

RE438, 538: Real Estate Law

Course Syllabus

Fall 2022

Lecturer:	Alan Brickley, JD, MBA
Office:	By appointment
E-mail:	brickley@pdx.edu
Class date and time:	Tue/Thu 4:40 pm- 6:30 pm
Classroom:	Park Mill 1633 SW Park Avenue Room 11
Modality:	Hybrid
Office Hours:	By appointment

Course Description:

Provides students with a comprehensive summary of real property from a legal perspective with an emphasis on transactional issues. Includes issues relating to types of ownership, descriptions of property, easements, public and private limitations on use, real estate contracts, forms utilized in transfers, financing and title assurances. The class will enable students to understand the legal framework and the rights and responsibilities of owners and transferors/transferees of real property. This is the same course as RE 438 and may be taken only once for credit. Expected preparation for graduate students: RE 521. Prerequisites: Ec 201 (undergraduates).

Course Materials:

Textbook (required):

Real Estate Law, Daniel Klayman

I'll discuss the textbook in detail on the first day of class.

Objectives of the Course:

Upon successful completion of this course, you will be able to

- (1) Understanding Real Estate terminology

- (2) Understanding various interests in real estate
- (3) Understanding how real estate is conveyed
- (4) Understanding how real estate is secured, including methods of foreclosure
- (5) Understanding public and private restrictions on the uses of real estate
- (6) Understanding various forms of real estate contract

In addition to mastering the course content, The School of Business expects all students to attain several key attributes, which will provide graduates with a better foundation for working in businesses of the future. An emphasis will be made on identifying issues as opposed to rote learning.

“An education isn’t how much you have committed to memory, or even how much you know. It’s being able to differentiate between what you know and what you don’t. It’s knowing where to go to find out what you need to know; and it’s knowing how to use the information you get” William Feather

MRED Learning Goals:

1. **Teamwork and Leadership:** Graduates will demonstrate effective leadership and teamwork competencies, supported by high levels of emotional intelligence (e.g., self-awareness, self-management, social awareness, and social management).
2. **Critical Thinking:** Graduates will critically evaluate real estate development problems and opportunities, analyze those problems with appropriate quantitative and qualitative data analytic techniques, and prescribe and defend subsequent solutions.
3. **Equity and Sustainability Thinking:** Graduates will have an equity and sustainability perspective (e.g., environmental stewardship, intergenerational resources, equitable opportunities, and access).
4. **Communication:** Graduates will effectively communicate complex information with a variety of stakeholders to increase knowledge and achieve objectives.

Method of Instruction:

This course is conducted on a lecture and discussion basis. You are assigned readings in the textbook, and there may be other assigned readings at the instructor’s discretion. The instructor is expected to be prepared for class and the students should be prepared as well.

A lively discussion of various topics in class is encouraged. Your experiences and opinions are highly valued and add to the learning experience. Guest speakers will be invited to lectures to provide you with an exposure to the local real estate industry and

real-life perspective. Real world examples and current real estate industry trends will be discussed in class so that you can gain deeper insights into the practical application of theoretical concepts.

This is a hybrid course taught with reduced scheduled in-person class meetings. Additional asynchronous activities will be required each week during the term. Enrollment in this section serves as acknowledgement that you will need to be able to access the University's online delivery platform and any assigned supplemental platforms and may be required to participate in live video conferences, collaborate digitally with classmates, and/or be remotely proctored during exams. These components are essential for creating an online learning environment that works with students' schedules while maintaining high academic rigor.

Attendance in person is required on the first day of class. If you are not able to attend the first lecture in person, please contact the instructor before the start of the quarter. ***Attendance in person is encouraged, but you can also attend class remotely via Zoom.***
Lectures are recorded.

Grading Criteria:

Project: 25%

Weekly Assignments: 25%

Final Examination: 50%

Project (Individual or group): This project requires you or your group to review and analyze a chain of title to be provided.

Weekly Assignment: Questions will be provided at the end of each class period for completion prior to the next class. The questions will relate to material to be covered in the upcoming class.

Final Examination: There will be a final examination (open book and notes) which will consist of short answers and short essay questions.

More detailed information on each assignment is provided separately in class.

