

**Transfer and Control of Real Property**

1.
  - a. Explain the essential elements of a contract of sale of an interest in real property.
  - b. Explain the meaning and importance of marketable title.
  - c. Explain the concept of implied warranty of habitability.  
Read and be prepared to orally brief and discuss *VonHoldt v. Barba & Barba*.
  - d. Why has the *caveat emptor* rule been replaced in many jurisdiction by the implied warranty of habitability?
  - e. Why is there a time limit of ten years for bringing an adverse action such as this? Do you agree with this limit?
  - f. Answer the question posed at the end of the case:  
(1) Critical Thinking Question: Under what conditions should the implied warranty of habitability be applied? Explain.
2.
  - a. Describe the fundamental requirements of a valid deed.
  - b. Distinguish among warranty, special warranty, and quitclaim deeds.
3.
  - a. Describe the essential elements of a secured transaction.
  - b. Distinguish between a mortgage and a deed.
  - c. Distinguish between an assumption of a mortgage and a buying subject to a mortgage.
4.
  - a. Define and give examples of:
    - (1) adverse possession
    - (2) a variance
    - (3) a nonconforming use
    - (4) eminent domain  
Read and be prepared to orally brief and discuss *Kelo v. City of New London*.
  - b. Why did the landowners argue that the moratoria constituted a taking of their land?
  - c. What is the difference between a regulatory “taking” and a direct, physical appropriation of the property? What is the similarity between the two?
  - d. Answer the question posed at the end of the case:  
(1) Critical Thinking Question: Do you agree with the Court’s decision? Explain.
5.
  - a. Describe the nature and type of restrictive covenants.  
Read and be prepared to orally brief and discuss *Corner v. Mills*.
  - b. Should the restrictive covenants be enforced? Why?
  - b. When should restrictive covenants be rendered invalid?
  - c. Answer the questions posed at the end of the case:
    - (1) Ethical Question: Did the court decide this case fairly? Explain.
    - (2) Critical Thinking Question: What limits should the law place on the extent and duration of private restrictive covenants? Explain.