

LEB 380.3
LAW OF COMMERCIAL REAL ESTATE TRANSFER, FINANCE &
DEVELOPMENT
Fall 2012
Professor Paula Murray

Class Particulars: 2-3:30 TTh; UTC 1.102

Office Hours: 10-11:30 TTh

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TEXT: Real Estate Transfer, Finance & Development
Nelson, Whitman, Burkhart & Freyermuth (8th edition);
you may also want to purchase a paperback law dictionary.
There is also an accompanying casenote series that may be
available at the law school Coop (on Dean Keeton across
from the Law School) or online.

Course Objectives: The course is set up in three separate parts—basic real estate concepts, basic real estate finance concepts, and legal aspects of the development process. The course objective is not that you memorize a bunch of legal rules (that may change), but that you recognize the legal issues that arise in a real estate transaction. My goal is that you will be able to ascertain when you need legal help and when you do not. As you will soon realize, most of the legal problems we will encounter could have been avoided with good legal planning *before* the transaction was entered into. The other major objective of the course is the development of your analytical skills and reasoning power. We will emphasize not only what the rules are, but more importantly, what they should be. The ability to think critically is important not only in this class, but in the framework of your professional education.

Teaching Objectives: The majority of class time will consist of analysis of cases assigned in advance, as well as open classroom discussion. We will cover 40-50 pages (or more) per class. Students will be called “cold” to discuss the facts of a case and answer questions I pose. The purpose of this dialog is to develop your skills of analysis and reasoning. You will be asked to distinguish cases, explain inconsistencies in your statements, make and support recommendations and evaluate case outcomes. The text is a casebook, so there is little actual explanatory text. Much of your work will be determining the legal precedents from the court’s analysis in the cases. Let me be frank,

this will take a good bit of time at first. I will assign the pages to be covered each day at the end of the previous class.

Grading: There will be one take-home exam and one research paper and class presentation of the research. The exam will be twelve- fifteen, typed, double-spaced pages. The exam will consist of three-four questions. Each question will be based on an actual case. You will be asked to write an opinion as if you were the judge in the case. Your grade will be based on you legal and policy analysis. You will have approximately 10 days to complete the exam.

The research paper/project will be a **group** effort and will cover a recent development in commercial real estate law or ethics. Group assignments will be handed out in the next two weeks. Depending on the final number of students enrolled, the groups will be either 3-4 persons. The length will be 12-15 pages. In the next couple of weeks I will hand out a list of suggested topics, however, you are not limited to those topics. Many of you may have a specific area of the law that you might like to explore. You will be graded on the thoroughness of your research and your legal and policy analysis. You will also present your research to the class. The presentation will be 15-20 minutes with 5 minutes for questions.

There will also be a class participation component of your grade. I expect intelligent class participation from each and every one of you. This includes being called on to discuss a case, but more importantly, it includes volunteering your thoughts and analysis. I know that some of you hate to participate, but in your future career you will have to talk in front of groups of your peers (and, more importantly, your boss), so you might as well start now. Another component of participation is class attendance. I consider more than three absences to be excessive.

Your grade will be calculated as follows:

Exam 1:	40%
Paper:	30%
Presentation:	15%
Participation:	15%

Technology: Since you are adults, I do not believe that you need to be treated like children, so I am not banning laptops and other technologies. However, I do not want to see web surfing and emailing and texting and anything else that I don't know about, during the 75 minutes we are together. Also, turn off your cell phones (unless you have an awful important reason for having it on—like a baby is due).

Course Outline: I will assign the exact number of pages each day. This is a rough outline and may be modified as time or the subject matter requires.

I. Contracts for the Sale of Land: pp 1-126

- II. Deeds & Titles: pp. 127-257
- III. Use of Mortgage Substitutes: pp. 272-348
- IV. Prior to Foreclosure: pp. 358-424
- V. Transfer and Discharge: pp. 447-468; 483-585
- VI. Foreclosure: pp. 586-673
- VII. Priority Problems: pp.843-888
- VIII. Subdivision Development: pp. 980-1025

Midterm Exam: Handed out: Tuesday, October 9; due Monday, October 22 by noon at my office. You may also submit your exam by email attachment.

Group Project/Paper: Due the date of the presentations. Presentations will be scheduled the last two weeks of class.

OFFICIAL NOTIFICATIONS:

1. Scholastic Dishonesty: I have no tolerance for scholastic dishonesty. Your responsibilities with regard to scholastic dishonesty is described in detail in the Policy Statement on Scholastic Dishonesty for the McCombs School of Business. The following is a portion of that statement:

By teaching this course, I have agreed to observe all of the faculty responsibilities described in that document. If the application of that Policy Statement to this class and its assignments is unclear in any way, it is your responsibility to ask me for clarification. Policy on Scholastic Dishonesty: Students who violate University rules on scholastic dishonesty are subject to disciplinary penalties, including the possibility of failure in the course and/or dismissal from the University. Since dishonesty harms the individual, all students, and the integrity of the University, policies on scholastic dishonesty will be strictly enforced. You should refer to the Student Judicial Services website at <http://www.utexas.edu/depts/dos/> or the General Information Catalog to access the official University policies and procedures on scholastic dishonesty as well as further elaboration on what constitutes scholastic dishonesty.

2. Students with Disabilities: The University of Texas at Austin provides upon request appropriate academic accommodations for qualified students with disabilities. For more information, contact the Office of the Dean of Students at 471-6259, 471-4641 TTY.