Grading Scale:

Students will be graded on a relative performance basis. I use the following scale:

A-Grade	A	94 to 100%	C-Grade	C+	78 to 79.9%
	A-	90 to 93.9%		C	72 to 77.9%
B-Grade	B+	88 to 89.9%		C-	70 to 71.9%

	B	82 to 87.9%	D-Grade	D+	68 to 69.9%
	B-	80 to 81.9%		D	62 to 67.9%
				D-	60 to 61.9%
			F-Grade	F	Below 60%

STUDENT RESOURCES AND POLICIES

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[Student Health and Counseling \(SHAC\)](#)

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SCHEDULE

Guest Speakers to be announced.

We ek	Date	Lecture Topic	Due Dates	Assigned Readings
1	09//27	Discussion of Syllabus; Introductions; Introductory Lecture		Ch 1, 2, 3
	09/29	Estates, Co-Ownership		Ch 4, 5
2	10/04	Descriptions of Land, Deeds, Recording		Ch 15, 16, 18
	10/06	Contract law, Statute of Frauds		Ch 10, ORS Chapter 41
3	10/11	Involuntary Transfers		Ch 14
	10/13	Involuntary Liens		Ch 17
4	10/18	Mortgages, Trust Deeds, Foreclosure		Ch 21 ORS Chapter 86
	10/20	Installment Contracts, Closing and Assurances of Title		Ch 18, 19, 20, 22
5	10/25	Condominiums, Cooperatives, Time Shares	Mid-Term project	Ch 6, 7, 8
	10/27	Review of Mid-term project		
6	11/01	Easements		Ch 9
7	11/08	Real Estate Purchase Contracts		Ch 11
8	11/15	Fraud and Bankruptcy		Ch 13
9	11/22	Comprehensive Plans, Regulation		Ch 24, 25
10	11/29	Environment and Fair Housing		Ch 23, 26
	TBD	<i>Final Examination</i>	<i>TBD</i>	

STUDENT RESOURCES AND POLICIES OVERVIEW

ATTENDANCE POLICY

You are expected to attend class regularly, either in person or remotely. However, all lectures will be recorded, so you can watch them if you had to miss class. I do not take attendance. Veterans must comply with attendance standards set by the VA. Athletes must provide their list of class conflicts before their first absence.

ACADEMIC MISCONDUCT

Students are expected to be ethical not only in the classroom, but also out of the classroom. It is in all students' interest to avoid committing acts of academic dishonesty and to discourage others from committing such acts. Academic dishonesty includes, but is not limited to, the following examples: engages in any form of academic deceit; refers to materials or sources or uses devices not authorized by the instructor for use during any quiz or assignment; provides inappropriate aid to another person in connection with any quiz or assignment; engages in Plagiarism.

Any academic misconduct, including, but not limited to, plagiarism, cheating, fabrication, aiding and abetting academic misconduct, falsification of records and documents, communication with fellow students during examination and quizzes and/or using the work of another student will immediately result in a failing grade for the course. Furthermore, students are not allowed to discuss the content of any test, quiz, or homework with anyone. Additional sanctions by The School of Business may also be imposed if it deems necessary.

Plagiarism is the act of claiming someone's work as your own through copying it without giving the creator of the work credit. Plagiarism can also include using another person's theories, ideas, or phrases without proper attribution. The simplest way to avoid plagiarizing is to always cite the sources from which you gather information or develop arguments – just cite anything you use from someone else (it actually makes your work stronger!). Plagiarism is a serious issue and is a violation of the PSU Student Conduct of Code. University policy requires instructors to report all instances of plagiarism and penalize the perpetrator(s) according to guidelines set. Please use the resources provided by the [PSU library](#) if you have any questions on how to cite.

DIVERSITY & INCLUSION

PSU values diversity and inclusion; we are committed to fostering mutual respect and full participation for all students. My goal is to create a learning environment that is equitable, useable, inclusive, and welcoming. If any aspects of instruction or course design result in barriers to your inclusion or learning, please notify me. The Disability

Resource Center (DRC) provides reasonable accommodations for students who encounter barriers in the learning environment.

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ACCOMMODATIONS

If you have, or think you may have, a disability that may affect your work in this class and feel you need accommodations, contact the Disability Resource Center to schedule an appointment and initiate a conversation about reasonable accommodations. The DRC is located in 116 Smith Memorial Student Union, 503-725-4150, drc@pdx.edu, <https://www.pdx.edu/drc>.

