

**Technical College of the Lowcountry**  
921 Ribaut Road ~ PO Box 1288  
Beaufort, SC 29901-1288  
Office:

Brian McDaniel  
Phone 843-470-6025  
[bmcdaniel@tcl.edu](mailto:bmcdaniel@tcl.edu)  
Bft Bldg 16 Room 105



## **LEG-214**

### **Leg-214 Property Law**

#### **Course Description**

This course includes an overview of South Carolina property law, including the mechanics of various commercial and private transactions and mortgage foreclosure.

#### **Course Focus**

The course involves the study of basic Property Law principles. Students will learn how to draft commonly used real estate documents.

#### **Text and References**

Essentials of Practical Real Estate Law, Daniel Hinkel, 7<sup>th</sup> ed., Delmar/Cengage Pub.

#### **Course Objectives**

Upon successful completion of Leg-214- Property Law, a student should be able to:

1. Explain concepts of agency as related to real estate transactions.
2. Describe the elements and requirements of a valid contract for the purchase and sale of real property and discuss the general types of contracts.
3. Discuss the effects and remedies for breach of contract.
4. Develop a contract for the purchase and sale of real property, including all required elements and explain the rationale for including these elements.
5. Describe real property, personal property and fixtures including both freehold and non-freeholder rights.
6. Differentiate between metes and bounds and plat systems of land description.

7. Based on the Doctrine of Estates and Doctrine of Tenures differentiate between the various types of estate and freehold tenancies.
8. Explain how statutory ownership of a condominium differs from traditional ownership of land.
9. Discuss how estates are created and the limitations that can be placed by owners, creditors, and the government.
10. Describe the process of title examination, the types of title and the benefits of and limitations of title insurance.
11. Define general warranty, special warranty and quick claim, tax and gift deeds including present and future comments contained in general warranty deeds and the essential elements of a deed.
12. Describe the types of non-freehold estates and tenancies and the rights of both landlords and tenants.
13. Prepare a closing statement based on a hypothetical including an accounting of all buyer and seller credits and debits.
14. Explain the approaches of real property appraisal and the factors considered.
15. Describe the methods of financing real property purchase including the factors essential to a note and mortgage, methods of payment, security and interest and the influence of loan assumption.
16. Differentiate conventional, VA and FHA loans and primary and secondary mortgages.
17. Demonstrate in all work an understanding of the ethical aspects of paralegal practice and the aspects of relationships with clients that are reserved to attorneys.

### **Student Contributions**

Each student will spend at least 6 hours per week preparing for class. Attendance is critical in this class. There will be three exams and at least written assignments. Attention should be given to detail and analysis in each exam and assignment.

### **Course Evaluation**

Your performance objective and exams will be translated to points and the points to grades. There are **400 points possible** and grades will be earned as follows: A = 360 to 400, B = 320 to 359, C = 280 to 319, D = 240 to 279. The instructor will convert the total number of points to a 10 point grading scale. These points correlate to a grading scale of: A= 90-100; B= 80-89; C= 70-79; D= 60-69; F=Below 59. Test will be 100 points each and the Assignment(s) will collectively make up the other 100 points

### **Course Schedule**

The class meets for 3 lecture/presentation hours per week.

