

Mt. San Jacinto College
Integrated Course Outline of Record

Form B

Submitted by: RENUMBERING PROJECT APPROVAL Date: 01/18/2018

Department	Subject	Course Number	Title
Real Estate	Real Estate RE	503	Legal Aspects of Real Estate (formerly RE-142)

Units/Hours

Each lecture unit requires 1 hour per week of class time, and 2 hours per week of study outside of class.
Each laboratory unit requires 3 hours per week of class time.
Each activity unit requires 2 hours per week of class time and 1 hour per week of study outside of class.

Lecture Units	Total Units
3.00	3.00
Lecture Contact Hours	Total Contact Hours
48.00 - 54.00	48.00 - 54.00
Lecture Homework Hours	
96.00 - 108.00	

Stand Alone:

Program Applicable

AA/AS Degree General Ed Breadth Area(s):

-none-

General Education Justification:

Maximum Enrollment:	40
Maximum Enrollment Justification:	Justification:
Grading Method:	Letter Grade or P/NP
TOP code:	0511.00*

Can be Taken 1 time(s) for credit (max 4)
 - Visual or Performing Arts course that is required to meet major requirements for UC/CSU

- Intercollegiate athletics course
- Academic/vocational competition course

Catalog Description:

(Please do not refer to transferability or degree, certificate, or employment concentration applicability. Please only describe the course).
(75 words or less in gray box below).

This course provides a broad survey of the legal system in the United States with special emphasis on California Real Estate Law. It provides insight into those areas which are most important in avoiding legal difficulties which can arise in connection with real estate transactions. Aspects of California Real Estate Law necessary to prepare students for the State Real Estate Licensing Exam are also covered.

Schedule Description:

(Please do not refer to transferability or degree, certificate, or employment concentration applicability. Please only describe the course).
(25 words or less in gray box below).

This course provides a broad survey of the legal system in the United States with special emphasis on California Real Estate Law.

Need for the course:

This course meets pre-licensing requirements for California real estate salesperson's and broker's exams. This course is required for the Real Estate Certificate.

Prerequisite(s):

Prerequisites go through a separate approval process. See Forms E1-E6 for details.
(For further clarification, contact the Prerequisite Subcommittee)

- RE 140 with a Grade of C or better. or
- Real Estate License or

Corequisite(s):

Corequisites go through a separate approval process. See Forms E1-E6 for details.

- RE 140

Recommend Preparation:

Recommended Preparation goes through a separate approval process. See Forms E1-E6 for details.

-none-

Other Enrollment Criteria:

-none-

Learning Objectives:

(please number each objective and express in behavioral terms)
Upon the completion of the course the student will be able to do the following:

1. Identify the sources of the law and the judicial system.
2. Compare and contrast regulations and standards affecting residential and commercial real estate transactions.
3. Evaluate key knowledge and skills required for success in residential and commercial real estate transactions.
4. Explain how knowledge and understanding of real estate law and concepts assists in avoiding legal situations in residential and commercial real estate transactions.

5. Analyze alternatives to litigation such as negotiation, mediation, and arbitration.

6. Identify and assess the various types of interests in real property and title to real property.

7. Discriminate real estate law pertaining to agency, contracts, title, landlord-tenant law, and real estate financing.

Course Content:

(please number the outline of main topics and subtopics)

1. Introduction to Law

a. Law and the Real Estate Profession

b. The nature and Functions of Law

c. Historical Background

d. Legal Categories and Concepts (substantive and procedural law, criminal and civil law, basic civil law concepts)

e. Sources of law (constitutions, statutory law, case, regulations)

f. The Judicial system (trial courts, appellate courts, state courts and federal courts)

g. Civil Lawsuit (the dispute, starting the lawsuit, pretrial discovery, settlement negotiations, judge or jury, the trial, appeal, collection a judgment)
2. Nature of Real Property

a. Land Description

b. Attachments (natural attachments and fixtures

c. Appurtenances (air rights, water rights, mineral rights, etc.)
3. Interests in Real Property

a. Possessory Interests (freehold and leasehold estates)

b. Non-possessionary Estates (easements and liens)
4. Ownership of Real Property

a. Forms of Co-Ownership (tenancy in common, joint tenancy, community property, trusts, etc.)

b. Ownership by Associations (corporations, general partnerships, limited partnerships, real estate investments trusts, etc.)

c. Common Interest Developments (condominiums, stock cooperatives, community apartment projects, planned unit developments, timeshares)
5. Introduction to Agency Law

a. Agency (agent's authority and types of agents)

b. How an Agency is Created

c. Real Estate Agency Relationships

d. Terminating an Agency

e. The California real Estate Law

f. Commissions
6. Agency Duties and Liabilities

a. Agency Disclosure

b. Agent's Duties to the Principal

c. Agent's duties to third Parties

d. Penalties for Breach of Agent's duty (action by professional associations, civil lawsuits, criminal prosecution, common real estate violations

e. Brokers Agency and Statutory Disclosures Summary
7. Contract Law

a. Contract Classifications

b. Contract Formation (capacity, mutual consent, consideration, lawful purpose, Statute of Frauds, promissory estoppel, modification)

