COURSE SYLLABUS

REAL ESTATE 5

LEGAL ASPECTS OF REAL ESTATE I

Fall 2014
(Section No. 4790)

INSTRUCTOR: Mark I. Rose, B.A., J.D.
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"THE PURPOSE OF EDUCATION IS TO REPLACE AN EMPTY MIND WITH AN OPEN ONE." (Malcolm Forbes)

An aphorism is a general truth expressed pithily and making a wise, often ironic, comment on human behavior.

The following are some beginning-of-the-semester quotes/aphorisms for your consideration, contemplation, and retention:

"Life's hard. It's even harder when you're stupid." (John Wayne)

"Anyone who has never made a mistake has never tried anything new." (Albert Einstein)

"You are never too old to set another goal or to dream a new dream." (C.S. Lewis)

"There are people who so eagerly and insistently desire some one thing that, for fear of missing it, they omit doing nothing that will spoil their chances." (La Bruyere)

"The greatest mistake you can make in life is to be continually fearing that you will make one." (E. Hubbard)

"It is often the failure who is the pioneer in new lands, new undertakings, and new forms of expression." (Hoffer)

"The secret of success in life is known only to those who have not succeeded." (Collins)

"It takes twenty years to build a reputation and five minutes to ruin it. If you think about that, you will do things differently." (Warren Buffett)

"Be more concerned with your character than your reputation, because your character is what you really are, while your reputation is merely what others think you are." (John Wooden)

"As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." (JFK)

"Continuous effort—not strength or intelligence—is the key to unlocking your potential." (Winston Churchill)

"In order to succeed, your desire for success should be greater than your fear of failure." (John Wooden)
"Failure to prepare is preparing to fail." (John Wooden)

"Nothing will work unless you do." (John Wooden)

"It's supposed to be hard. If it wasn't hard, everyone would do it. The hard...is what makes it great."
(said by the baseball team manager responding to the team's catcher when she complained that playing was too difficult, in the film, "A League Of Their Own.")

"It ain't over 'til it's over." (Yogi Berra)

TIME/LOCATION:
Tuesdays: September 2, 2014 to December 16, 2014
6:45 p.m.-10:00 p.m.
Classroom: CE 219

COURSE DESCRIPTION:
This course covers in detail the principles of property ownership and management, with special emphasis on the law as it applies to community property, covenants, deeds, trust deeds, leases, brokerage activities, liens, homesteads, wills, estates and taxes.
NOTE: The course is required for the California Broker's license, elective for obtaining the salesperson's license.

COURSE CREDIT:
Three (3) Units (CSU)

INSTRUCTOR'S INTRODUCTORY STATEMENT/ADMONITION:
The study of law can be fun and exciting. We are about to embark on a journey that will permit you to gain an understanding of the rules that govern certain aspects of commerce, and in particular, those applicable to the ownership, management, maintenance, and practice of real estate. As you study the various theories and rules of law, besides affecting real estate, you will undoubtedly find that many have a daily impact on your personal life. As opposed to many academic subjects, where the relevance is hard to see, with the study of law, you will witness its impact from a personal viewpoint.

This course, Legal Aspects of Real Estate, is an introduction to the vast body of law that governs real estate transactions in California. However, it will not qualify you as students, to give legal advice, which would be the unauthorized practice of law. Rather, it will help you to recognize the situations in which legal counsel should be sought and to help you understand rights and obligations under the law. Only by understanding these rights and obligations can you professionally serve and protect others, to wit, your clients, as well as the public.

During our time together, more than once you will hear your Instructor profess, "See me now, or see me later!" You will come to realize the importance of this phrase, which I trust will resonate and have special meaning for you.
EXCERPT FROM THE REFERENCE BOOK, Information Relating To Real Estate Practice, Licensing and Examinations" published and distributed by the State of California, Bureau of Real Estate:

