

Transfer and Control of Real Property

1. Discuss the types of deeds that can be used to transfer title.
2. Pam sells to Rob property which has a \$50,000 mortgage in favor of First Bank. Rob purchases the property subject to the mortgage. There is a default on the mortgage. When First Bank forecloses, the value of the property has declined and it sells for only \$30,000.
 - a. Can First Bank recover the \$20,000 balance from Rob? Explain.
 - b. Can First Bank recover the \$20,000 from Pam? Explain.
3. Explain the difference between the lien theory and the title theory in relation to mortgages.
4.
 - a. What is a marketable title? Explain.
 - b. What is the implied warranty of habitability? Explain.
 - c. Alice buys a home in which she plans to live with her family. After she moves in, everyone in the family becomes very ill. Eventually, they trace the source of the illness to chemicals in the cabinets and walls of the home. What can Alice do? Explain.
5.
 - a. What public restrictions can be placed upon the use of land? Explain.
 - b. What private restrictions can be placed upon the use of land? Explain.