c. Performance and Breach of Contract

d. Remedies for Breach of Contract
8. Real Estate Contracts

a. Broker/Salesperson Employment Agreements

b. Listing Agreements

c. Deposit Receipt and Counter-Offer

d. Megan's Law Disclosure

- e. Options (consideration, relation back, assignment, termination, right of preemption)
- f. Natural Hazard Disclosure Statement
9. Alternatives to Litigation
 - a. Alternate Dispute Resolution-ADR (non-adjudicative and adjudicative)
 - b. Negotiation
 - c. Mediation
 - d. Arbitration
 - e. Resolving Disputes Concerning a Real Estate License
10. Title and Alienation
 - a. Voluntary Alienation (deeds and wills)
 - b. Involuntary Alienation (intestate succession, escheat, court decisions, adverse possession, condemnation, dedication, accession)
 - c. Recording (Recorder's office, notice)
11. Escrow and Closing
 - a. Preparing for Closing
 - b. Escrow (purpose, opening, requirements, and agent)
 - c. Termination of Escrow (mutual agreement, expiration, default)
 - d. When Title Passes (unauthorized delivery, doctrine of relation back)
 - e. Real Estate Settlement Procedures Act –RESPA
 - f. Settlement Statements (allocating expenses, transaction settlement guide, buyer's costs and credits, sellers costs and credits, pro-rations and closing)
12. Real Estate financing
 - a. Promissory Notes
 - b. Deeds of Trust
 - c. Common Optional Loan Terms (prepayment, default, and transfer provisions)
 - d. Foreclosure (non-judicial foreclosure of trust deed, judicial foreclosure of a mortgage)
 - e. Real Property Sales Contracts
 - f. Lending Disclosure Laws 9Truth in Lending Act, Seller Financing Disclosure Law, Mortgage Loan Broker Law)
13. Land Use Controls
 - a. Public Restrictions (zoning, building codes, subdivision regulations, environmental regulations)
 - b. Private Restrictions (restrictive covenants running with land, enforcing restrictions, terminating restrictive covenants)
14. Civil Rights and Fair Housing
 - a. Historical Background and Federal Legislation
 - b. California Legislation
 - c. Liability for discrimination
15. Landlord/Tenant Law
 - a. Leases and Termination of leases
 - b. Rights and Duties of Landlord
 - c. Mobile Home Residency Law
 - d. Unlawful Detainer Assistants and Property Management

Methods of Instruction:

Methods of instruction may include, but are not limited to the following:

- **Method:** Lecture
Integration: Lecture, audio visual presentations, PowerPoint and use of the white board will be used to explore topics such as: a. Agency duties and responsibilities b. Avoiding legal situations in real estate transactions c. Alternatives to litigation d. Contract law e. Landlord/tenant law
- **Method:** Discussions
Integration: Class discussions will be initiated on topics such as laws, regulations, agency, contract law, and current issues related to real estate law. The instruction will add comments during and/or after discussion period.
- **Method:** Activities
Integration: Instructor led group activities will be presented to students. Students will be monitored and guided

while working to solve legal problems, compare various alternatives to legislation, and assess interest in real property.

- **Method:** Case studies
Integration: Case studies will be presented and evaluated to explore and identify best practices in real estate, compare and contrast regulations and standards affecting real estate transactions, and discriminate real estate law pertaining to agency, contracts, title, landlord-tenant law, and real estate financing.
- **Method:** Resources and topical material
Integration: Resources and topical material related to real estate law will be made available to students to enhance learning of the law and judicial system, knowledge and skills required for success in real estate transactions, and identify the various types of interests in real property and title to real property.
- **Method:** Current news articles
Integration: Current news articles and events will be presented by instructor and students that relate to various aspects of the real estate law and the real estate industry. Topics may include the law and judicial system, legal situations to avoid in real estate transactions, and/or laws pertaining to agency, contracts, title, landlord-tenant law, and real estate financing.
- **Method:** Visiting Lecturers
Integration: Guest speakers (attorneys, brokers, California Association of Realtors(r) representatives, etc.) to discuss current procedures as available and appropriate.

Methods of Evaluation:

A student's grade shall be determined by the instructor using multiple measures of performance related to the course objectives. Methods of evaluation may include but are not limited to the following:

- **Method:** Exams/tests
Integration: Exams and quizzes on reading and lecture materials will be administered to measure student understanding of terminology, knowledge of subject matter, and ability to evaluate situations, real estate law, and alternatives to litigation. The exams will be evaluated based on a rubric developed by the instructor. Topics will include: a. Real property ownership b. Agency c. Contract law and real estate contracts d. Real estate financing e. Title and escrow f. Civil rights and fair housing g. Landlord/tenant law.
- **Method:** Projects and assignments
Integration: Projects and assignment will be designed to stimulate student critical thinking related to topics of real estate law. Projects and assignments will be evaluated on student understanding of topic, application of appropriate law, and alternatives to litigation. Also the student's work will be evaluated on the quality of content and completion of required components.
- **Method:** Class participation
Integration: Class discussions will be initiated by instructor to engage students and provide opportunity for student articulation of real estate law terms and concepts, reading and lecture materials, case studies, and current events. Discussions will be evaluated based on student oral or written participation as well as content and completion.

Examples of Assignments:

Students will be expected to understand and critique college level texts or the equivalent. Reading and writing, as well as out of class assignments are required. These assignments may include but are not limited to the following:

1. Using case study material provided, analyze, prepare, and present a written essay comparing and contrasting requirements for the validity of a lease. Response should include information regarding requirements of a valid contract, whether it must be in writing, who must sign, etc.
2. Utilizing material gained from the text and lecture material, present verbally or in writing the best practices in real estate though case contract evaluation.
3. Using critical thinking, present verbally or in writing the three main alternatives to litigation, explain each alternative, and provide an example of when each alternative would be used.
4. Research a current news article that relates to real estate law and propose verbally or in writing the application of law and/or regulation on the subject.

Textbooks:

- Walt Huber and Kim Tyler, J.D. (2018). *California Real Estate Law* ETC Text Books. ISBN: 978-16-2684-387-2

Other Resources:

Minimum Qualification

- Real Estate