The Teaching Assistant for this class is Daysun Chang. She will hold office hours for class questions and projects Tuesday and Thursday 3-4:30. If you cannot come during this time please e-mail her (daysun@law.upenn.edu) to set up an alternative time. If you want to meet with me please email me to set up a time.


Course description: This course examines the legal issues of real estate financing with an emphasis on commercial transactions. The main topics covered are acquisition, construction and permanent financing, development and management aspects. Grades in this class are based on: two examinations (first in-class exam worth 25%, final exam worth 40%), one group problem worth 25%, and class participation (10%).

IF YOU DECIDE TO DROP THE CLASS YOU MUST DO SO BEFORE THE FIRST EXAM --no exceptions!

Please note my exam policy: you must take the exam with your class on the date indicated on this syllabus. Absent extraordinary circumstances there will be NO MAKE UPS. Job interviews do not as qualify as an emergency.

Assignments: Read and be prepared to discuss the assigned pages in the texts by the date indicated. Class attendance and participation is expected.

Description of projects: There is one project due during the semester. The project will be done in groups of six. I will select students to make up the groups. The project will require the group to analyze a legal problem in commercial real estate and submit their solution by the date specified. Grading is done on a group basis unless it is clear to me that one (or more) members of the group contributed nothing to the project. In that case I will assign grades on an individual basis. Please take advantage of office hours while doing these projects.
I. Acquisition of the Asset

September 5   Introduction
   Bulk Pack – Real Estate Negotiations

September 10 Choice of Entity
   Bulk Pack #1; Lefcoe pp. 743-764; OPTIONAL Bulk Pack #2

September 12 Brokers

September 17 Land Use and Zoning
   Bulk Pack #4, 5; Lefcoe pp. 877-881, 891-905; 908-913; OPTIONAL 883-889

September 19 Public/Private Partnerships
   Bulk Pack # 5A, 6, 7; Lefcoe pp. 939-954; 964-973

September 24 Contract of Sale
   Bulk Pack #8; Lefcoe pp. 81-92; 105-115; 138-142

September 26 Title Insurance
   Bulk Pack #9, 10; Lefcoe 145-150; 347-353; 357-366; 372-374

October 1   Contract of Sale, cont’d
   Bulk Pack #11; Lefcoe pp. 117-136, 163-168

October 3   Remedies for Breach of Contract of Sale
   Bulk Pack #13; Lefcoe 174-187, 192-196, OPTIONAL 171-174; 182-192

October 8   Review

October 10   ***IN CLASS EXAM***

October 15   No Class

October 17   No Class

II. Financing the Asset

October 22 Mortgage Financing (Loan Terms)
   Bulk Pack #14; Lefcoe pp. 203-209; 229-237; 243-255; 257-271;
   OPTIONAL pp. 209-218

October 24 Mortgage Financing, cont’d (Jr. Liens, Credit Enhancement)
   Bulk Pack #15, 16; Lefcoe pp. 275-289
October 29  Construction Finance (Construction Lending, Optional/Obligatory)  
Bulk Pack #17; Lefcoe pp. 575-597; 665-669

October 31  Construction Finance cont’d (Mechanic’s Liens)  
Bulk Pack #18; Lefcoe pp. 649-671

November 5  Pre-Foreclosure  
Bulk Pack #19; Lefcoe pp. 483-509

November 7  Foreclosure  
Lefcoe 509-523; 529-534; 561-572; OPTIONAL 540-556; 523-529

November 12  Financing Alternatives  
Lefcoe pp. 787-792; 805-828; OPTIONAL Bulk Pack #20, 20A

November 14  Securitization of Real Estate  
Bulk pack #21, 22; 23 Lefcoe pp. 764-770; 799-802  
OPTIONAL Bulk Pack # 24

III. Managing the Asset

November 19  Leasing Introduction  
Bulk Pack #25, 26  
**Project due in my office by 5 pm**

November 21  No Class

November 26  Commercial Leasing  
Lefcoe pp. 842-873; Bulk Pack #27; skim 831-842; OPTIONAL Bulk Pack #28

November 28  Tax  
Lefcoe pp. 707-720; 728-740; Bulk Pack #29; OPTIONAL 721-728

December 3  Coops & Condos  
Bulk Pack #30

December 5  Review

Final Exam Thursday December 13, 6-8 pm (time set by Registrar’s office)