"A Word of Caution:
Never before has the world of real estate presented so many complexities and challenges to the real estate licensee. Real Estate is an exciting business to be in, yet a highly demanding profession.
Real Estate licensees should guard well the privilege of practicing real estate while avoiding stepping over the sometimes subtle line into the practice of law.
The real estate broker should be the first to recognize that although the field of real estate is highly technical and complicated by the overlapping of numerous areas of knowledge, the legal profession is even more technical, requiring years of preparation and constant study and research.
The phrase "to practice law" and similar expressions are not confined to meaning "appearances in court." They include legal advice and counsel and the preparation of legal instruments by which legal rights are secured.
It has been held, for example, that the selection and preparation of a mortgage or deed of trust by a broker in an independent loan transaction in which a fee was charged by the broker was the unlawful practice of law, even though only one transaction was involved.
To the lay person, what appears on the surface to be a minor difficulty may in fact be a complex legal issue, requiring the attention of a competent attorney. Brokers should not attempt to provide advice to clients needing counsel to solve legal problems. Indeed, under the Business and Professions Code, the practice of law by persons who are not members of the State Bar is specifically prohibited.
The foregoing is intended to remind and encourage real estate brokers to be alert for business activity that may require consultation with an attorney and avoid allowing principal or client to place upon them that responsibility which belongs only to a lawyer. Agents endanger their licenses and reputations and do a distinct disservice to customers when they overstep into the attorney's domain."

COURSE TEXT (And Collateral References):
There is voluminous resource material available (optional) for supplemental or more in-depth review and analysis. Consider resort to California Bureau of Real Estate publications, which include the Reference Book $20), Real Estate Law (book & CD set, $25), and Disclosures In Real Property Transactions ($10); and the multitude of free brochures issued by the agency. (See www.dre.ca.gov). The quarterly Real Estate Bulletin is also informative.
Furthermore, it is recommended that students peruse the Business/Real Estate section of the Los Angeles Times (especially the Sunday edition), or similar real estate newsworthy periodicals/publications (e.g. Wall Street Journal, etc.).
Also, Instructor urges students to make extensive use of the text glossary (and if necessary, a comprehensive legal dictionary (e.g. Black's).

The Internet can also be an important tool for the real estate professional. It has applications toward all aspects of real estate, including the law, and its usefulness is expected to continue and increase significantly in the future.

Search engines, as you probably know, are Internet sites that enable a computer user to find information by typing a key word or combination of words. They search what now far exceeds 23 billion pages. The growth of the database has resulted in searches that cover just a fraction of the available data.

