

REAL PROPERTY LAW

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Office Hours: My office hours are posted each semester on my office door.

Course Book:

Essentials of Practical Real Estate Law 3rd Ed., by Daniel F. Hinkel

Suggested Readings:

New York Lawyer's Deskbook, Chapter #17, Real Estate Transactions (available in library).

GRADING:

Class Participation:	10%
Quizzes	15%
Document Preparation	20%
Midterm Examination:	25%
Final Examination:	30%

TESTS:

If a student is unable to attend the midterm or final, the student must give me notice prior to the exam or the student may not be permitted to take the exam.

The midterm and final are both scored on a "100 point scale." The format for the midterm and final exam is, generally, as follows: True/False (50 points) and Multiple Choice (40 to 50 points). Sometimes there are fill-in and short answer questions that make up any points not covered by the multiple choice questions.

Typically, the final exam does not have any short answer questions. Quizzes are usually ten questions long and are of the same format of the midterm and final. There are generally four (4) quizzes.

If a quiz is missed, no make-up will be allowed. Lowest quiz grade is dropped.

Students are required to bring a #2 pencil to all quizzes and exams

CLASS PARTICIPATION:

Class participation is composed of the following elements:

- Attendance (which includes being in class when the lecture begins and staying until the end of class);
- Attentiveness in class;
- Participating in class discussion;
- Exhibiting tolerance (not necessarily acceptance) to opposing point of view in class;
- Seeking help from me either in class, after class, during an office hour or a call to my law office if you are confused about any of the material; and
- Completion of homework assignments

DOCUMENT PREPARATION:

All writing assignments must:

1. contain a cover page indicating the student's name, course name and course section number;
2. not to be written in "bullets" but rather in full sentences, and
3. be type written and stapled.

Any papers not containing both of the above will *not* be accepted. ***Students must keep an extra copy of all assignments. Typos, grammar, and spelling errors will reduce your grade.***

The details of written assignments are reviewed when they are assigned. If a student is not in attendance on the day the assignment is reviewed, it is the student's responsibility to obtain the proper assignment from me. Some written assignments are assigned in class; others appear in this syllabus.

If a form or document requires a signature and/or notary stamp, then the paper must contain both the signature and notary and failure to do so will lead to, at most, a "D" grade on the paper.

Late papers are marked down one-half of a grade. Late papers handed in the last week of instruction are marked down ONE LETTER GRADE. Papers handed in during finals week are marked down ONE & ONE-HALF LETTER GRADES. IF THE SUMMONS AND COMPLAINT ARE LATE, YOU WILL LOSE ONE FULL LETTER GRADE.

ANY PLAGIARIZED PAPERS WILL LEAD TO AN AUTOMATIC "F" GRADE. UPON THE FIRST OCCURRENCE OF ANY SUCH PAPER, THE STUDENT SHALL HAVE THE OPTION TO RE-WRITE THE PAPER AND OBTAIN AN AVERAGE OF THE TWO SCORES. IF A STUDENT PLAGIARIZING A SECOND PAPER, THE STUDENT WILL BE SENT TO THE DEAN OF STUDENT AFFAIRS FOR THE APPROPRIATE DISPENSARY ACTION.

THE RULE IS SIMPLE: IF YOU TAKE WRITTEN MATERIAL FROM ANY SOURCE OR OBTAIN IDEAS FROM ANY SOURCE, THEN FOOTNOTE YOUR SOURCE AND INDICATE--WITH QUOTATION MARKS--THE WRITTEN MATERIAL OBTAINED BY THE SOURCE.

UNLESS I INDICATE OTHERWISE, YOU ARE NOT ALLOWED TO DO "GROUP-WORK" WITH ANOTHER STUDENT OR STUDENTS. This does not mean you cannot discuss work with other students; but it does mean that you are prohibited from sitting together and writing out answers and assignments.

COURSE ASSIGNMENTS:

Chapter #1: pp.1-13

Introduction to the Law of Real Property

Assignment: Read *Adverse Possession-Alive and Well in the 1990s* and *Ray V. Beacon Hudson Mountain* (Both in the handout)

Write a two to three-page essay on this article or brief *Ray*.

Chapter #2: pp.14-26

Concurrent Ownership

Chapter #3: pp.27-42

Encumbrances, Easements, and Licenses

Chapter #4: pp.43-97

Contracts (Read for background. I will be doing the NY contract)

Assignment: Read N.Y.S. Residential Contract of Sale, the Lead-Based Paint disclosure, and *Completing the Real Estate Closing Puzzle*.

When you reach ¶8 in the contract of sale, read *2000 NYSBA Residential Contract of Sale* in your handout.

When you reach ¶9 in the contract of sale, read *A Brief Primer on Encroachments and Provided Title is Not Rendered Unmarketable Thereby,*” both in your handout.

When you reach ¶12, read handout articles *Property Condition Disclosure Act: Another Interpretation*, *Property Condition Disclosure Act: Implications of the \$500 Credit*, *Disclosure in Residential Real Estate Transactions* and *Caveat Emptor Ain't What It Used To Be: New Developments, Trends, and Practice Tips for Selling Real Estate* in your handout.

When you reach ¶15, read handout article *Is Time Ever of the Essence*.

When you reach ¶27, read handout *The Limited Ability of Real Estate Brokers to Prepare Contracts* and *Open Letter to Attorney General Dennis C. Vacco*, both in your handout.

Assignment: Write a two to three page essay stating the significance of the new disclosure law on New York's former hard-line rule of *caveat emptor*. In this paper, I want the articles you read above to be the focal point.

Prepare a Residential Contract of Sale, TP-584, and RP-5217. You can find some of these forms at judicialtitle.com. In these papers, I want them consistent throughout: Purchase price, section, block, lot, social security numbers, etc. shall remain consistent throughout the documents. In the contract of sale, the downpayment shall be 10%, the mortgage will be 80% of the purchase price, and there is a broker. Other instructions will be gone over in class.

Chapter #5: pp.99-118

Deeds

Assignment: Prepare a Bargain and Sale Deed with Covenant's Against Grantor's Acts. You can find the form at judicialtitle.com

Chapter #6: pp.119-167

Legal Aspects of Real Estate Finance

Chapter #7: pp.169-185

Title Examinations

Read: *The State of Marketable Title and Title Insurance: "Rights of Tenants or Persons in Possession."*

Chapter #8: pp.187-222

Title Insurance

Assignment: Remove Exceptions to Coverage

Chapter #9: pp.223-248

Real Estate Closings

Chapter #10: pp.249-298

Real Estate Closing Forms and Examples

Handout: Read *The Hud-1 Real Estate Closing Statement: Is it Really as Useless as Attorneys Believe it to Be?*

Chapter #11: pp.299-337

Condominiums and Cooperatives

Handout: Read *Court of Appeals Holds Courts Powerless to Review Cooperative's Factual Findings.*

For daytime course offering, the final exam schedules can be found on www.sunywcc.edu: at the top of the page, go to the pull down menu of "Courses & Schedules." Then click on "Final Exam Schedules."