure, Reverse Mortgages, Real Property Sales Contracts, Lending Disclosure Laws, Safe Act, Agricultural Security Interests. AND Land Use Controls - Public Restrictions, Private Restrictions.

Student Performance Objectives: Explain the rights and obligations of borrowers and lenders. Explain promissory notes and security agreements. Describe the foreclosure process. Provide an overview of state and federal consumer protection laws that regulate real estate lending. Discuss public restrictions on land use. Explain private restrictions imposed by a previous owner or the developer.

Out-of-Class Assignments: Read related chapters in the textbook and complete review questions quizzes. Study for Final. Homework: Answer the questions at the end of the case problems provided regarding real estate financing and land use control and come prepared to discuss them in class.

6 Hours

Content: Civil Rights and Fair Housing Laws - Historical Background, Federal Legislation, California Legislation, Case Examples of Discrimination, Extent of Liability for Discrimination. AND Landlord/Tenant Law - Leases, Rights and Duties of the Landlord and Tenant, Termination of a Lease, Mobile home Residency Law, Rent Control, Unlawful Detainer Assistants, Property Management. AND Review for Final.

Student Performance Objectives: List the groups of persons protected from discrimination. Discuss the most important federal and California state anti-discrimination laws. Analyze how these laws affect the day-to-day relationships between real estate agents and their clients. Describe the different types of leases. Explain the rights, duties and liabilities of the landlord and tenant.

Out-of-Class Assignments: Read related chapters in the textbook and complete review questions quizzes. Study for Final. Homework: Answer the questions at the end of the case problem provided regarding landlord/tenant law.

2 Hours

FINAL EXAM.

METHODS OF INSTRUCTION:

lecture, discussion

METHODS OF EVALUATION:

Category 1 - The types of writing assignments required:

Percent range of total grade: 20 % to 40 %

Written Homework

Other: case problems, sample forms

Category 2 - The problem-solving assignments required:

Percent range of total grade: 20 % to 30 %

Quizzes

Exams

Category 3 – The types of skill demonstrations required:

Percent range of total grade: % to %

Category 4 - The types of objective examinations used in the course:

Percent range of total grade: 40 % to 60 %

Multiple Choice

True/False

Matching Item

REPRESENTATIVE TEXTBOOKS:

Required:

Huber, Walt and Tyler, Kim. California Real Estate Law, Eighth Edition. Covina, CA: Educational Textbook Company, Inc., 2013. Or other appropriate college level text.

Reading level of text, Grade: 12th Verified by: MS Word

ARTICULATION and CERTIFICATE INFORMATION

Associate Degree:

CSU GE:

IGETC:

CSU TRANSFER:

Transferable CSU, effective 200730

UC TRANSFER:

Not Transferable

SUPPLEMENTAL DATA:

Basic Skills: N

Classification: Y

Noncredit Category: Y

Cooperative Education:

Program Status: 1 Program Applicable

Special Class Status: N

CAN:

CAN Sequence:

CSU Crosswalk Course Department: RE

CSU Crosswalk Course Number: 165

Prior to College Level: Y

Non Credit Enhanced Funding: N

Funding Agency Code: Y

In-Service: N

Occupational Course: B

Maximum Hours:

Minimum Hours:

Course Control Number: CCC000284879

Sports/Physical Education Course: N
Taxonomy of Program: 051100