- If you already have accommodations, please contact me to make sure that I have received a faculty notification letter and discuss your accommodations.
- Students who need accommodations for tests and quizzes are expected to schedule their tests to overlap with the time the class is taking the test.
- Please be aware that the accessible tables or chairs in the room should remain available for students who find that standard classroom seating is not useable.
- For information about emergency preparedness, please go to the Fire and Life Safety webpage (<https://www.pdx.edu/environmental-health-safety/fire-and-life-safety>) for information.

TITLE IX

Portland State is committed to providing an environment free of all forms of prohibited discrimination and sexual harassment (sexual assault, domestic and dating violence, and gender or sex-based harassment and stalking). If you have experienced any form of gender or sex-based discrimination or sexual harassment, know that help and support are available. PSU has staff members trained to support survivors in navigating campus life, accessing health and counseling services, providing academic and on-housing accommodations, helping with legal protective orders, and more. Information about PSU's support services on campus, including confidential services and reporting options, can be found on PSU's Sexual Misconduct Prevention and Response website at: <http://www.pdx.edu/sexual-assault/get-help> or you may call a confidential IPV Advocate at 503-725-5672. You may report any incident of discrimination or discriminatory harassment, including sexual harassment, to either the Office of Equity and Compliance or the Office of the Dean of Student Life.

SEXUAL HARASSMENT:

As faculty, one of our responsibilities is to help create a safe learning environment for students and for the campus as a whole. Please be aware that faculty have the responsibility to report any instances of sexual harassment, sexual violence and/or other forms of prohibited discrimination. If you would rather share information about sexual harassment to a confidential employee who does not have this reporting responsibility, you can find a list of those individuals here: <https://www.pdx.edu/sexual-assault/get-help>.

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EMERGENCY PREPAREDNESS:

For information about emergency preparedness, please go to the Fire and Life Safety webpage(<https://www.pdx.edu/environmental-health-safety/fire-and-life-safety>) for information.

STUDENT HEALTH AND COUNSELING (SHAC):

The Center for Student Health and Counseling (SHAC) is a community-based health care organization that provides high quality, accessible mental health, physical health, dental, and testing services targeted to the needs of the PSU student population. To make an appointment with SHAC, please call SHAC at 503.725.2800 or go directly to the clinic (1880 SW 6th Ave. UCB, Suite 200). Email address: askshac@pdx.edu

BASIC NEEDS AT PORTLAND STATE:

It can be challenging to do your best in class if you have trouble meeting basic needs like safe shelter, sleep, and nutrition. Resource centers across campus are here to provide assistance, referrals, and support. Please contact anyone on this list for assistance:

Basic Needs Hub: basicneedshub@pdx.edu

Portland State Food Pantry: psufp.com; pantry@pdx.edu

C.A.R.E. Team: askdos@pdx.edu; (503) 725-4422

OTHER STUDENT RESOURCES:

- The Writing Center: <https://www.pdx.edu/writing-center/>
- Center for Student Health and Counseling: <https://www.pdx.edu/shac/>
- Diversity and Multicultural Student Services: <https://www.pdx.edu/dmss/>
- Financial Wellness Center: <https://www.pdx.edu/student-financial/financial-wellness->

center

· For information on food assistance and other resources: <https://www.pdx.edu/student-access-center/>

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LECTURE RECORDINGS

We will use technology for lecture recordings in this course. Our use of such technology is governed by FERPA, the Acceptable Use Policy and PSU's Student Code of Conduct. A record of all meetings and recordings is kept and stored by PSU, in accordance with the Acceptable Use Policy and FERPA.

All class recordings will be deleted at the end of the quarter.

Your instructor will not share recordings of your class activities outside of course participants, which include your fellow students, TAs/GAs/Mentors, and any guest faculty or community-based learning partners that we may engage with.

You may not share recordings outside of this course. Doing so may result in disciplinary action.

Technology Requirements

There are several moving parts in this attend anywhere course. The following list of tools encompasses every type of technology you will encounter in this course if you are joining remotely. It is your responsibility to obtain access to these in advance of your first assignment or let me know of your limitations by the end of week 1.

- Functional webcam
- Microphone (internal or USB)
- Google Chrome browser
- Reliable internet connection

If you have technical questions/problems related to using D2L or obtaining an Odin account, contact the OIT Help Desk at help@pdx.edu or by calling (503) 725-4357.

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