<u>Week</u>	<u>Date</u>	<u>Topic</u>	<u>Time</u>
1.		Syllabus and Introduction to Real Property <b>Chapter 1</b> - Freehold and Non-freehold estates Ethical issues involved in Property Transactions- Conflict of Interest	0.5 1.0 hour 1.5 hours
2.		Real Property Law-the nature and scope of property Freehold Estates and Tenancies –Concurrent Ownership Joint Tenancy, Tenancy in Common, Estates <b>Chapter 1 &amp; 2</b>	0.5 hours 1.5 Hours 1.0
3.		Real Property Law-Statutory ownership and limitations on ownership- Survey and land Descriptions. <b>Chapter 3</b> Confidentiality in the law office	2.0 hours 1.0 hours
4.		Real Property Law- Encumbrances – Public and private Termination of encumbrances and License, Eminent Domain; Prepare checklist for drafting contract <b>Chapter 4</b>	2.0 hours 1.0 hour
		<b>Exam 1 (Chapters 1 – 4) (Date ) *****</b>	
5		Easements <b>Chapter 5</b> - Easements Introduction; Appurtenant Easements Easements in Gross; Creation, termination, Express Implied, prescriptive, by necessity- Licenses	1.75 hours 1.25 hours
6.		Contracts <b>Chapter 6</b> -Introduction Requirements for Valid Contracts, Remedies for Default Legal Capacity, Mutual Agreement, Consideration Lawful Purpose, Writing Requirements	1.0 1.0 1.0
7.		Real Estate Sales Contracts - <b>Chapter 7</b> Real Estate Brokers as Fiduciary, principal and agent Dual Agency, Services and Commission of Agent Elements of A Real Estate Contract; Marketable Title, Special provisions and contingencies, Short Sale	.75 1.25 1.0
8.		Deeds <b>Chapters 8</b> - Deeds, parts of the deed, Types Of Deeds Legal Description, Granting provisions, execution of Deeds Contract Assignment discussed	1.0 hours 1.25 hours 0.75 hours
9.		Financing Sources in Real Estate – <b>Chapter 9</b>	

Types of Loans, Secondary Market, Fannie Mae and	1.0
Freddie Mac, Permanent and Constructions Loans	0.25
Real Estate Finance – <b>Chapter 10</b> Promissory Note	0.5
Liability of Maker, Guaranty, Mortgages, Deeds of Trust	
Open-End Dagnet Clause, Secured Property, Assignment	1.25
Foreclosure and other remedies	

**Exam 2 (Chapters 5,6, 8, 9 and 10) \*\*\*\*\***

10.	Mortgage Provision – <b>Chapter 11</b> -Commercial Provisions	
	Cross-collateralization- Assignments of Rent	1.0
	Review Mortgage Forms	
	Title investigation and Title Exams <b>Chapter 12</b>	
	Grantor –Grantee index, mechanics liens, lis pendens	1.0 hours
	Freehold estates by deed-various deeds examined	0.5 hours
	Assignment- Prepare checklist and Draft Deed	0.5 hours
11.	Title Insurance Chapter 13	
	Assurance of Good Title –Protections, Standard Provisions	0.5
	Schedule A, Schedule B, Costs of Coverage	1.25
	ALTA Forms, Owner’s Policy (Title & Trust Co v. Barrows)	1.0
	Exclusions from Coverage, Endorsements	
	Title Insurance Commitments	0.25
12.	Real Estate Closings Chapter 14	
	The environment, Anatomy of the Closing, File Creation	0.5
	Ordering Title Exam, survey, Insurance; Loan Liens	
	Reviewing the Loan Commitment, Special Construction	1.0
	Loan Provisions, Disbursement Recordation and	1.0
	Transmittal; Other issues in the Closing	0.5
13.	Chapters 15 and 16	
	Government Regulations and Requirements	1.5
	RESPA, TILA and HOEPA Disclosures	
	Affidavits used in Closings, Bill of Sale, other	
	Documents Reviewed, Closing Statement	1.5
14.	Chapters 17 and 18	
	Condominiums and Cooperatives; Bylaws, Time-shares	1.0
	Leases, Residential and Commercial; Terms, Gross vs Net	
	Lease, Landlord Remedies, Tenant Remedies, Sublets	2.0
	SC Landlord Tenant Act	

**Final Examination (Chapters 7, 10 -13) 2.5 hours \*\*\*\*\***

The instructor reserves the right to make any changes in the above referenced course outline and such changes will be announced in class. Also, assignments, both reading and otherwise, will be announced in class.

**ADA STATEMENT**

The Technical College of the Lowcountry provides access, equal opportunity and reasonable accommodation in its services, programs, activities, education and employment for individuals with disabilities. To request disability accommodation, contact the counselor for students with disabilities at (843) 525-8228 during the first ten business days of the academic term.

