

LEB 380.3
LAW OF COMMERCIAL REAL ESTATE TRANSFER, FINANCE &
DEVELOPMENT
Spring 2007
Professor Paula Murray

Class Particulars: TTh 2-3:30; GSB 3.130 (03495)

Office Hours: Office hours are very informal. You may drop by my office any time or set up an appointment with me via email. Throughout the semester I will have informal office hours in the form of student roundtables. I will vary the time in order for every student to attend at least once. I will announce the roundtable time and location in advance.

Office: 5.258 CBA (IROM Dept.)
471-5259
pmurray@mail.utexas.edu

TEXT: Real Estate Transfer, Finance & Development
Nelson & Whitman (6th edition); you may also want to purchase a paperback law dictionary.

Course Objectives: The course is set up in three separate parts—basic real estate concepts, basic real estate finance concepts, and legal aspects of the development process. The course objective is not that you memorize a bunch of legal rules (that may change), but that you recognize the legal issues that arise in a real estate transaction. My goal is that you will be able to ascertain when you need legal help and when you do not. As you will soon realize, most of the legal problems we will encounter could have been avoided with good legal planning *before* the transaction was entered into. The other major objective of the course is the development of your analytical skills and reasoning power. We will emphasize not only what the rules are, but more importantly, what they should be. The ability to think critically is important not only in this class, but in the framework of your professional education.

Teaching Objectives: The majority of class time will consist of analysis of cases assigned in advance, as well as open classroom discussion. We will cover 40-50 pages (or more) per class. Students will be called “cold” to discuss the facts of a case and answer questions I pose. The purpose of this dialog is to develop your skills of analysis and reasoning. You will be asked to distinguish cases, explain inconsistencies in your statements, make and support recommendations and evaluate case outcomes. The text is a casebook, so there is little actual explanatory text. Much of your work will be determining the legal precedents from the court’s analysis in the cases. Let me be frank,

this will take a good bit of time at first. I will assign the pages to be covered each day at the end of the previous class.

Grading: There will be two take-home exams. Each exam will be twelve- fifteen, typed, double-spaced pages. Each exam will consist of three-four questions. Each question will be based on an actual case. You will be asked to write an opinion as if you were the judge in the case. Your grade will be based on you legal and policy analysis. You will have approximately 10 days to complete each exam.

There will also be a class participation component of your grade. I expect intelligent class participation from each and every one of you. This includes being called on to discuss a case, but more importantly, it includes volunteering your thoughts and analysis. I know that some of you hate to participate, but in your future career you will have to talk in front of groups of your peers (and, more importantly, your boss), so you might as well start now. Another component of participation is class attendance. I consider more than three absences to be excessive.

Your grade will be calculated as follows:

Exam 1:	40%
Exam 2:	40%
Participation:	20%

Global Trip Schedule: The week of March 5-9 we will not hold formal classes. I will try and schedule a guest speaker or some other “enriching” activity.

Course Outline: I will assign the exact number of pages each day. This is a rough outline and may be modified as time or the subject matter requires.

- I. Contracts for the Sale of Land: pp 1-120
- II. Deeds & Titles: pp. 121-243
- III. Use of Mortgage Substitutes: pp. 260-332
- IV. Prior to Foreclosure: pp. 343-388
- V. Transfer and Discharge: pp. 425-548
- VI. Foreclosure: pp. 549-566; 574-88; 603-44
- VII. Priority Problems: pp.827-64
- VIII. Subdivision Development: pp. 956-1012
- IX. Environmental Issues in Real Estate Development: readings to be handed out

Midterm Exam: Handed out: Tuesday, February 19; due Friday, March 2 by noon at my office. You may also submit your exam by email attachment.

Final Exam: Handed out: Tuesday, May 1; Exam due: Friday, May 11 at noon at my office. You may also submit your exam by email attachment.

OFFICIAL NOTIFICATIONS:

1. Scholastic Dishonesty: I have no tolerance for scholastic dishonesty. Your responsibilities with regard to scholastic dishonesty is described in detail in the Policy Statement on Scholastic Dishonesty for the McCombs School of Business. The following is a portion of that statement:

By teaching this course, I have agreed to observe all of the faculty responsibilities described in that document. If the application of that Policy Statement to this class and its assignments is unclear in any way, it is your responsibility to ask me for clarification. Policy on Scholastic Dishonesty: Students who violate University rules on scholastic dishonesty are subject to disciplinary penalties, including the possibility of failure in the course and/or dismissal from the University. Since dishonesty harms the individual, all students, and the integrity of the University, policies on scholastic dishonesty will be strictly enforced. You should refer to the Student Judicial Services website at <http://www.utexas.edu/depts/dos/> or the General Information Catalog to access the official University policies and procedures on scholastic dishonesty as well as further elaboration on what constitutes scholastic dishonesty.

2. Students with Disabilities: The University of Texas at Austin provides upon request appropriate academic accommodations for qualified students with disabilities. For more information, contact the Office of the Dean of Students at 471-6259, 471-4641 TTY.