The next two pages contain a large sampling of Internet sites which serve to be accessible for real estate legal research needs:
www.boe.ca.gov (Board of Equalization site for sales tax registrations)
www.callaw.com (A daily briefing on California law and Cal. courts)
www.calrealestatelaw.com (this site, w/an annual fee, provides online legal update service including case summaries, laws, current issues, etc.)
www.car.org (California Association of Realtors website, real estate legal news, proposed laws, CAR opinions, a legal strategic defense link, and more)
www.ceres.ca.gov (this information site developed by the California Resource Agency includes a database containing California environmental law and links to federal law).
www.courthome.ca.gov (information about the California court system)
www.courthome.ca.gov/opinions (California Supreme Court and appellate court listings)
www.dfeh.ca.gov (California Department of Fair Employment and Housing website)
www.dir.ca.gov (California Department of Industrial Relations)
www.dre.ca.gov (California real estate salesperson and broker license status, how to obtain a real estate license, and lots of other valuable material)
www.epa.gov (the Environmental Protection Agency site provides information on programs and laws)
www.fairhousing.com (the site of the National Fair Housing Advocate offers information on housing discrimination issues)
www.fanniemae.com (this site of the Federal National Mortgage Association includes information on FNMA-owned properties, FNMA services, and FNMA mortgage-backed securities)
www.fastsearch.com/law (the Web's premier law and legal research page. Court decisions, state laws, newspapers, law school libraries)
www.fedstats.gov (access is provided to statistics prepared by various Federal agencies)
www.fema.gov (this site provides information on Federal Emergency Management Agency programs including National Flood Insurance)
www.findlaw.com (many links to cases, statutes, lawyers, law schools. subjects, directories, U.S. Supreme Court opinions since 1893, and endless other resources. Also, www.findlaw.com/cacases, is devoted to California cases)
www.firsttuesday.us/downloads.cfm (California real estate forms availability on line)
www.freddiemac.com (site of the Federal Home Loan Mortgage Corporation. It includes information on mortgage-backed securities and services)
www.ftb.ca.gov/forms/index.htm (California state income tax forms back to 1994)
www.ftc.gov (Federal Trade Commission primary website. FTC enforces the Sherman Antitrust Act)
www.ftc.gov/spam (FTC regulations regarding email solicitations)
www.ginniemae.gov (site of the Government National Mortgage Association, which includes information on mortgage-backed securities and GNMA services)
www.gksoft.com/govt/en/ (through this database one can link to any (U.S. government agency)
www.housingandurbandevelopment.info (information on HUD programs and initiatives)
www.hud.gov (this site offers information on UUD programs)
www.hud.gov/fairhousing (HUD office of fair housing and equal opportunity)
www.hud.gov/offices/hsg/mfh/5c/mfhc.dfm (HUD Multifamily housing clearinghouse
www.inman.com (a complete source of up-to-minute real estate news. This site is linked to www.bobbruss.com, which includes a featured weekly real estate article)
www.ired.com (directory of 25,000 real estate websites. International Real Estate Digest. Click on Law and Legal. The real estate directory offers links to bulletin boards on a wide range of subjects)
www.justawser.com (allows one to ask real estate law questions to lawyers for online answers)
www.law.cornell.edu/topics (information on federal and state mortgage law and court decisions)
www.lawforum.net (site helps one to locate lawfirms with real estate specialties)
www.lawnewsnetwork.com (Up-to-date legal news form the National Law Journal)
www.leginfo.ca.gov (the State of California website includes an index of all California statutory law. Search by key word)
www.leginfo.ca.gov/const.html (the Claifornia Constitution web site)
www.meganslaw.ca.gov (provides access to names, addresses and zip codes of registered sex offenders)
www.nolo.com (self-help law center. Click on the legal encyclopedia for real estate law information)
www.nsc.org (the National Safety Council sit offers information on environmental hazards (lead poisoning)
www.orea.ca.gov (Office of Real Estate Appraisers. Licensing certification, and regulation of appraisers)
www.realtimes.com (real estate consumer and industry news presented in a lively format. Late developments on legal aspects from a consumer viewpoint)
www.realtor.com (Much information for real estate agents, homebuyers, and sellers, legal questions and answers. One of the most complete real estate websites)
www.realtor.org (National Association of Realtors website)
www.relibrary.com (click legal and professional page. Many forms, articles, case histories and legal journals in the legal library)
www.ss.ca.gov (Secretary of State site for information on the Uniform Commercial Code, tax liens, limited partnerships, limited liability companes, and corporate records)
www.trueforms.com (California-Professional Publishing's Real Estate forms in plain language)
www.va.gov (the informational site on VA programs)
www.westlaw.com (more than 10,000 databases of statutes, cases and public records; some material is free, but much is fee-based)
www.weblocator.com/attorney/ca/law/c22.html (reserach site offering a menu of topics
INSTRUCTIONAL METHOD:

It is the Instructor's custom and practice to lecture each and every session (primarily with reference to the assigned text material). However lectures often are augmented with extraneous/supplemental information (in other words, material not contained in the text), and shall include class discussions. There will be several midterm tests, and a comprehensive, cumulative Final Examination. Quizzes are always a possibility.

ATTENDANCE:

Students are expected to attend ALL course meetings. Your presence in class, more than merely appreciated and prudent, is mandatory. The Instructor's "rule of thumb" is that three (3) unexcused absences may result in exclusion/disqualification, or failure to receive a passing grade (i.e., no course credit).

As to lst Class Meeting Attendance, the Schedule of Classes indicates: "Attendance Required at First Class Meeting! Protect your seat by attending the first class meeting. Students not present when the roll is called during the first class may be dropped from the class by the instructor. Often instructors make those seats available to other students asking to add the class."

Students are to be punctual for each class session, and, if applicable, to return promptly from any break period.

IF YOU FIND THAT YOU WILL BE UNABLE TO ATTEND A CLASS SESSION, EXPECT TO BE LATE (OR WISH TO BE EXCUSED EARLY), PLEASE NOTIFY THE INSTRUCTOR IN ADVANCE, PROVIDING YOUR COMPELLING (GOOD CAUSE) REASON, UNLESS IT IS OBJECTIVELY IMPOSSIBLE FOR YOU TO DO SO.

