

REAL PROPERTY ISSUE CHECKLIST

Ownership – present estates

- Fee simple absolute
 - Restraints on alienation
 - Forfeiture restraints
 - Promissory restraints
 - Discriminatory restraints
- Fee simple determinable
- Fee simple subject to condition subsequent
- Life estate
 - Doctrine of waste
 - Voluntary waste
 - Permissive waste
 - Ameliorative waste
 - Restraints on alienation
 - Forfeiture restraints
 - Promissory restraints
 - Disabling restraints

Ownership – future interests

- Grantee interests
 - Indefeasibly vested remainder
 - Vested remainder subject to open
 - Vested remainder subject to total divestment
 - Contingent remainder
 - Shifting executory interest
 - Springing executory interest
- Grantor interests
 - Possibility of reverter
 - Right of entry
 - Reversion
- Rule against restraints on alienation
- Rule against perpetuities
- Destructibility of contingent remainders
- Rule in Shelley's case
- Doctrine of worthier title

Ownership – concurrent estates

- Tenancy in common
- Joint tenancy
 - The four unities
 - Severance
- Tenancy by the entirety
 - Severance
- Rights and obligations
 - Right to possession
 - Ouster
 - Adverse possession
 - Right to rent or profits
 - Duty to pay operating expenses
 - Contribution

Ownership – landlord-tenant law

- Leaseholds
 - Tenancy for years
 - Periodic tenancy
 - Tenancy at will
 - Tenancy at sufferance
- Duties of tenant/landlord remedies
 - Duty to pay rent
 - Duty to repair
 - Duty to avoid waste
- Duties of landlord/tenant remedies
 - Implied warranty of quiet enjoyment
 - Implied warranty of habitability
 - Duty to repair
 - Retaliatory eviction
- Fixtures
- Assignments and subleases
 - Covenants against assignment and sublease
 - Waiver
 - Consent
 - Effect of breach of covenant

Adverse possession

- Tacking
- Disabilities

Non-possessory interests

- Easements
 - Creation
 - Prescription/AP
 - Implication
 - Necessity
 - Express
 - Easement appurtenant
 - Easement in gross
 - Termination
 - Estoppel
 - Necessity
 - Destruction
 - Condemnation
 - Release
 - Abandonment
 - Merger
 - Prescription
- Profit a prendre
- Licensees
- Real covenants
 - Subsequent owner
 - Requirement for burdens to run with land
 - Requirements for benefit to run with the land
- Equitable servitude
 - Requirements
 - Notice: actual, inquiry, record
- Common scheme
 - Requirements
 - Notice: actual, inquiry, record

Torts crossovers

- Nuisance
 - Private nuisance
 - Public nuisance
 - Defenses
 - Remedies
- Trespass to land
 - Defenses
 - Private necessity
 - Public necessity

Conveyancing

- Contract for the sale of land
 - Included details for SOF
 - Doctrine of part performance
 - Implied warranty of marketability
 - Remedies
 - Merger
 - Time not of the essence
 - Seller's liabilities for defective property
 - Warranty of fitness or quality
 - Negligence of builder
 - Defects
 - Misrepresentation
 - Active concealment
 - Failure to disclose
 - Deeds
 - Execution
 - Delivery
 - Acceptance
 - Dedication
- Recording acts
 - Race statute
 - Notice statute
 - Race-notice jurisdiction
- Types of deeds
 - Quitclaim deed
 - General warranty deed
 - Present covenants
 - Seisin
 - Right to convey
 - Against encumbrances
 - Future covenants
 - Quiet enjoyment
 - Warranty
 - Further assurances

Mortgages

- Priorities
- Redemption in equity
- Statutory redemption