**STATEMENT OF NON-DISCRIMINATION** The Technical College of the Lowcountry is committed to a policy of equal opportunity for all qualified applicants for admissions or employment without regard to race, gender, national origin, age, religion, marital status, veteran status, disability, or political affiliation or belief.

**ACADEMIC MISCONDUCT**

There is no tolerance at TCL for academic dishonesty and misconduct. The College expects all students to conduct themselves with dignity and to maintain high standards of responsible citizenship.

It is the student's responsibility to address any questions regarding what might constitute academic misconduct to the course instructor for further clarification.

The College adheres to the Student Code for the South Carolina Technical College System. Copies of the Student Code and Grievance Procedure are provided in the *TCL Student Handbook*, the Division Office, and the Learning Resources Center.

**ATTENDANCE**

The College's statement of policy indicates that students must attend ninety percent of total class hours or they will be in violation of the attendance policy.

- Students not physically attending class during the first ten calendar days from the start of the semester must be dropped from the class for NOT ATTENDING.
- Students taking an online/internet class must sign in **and** communicate with the instructor within the first ten calendar days from the start of the semester to indicate attendance in the class. Students not attending class during the first ten calendar days from the start of the semester must be dropped from the class for NOT ATTENDING.
- Reinstatement requires the signature of the division dean.

☒In the event it becomes necessary for a student to withdraw from the course OR if a student stops attending class, it is the student's responsibility to initiate and complete the necessary paperwork. Withdrawing from class may have consequences associated with financial aid and time to completion.

☒☒When a student exceeds the allowed absences, the student is in violation of the attendance policy. The instructor MUST withdrawal the student with a grade of "W", "WP", or "WF" depending on the date the student exceeded the allowed absences and the student's progress up to the last date of attendance

*or*

o under extenuating circumstances and at the discretion of the faculty member teaching the class, allow the student to continue in the class and make-up the work. This exception must be documented at the time the allowed absences are exceeded.

☒☒Absences are counted from the first day of class. There are no "excused" absences. All absences are counted, regardless of the reason for the absence.

- A student must take the final exam or be excused from the final exam in order to earn a non-withdrawal grade.

☒☒A copy of TCL's **STATEMENT OF POLICY NUMBER: 3-1-307 CLASS ATTENDANCE (WITHDRAWAL)** is on file in the Division Office and in the Learning Resources Center.

## **HAZARDOUS WEATHER**

In case weather conditions are so severe that operation of the College may clearly pose a hardship on students and staff traveling to the College, notification of closing will be made through the following radio and television stations: WYKZ 98.7, WGCO 98.3, WGZO 103.1, WFXH 106.1, WWVV 106.9, WLOW 107.9, WGZR 104.9, WFXH 1130 AM, WLVA 101.1, WSOK 1230 AM, WAEV 97.3, WTOG TV, WTGS TV, WJWJ TV, and WSAV TV. Students, faculty and staff are highly encouraged to opt in to the Emergency Text Message Alert System. [www.tcl.edu/textalert.asp](http://www.tcl.edu/textalert.asp)

## **Emergency Text Message Alert**

Students, faculty and staff are highly encouraged to opt in to the Emergency Text Message Alert System. Participants receive immediate notification of emergency events and weather cancelations via text messaging on their cell phones. Participants can also opt in to receive non-emergency news and announcements. Go to [www.tcl.edu](http://www.tcl.edu). On the homepage, click on "emergency TextAlert at TCL" and fill out the form or go to [www.tcl.edu/textalert.asp](http://www.tcl.edu/textalert.asp)

**BROADCAST LEARNING FORMAT:** This class is being taught in a broadcast learning format. Images and word of class participants may be transmitted live or on a delayed basis to other locations. Classes may be rebroadcast due to extenuating circumstance.