Do not leave messages for the Instructor at/with any campus office or in the Instructor's on-campus mailbox.

STUDENTS' RESPONSIBILITIES:

Students are to attend class prepared, having read the assigned portions to the text and/or other designated material; to timely complete and submit any out-of-class assignments and projects (so-called "homework"); to actively participate in and contribute to class discussions; and to take (and pass) ALL examinations as scheduled.

Extra-credit projects/opportunities may be permitted, but only for "good cause," on a case-by-case basis, in the discretion of Instructor.

MISSED ASSIGNMENTS:

Kindly rely on fellow students (NOT UPON THE INSTRUCTOR) to obtain issued material you did not receive and/or assignments. You are presumed to know what occurs in class. In this regard, it is expedient to forge relationships and exchange contact information with one another without delay ("buddy-up"). Howz about now? In the opinion of the Instructor, our lst class is the first, best opportunity to do so.
OFFICE HOURS/INSTRUCTOR CONFERENCES:
Instructor is to be available for face-to-face student conferences on campus, by appointment, or prior to class, at a place to be arranged. Instructor shall also be available for telephonic conferences or email communication on a frequent basis (at reasonable times).

SLEEPING:
Do not engage in this activity during class (as it is considered, in some circles, to be counterproductive, and quite disruptive).

HUMOR:
A sense of humor is helpful, recommended, encouraged, and utterly condoned.

EXAMINATIONS:
There will be a Final and three (3) Midterm examinations. Although possibly subject to change: 1) Chapters 1-5; 2) Chapters 6-10; and 3) Chapters 11-15.

THE CUMULATIVE FINAL EXAMINATION IS TO BE ADMINISTERED ON TUESDAY, DECEMBER 16, 2014, DURING REGULAR CLASS TIME.

EXAMINATION FORMAT:
The questions are objective-type, most often in the form of multiple choice (some true/false, on occasion). Short-answer, essay-type questions (concept-oriented) may be propounded, but on a limited basis.

Quizzes may be given (at any time during a class session).

Exams embrace the content of class lectures (and text material), with great emphasis on the former (in other words, "what you hear, you may get").

Scantron 882-E forms are to be used for exams; and #2 pencils are required in connection therewith.

MAKE-UP EXAMINATIONS:
MAKE-UP EXAMINATIONS ARE DISFAVORED. BE ADVISED THAT THEY WILL ONLY BE ADMINISTERED UPON A STRONG SHOWING OF EXTRAORDINARY GOOD CAUSE: i.e. IN THE EVENT OF SERIOUS ILLNESS, OR PERSONAL/FAMILY EMERGENCY.

CONCERNING THE FINAL EXAMINATION, IT IS THE POLICY OF THE COLLEGE THAT A STUDENT MAY NOT TAKE THE FINAL BEFORE OR AFTER ITS SCHEDULED DATE AND TIME, WITHOUT THE AUTHORIZATION OF THE OFFICE OF ACADEMIC AFFAIRS.

GRADING:
Grading is on a total point system. While the following standard percentages apply (90%-A; 80%-B; 70%-C, etc.), Instructor in his discretion may utilize a grade curve analysis in arriving at a student's final course grade. (Instructor discourages a student from "taking one for the team" so-to-speak, by deliberately lowering the curve).

THE factor will be on the basis of total points. However, be advised that the comprehensive FINAL EXAM score will be weighted four or five times the aggregate of the midterm scores.
CLASS PARTICIPATION:

Student discussion is encouraged, as are questions and comments which are relevant and judicious. Whereas failure to actively participate is not considered to be detrimental to the silent student, active participation may be factor (a "tipping point") weighed favorable to the student's benefit if a borderline grade issue arises. In any event, students are always to be prepared.

