

Real Estate Financing and Development Law

REAL 204/804

LGST 204/804

Fall 2006

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This course examines many of the legal issues involved in real estate financing and development. The main topics include the acquisition of land, real estate finance, government regulation, and commercial leasing. Grades in this class will be based on two in-class exams (each exam is 30% of the grade), one group problem (30%), and class participation (10%). Both exams will be closed book. **There will not be a final exam. To receive a passing grade in the course, you must average a passing score on the two exams. You must take the exams with your class on the dates indicated on this syllabus.** Absent emergency circumstances, there will be NO MAKE UP EXAMS. Job interviews **do not** qualify as an emergency.

IF YOU DECIDE TO DROP THE CLASS, YOU MUST DO SO BEFORE THE FIRST EXAM—no exceptions.

Texts for this course: The required textbook for this course is George Lefcoe, *Real Estate Transactions* (5th ed. 2005). There also are required bulk packs. Two books that may be helpful to you are Jon W. Bruce, *Real Estate Transactions in Nutshell* (5th ed. 2004) and Talamo, *Real Estate Dictionary* (6th ed. 1998).

Assignments: The class assignment page numbers are for the Lefcoe textbook. For each class, read and be prepared to discuss the assigned pages and the bulk pack materials. Class attendance and participation are expected.

Group project: One group project will be assigned during the semester and will be due on November 14. The project will require analysis of a legal problem in commercial real estate. Grading will be done on a group basis unless it is clear to me that one or more members of the group contributed virtually nothing to the project. In that case, I will assign grades on an individual basis. I will assign students to groups.

Office hours: The Teaching Assistants for this class are Alex Gin and Menachem Weiss. Their office hours for class questions, including about the group project, are _____ . If you are unable to see them during their office hours, you can contact Alex at agin@law.upenn.edu or Menachem at myweiss@law.upenn.edu. If you would like to speak with me, please call, e-mail, or talk with me after class to make an appointment.

Sept. 7 Introductory Lecture on Real Estate Law and the Real Estate Industry

No assignment

- Sept. 12 Real Estate Brokers**
Pages 23-29, 31-32, 35-38, 42-59
Bulk pack # 1–Is the listing contract in the bulk pack an open, exclusive agency, or exclusive right to sell agreement?
- Sept. 14 Real Estate Purchase Agreements**
Pages 81-88, 92-101
Bulk pack ## 2, 3 & 4–Would you advise the buyer and seller to sign the arbitration agreement?
- Sept. 19 Pre-closing Activities**
Pages 203-10, 212-18, 347-53, 372-74
Bulk pack ## 5 & 6–In addition to arranging financing, examining the property title, and checking for environmental contamination, what should a prospective property purchaser do before paying for the property and taking title to it?
- Sept. 21 Choice of Entity**
Pages 743-70
- Sept. 26 Deeds and Recording Acts**
Pages 407-16, 303-09, 317-20
Bulk pack # 7–What are the differences among the three statutes? Which deed form is the warranty deed, the bargain and sale deed, and the quitclaim deed?
- Sept. 28 Real Estate Closings**
Pages 381-88, 233-43, 399-403
Bulk pack # 8
- Oct. 3 Remedies for Breach of a Real Estate Purchase Agreement**
Pages 174-89, 192-99
Bulk pack ## 9 & 10
- Oct. 5 Mortgage Finance**
Pages 229-33, 243-54, 257-60
Bulk pack ## 11, 12 & 13
- Oct. 10 Mortgage Law–Before Foreclosure**
Pages 483-89, 491-95, 503-12
- Oct. 12 Sale of Mortgaged Land**
Pages 275-87

- Oct. 17** **Review**
- Oct. 19** **IN CLASS EXAM**
- Oct. 24** **No Class**
- Oct. 26** **Foreclosure**
Pages 512-17, 530-32, 537-38, 561-64, 566-69
- Oct. 31** **Alternative Financing Methods**
Pages 782-89, 793-96, 805-10, 820-24
Bulk pack # 14
- Nov. 2** **Construction Loans and Mechanics' Liens**
Pages 580-90, 649-53, 658-63
Bulk pack # 15
- Nov. 7** **Government Regulation of Land Use**
Pages 877-89, 897-917
- Nov. 9** **Constitutional Limits on Government's Power to Regulate Land Use**
Bulk pack ## 16, 17 & 18
- Nov. 14** **Public/Private Partnerships**
Pages 939-50, 964-73
GROUP PROJECT DUE TODAY
- Nov. 16** **Housing Discrimination**
Bulk pack ## 19, 20 & 21
- Nov. 21** **Aesthetic Regulation of Land Use**
Bulk pack ## 22, 23, 24 & 25
- Nov. 23** **No Class**
- Nov. 28** **Landlord-Tenant Law**
Pages 835-39
- Nov. 30** **Commercial Leasing**
Pages 842-48, 851-73; Bulk pack # 26
- Dec. 5** **Review**

Dec. 7

IN CLASS EXAM