OUR MEETINGS/CALENDAR:

1) September 2
2) September 9
3) September 16
4) September 23
5) September 30
6) October 7
7) October 14
8) October 21
9) October 28
10) November 4
11) November 11 No Class: Veterans' Day
12) November 18
13) November 25
14) December 2
15) December 9
16) December 16 Final Examination

DROPPING THE COURSE/SIGNIFICANT DATES:

According to College policy, you may be excluded for non-participation (e.g. attendance issue, failure to comply with course rules), or for failing to follow or violating the Standards of Student Conduct (see the West Los Angeles Schedule of Classes). IF YOU DROP THE COURSE, BE CERTAIN THAT YOU DO SO ADMINISTRATIVELY (either submitting your notice to the Office of Admissions, or by using the Student Information System at http://www.laccd.edu), retaining the confirmation code for your records.

And, as a courtesy, please inform the Instructor in writing that you have withdrawn from the course.

Be aware of the following dates/deadlines:
September 12, 2014: Last date to drop w/full refund, no fee;
September 12 Deadline to drop without a "W";
September 15 Last date to add a class;
November 21 Last date to drop class and receive a "W"

STUDENT ELECTRONIC MAIL/INFORMATION:

Every student has a dedicated campus email address. Check your Student.LACCD.edu account DAILY. To access your account, visit West Los Angeles College and click on the student email button. To log in, use your student ID# and your birthday and month. Your email can be forwarded to any other personal email account.
RECORDING DEVICES:

AUDIO/ELECTRONIC RECORDING AND/OR TRANSMISSION OF CLASS SESSIONS IS PROHIBITED. No tape, audio, video or photographic recording of the course lectures, discussions or other activities conducted during class time or in the classroom is to occur AND IS STRICTLY FORBIDDEN (WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF THE INSTRUCTOR).

"Education Code 78907 prohibits anyone in a classroom from using any electronic device without the prior consent of the instructor. Any student violating this section is subject to appropriate disciplinary action. Any person, other than a student, who willfully violates this section is guilty of a misdemeanor."

TECHNO-COURTESY:

Please deactivate all pagers, cell phones, ipods or any other intrusive device (and be certain to place phasers on "stun"). If you are in need of receiving any emergency communication, you are to place your device on completely silent or vibration mode. Except in the event of a true emergency, absolutely no texting is to occur.

POLICY RE GUESTS:

No non-enrolled person is permitted to be in the classroom during class time or to otherwise audit the class, without the express authorization of the Instructor.

DISABLED STUDENT SERVICES:

If you know or believe that you have a learning or physical disability or impairment necessitating a special educational accommodation, please contact the Disabled Student Programs and Services (DSP&S) office in the Student Services Building (telephone number: (310) 287-4450; and advise the Instructor of your special physical, communication or learning needs.

STANDARDS OF STUDENT CONDUCT:

In addition to the prohibition as to the use of cellular phones and similar devices, SMOKING, EATING and DRINKING are not permitted in the classroom.

Faculty, staff and administrators of the College are dedicated to maintaining an optimal learning environment, and will not tolerate disruptive behavior in or outside the classroom, nor any academic dishonesty. These standards apply to all students.

Disruptive, disrespectful, or obstructive behavior will be dealt with in accordance with the LACCD Standards of Student Conduct, contained in the Schedule of Classes. Students are presumed to be aware of those standards and are duty-bound to comply with them. Disciplinary action may be taken if a student violates any of those standards or interferes with instruction.

As to ACADEMIC INTEGRITY, students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for the respect of others' academic endeavors. Forms of behavior violating Academic Integrity include, but are not limited to: CHEATING: Using any materials or devices which provide undue advantage on any exam, assignment, activity or other method of assessment for a course. Regarding Exams, they are to be measures of what you, as an individual have learned; COLLABORATION: Working together on projects, papers, exams or other forms of assessment, which are to be completed individually; PLAGARISM: Taking anyone else's work as one's own; Presenting another's words, ideas, forms of expression, materials or labor, without proper citation, referencing, and declaration that this material originated outside of the student's own work.
REAL ESTATE 5 [Legal Aspects] : THE COURSE STUDENT LEARNING OUTCOMES:

Upon the successful completion of the course, students should be able to:

1) Compare and contrast the differences between mediation arbitration;
2) Interpret and analyze commonly used real estate disclosure statements and forms;
3) Interpret and analyze real estate listing and purchase agreements;
4) Identify and research the law that pertains to a real estate transaction or real estate issue;
5) Define and explain fundamental real estate concepts and terminology;
6) Examine key forms and contracts involved in real estate transactions;
7) To understand the pertinent legal and ethical concepts so as to duly discharge their professional obligations; and
8) To develop sufficient knowledge of the real estate law so as to qualify for and pass the State of California/Bureau of Real Estate, real estate agents' licensing examinations (Broker/Salesperson).

WEST LOS ANGELES COLLEGE-REAL ESTATE PROGRAM OUTCOMES:

1) Utilize a network of real estate professionals to conduct and complete the sale, purchase and management of real estate processes and transactions;
2) Use current and emerging technologies and applications to conduct real estate transactions;
3) Interpret property and real estate law to troubleshoot legal aspects in selling, purchasing and managing real estate;
4) Use of personal and business investment strategies and methods to advise clients and address customer needs;
5) Market, manage and direct the daily activities of a real estate agency;
6) Model effective and appropriate interactions and relationships that create good will and repeat business;
7) Model, adopt, and comply with ethical and moral business practices that maintain and sustain trust and integrity in the workplace and with clients, pursuant to Bureau of Real Estate regulations and requirements;
8) Communicate oral and written thoughts in a clear and organized manner to effectively inform and convey ideas in the workplace and with clients.

STUDENT LEARNING OUTCOMES: INSTITUTIONAL:

A. CRITICAL THINKING: Analyze problems by differentiating facts from opinions, using evidence, and using sound reasoning to specify multiple solutions and their consequences;

B. COMMUNICATION: Effectively communicating through in a clear, well-organized manner to persuade, inform, and convey ideas in academic, work, family and community settings;

C. QUANTITATIVE REASONING: Identify, analyze, and solve problems that are quantitative in nature;

D. SELF-AWARENESS/INTERPERSONAL SKILLS: Apply self-assessment and reflection strategies to interpersonal work, community, career, and educational pathways;

E. CIVIC RESPONSIBILITY: Apply the principles of civility to situations in the contexts of work, family, community and the global world;

F. TECHNICAL COMPETENCE: Utilize the appropriate technology effectively for informational, academic, personal, and professional needs;

G. CULTURAL DIVERSITY: Respectfully engage with other cultures in an effort to understand them; and

H. ETHICS: Practice and demonstrate standards of personal and professional integrity, honesty and fairness; apply ethical principles in submission of all college work.

SAFETY/EMERGENCY ISSUES:

In the event of an emergency on campus, contact the Campus Sheriff (Los Angeles County Sheriff’s Department, Community College Bureau) first (Building C3, at the Lot 5 entrance of S of Freshman Drive), at: (310) 287-4311, 4314 or 4315. If unavailable, contact 911 from any phone on campus. You may contact the LA County Fire/Ambulance/Paramedics at (213) 262-2111 or LA County Sheriff’s Department at (310) 482-6000.

In an emergency or urgent situation, you will typically be asked to check your phone or West Los Angeles College email (www.wlac.edu) for alerts and instruction. When you hear fire alarms, evacuate and assemble, unless otherwise instructed, going to a designated Assembly Area on campus. If a campus evacuation is ordered, evacuate campus immediately by car, or by foot (typically used in the event of a major fire, campus-wide utility failure, alter a lock-down.

In the event of a lock-down, lock and barricade the doors, turn off the lights, remain quiet and await instructions from law enforcement. If you are outside, try to get inside to a secure space. In the event of evacuation, go to lot #5, the SSB Lawn, the Football field or athletic field, following the instructions of your instructor, WLAC supervisors and law enforcement. Assist disabled persons.

As to a campus evacuation, go directly to your vehicle, following the appropriate directions of staff/law enforcement to exit from the college. If you do not have a vehicle, walk to the Overland or Jefferson exit.
SOME ADDITIONAL THOUGHTS:

"Don't wait, procrastinate now!" (Your Instructor)

"Believe that you have it, my friend, and you have it." (Old Farmer's Almanac)

"Remember...it is better to look good than to feel good." (Billy Crystal's talk-show character, Hernando, from "Saturday Night Live" television program)

"Common sense is not so common." (borrowed by your Instructor, source unknown)


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