## **Method of Instruction**

Lecture and assignment

## Course requirements

Prepare a checklist for drafting a valid contract  
Draft a valid contract  
Draft a valid SC deed  
Prepare a checklist for completing a HUD statement  
Accurately complete a HUD statement  
Draft a mortgage  
Draft a valid residential lease

## Course Goals

The following list of course goals will be addressed in the course. These goals are directly related to the performance objectives.

1. include all required contractual elements
2. draft valid general warranty deed
3. understand attorney and paralegal ethical principles
4. review attorney-client privilege
5. understand real property practice ethical problems
6. know real property classifications
7. analyze legal bundle of rights
8. know real property acquisition methods
9. discuss creation of freehold estates
10. distinguish between basic ownership rights
11. discuss estate creation requirements
12. explain condominium statutory ownership differences
13. diagram non-freehold estates
14. describe non-freehold estate rights
15. understand non-freehold estate transfer differences
16. describe police power concepts
17. explain zoning laws
18. review environmental protection property owner obligations
19. discuss easement creation
20. define methods of easement termination
21. explain real estate agency concepts
22. describe valid real estate contract requirements
23. determine breach of contract effects and remedies
24. develop valid real estate purchase contract
25. explain element inclusion rationale
26. understand deed legal requirements
27. describe general warranty deed elements

28. distinguish between special warranty and quit claim deeds
29. analyze deed recording process
30. appreciate state recording statute differences
31. define bargain and sale and tax and gift deeds
32. compare deeds of trust and mortgages
33. describe various loan types
34. diagram loan application process
35. prepare valid mortgage
36. specify title examination process
37. summarize types and benefits of title insurance
38. describe title exam and insurance limitations
39. evaluate buyer and seller credits
40. prepare closing statement
41. create valid warranty deed
42. explain real estate appraisal approaches
43. describe relevant appraisal factors
44. define metes and bounds land description
45. explain plat system
46. differentiate between the land description systems
47. describe landlord and tenant rights and obligations
48. know residential lease basic provisions
49. draft residential lease

#### SAFETY ADDENDUM

**Purpose.** The purpose of this safety addendum is to provide each student with safety guidelines during an incident, emergency, or disaster at TCL. In addition, it provides students guidelines for lockdown procedures, evacuation procedures, and active shooter.

**Definitions** An incident is any event, potential or actual, that may impact normal operations but has no immediate health or life threatening consideration or serious effect on the overall functional capacity of the College. An event of this nature should be reported to the Office of the Vice President for Administrative Services. Also notify the off-site campus administrator if applicable.

An emergency is any incident, potential or actual, which may endanger life or health or which affects an entire building or buildings, and will disrupt the overall operations of the College. Outside emergency services will probably be required, as well as major efforts from campus support services. Major policy considerations and decisions will usually be required from the college administration during times of crises. An emergency should be reported

immediately by directly using 911 if life or health/injury considerations exist and then to the Office of the President or Vice President for Administrative Services as quickly as possible. Also notify the off-site campus administrator if applicable.

A disaster is any event or occurrence that has taken place and has seriously impaired or halted the operations of the College. In some cases, mass personnel casualties and severe property damage may be sustained. A coordinated effort of all campus-wide resources is required to effectively control the situation. Outside emergency services will be essential. In all cases of disaster, an Emergency Control Center will be activated, and the appropriate support and operational plans will be executed. The disaster should be immediately reported, first by calling 911 and then to the Office of the President or Vice President for Administrative Services. Also notify the off-site campus administrator if applicable.

Types of Emergencies ☒ Hurricane ☒ Tornado ☒ Fire ☒ Biochemical or Radiation Spill ☒ Explosion/Bomb ☒ Downed Aircraft (crash which directly impacts campus operations) ☒ Utility Failures ☒ Violent or criminal behavior ☒ Psychological Crisis

## Procedures

### Active Shooter

Run/hide/fight (<http://www.fbi.gov/about-us/cirg/active-shooter-and-mass-casualty-incidents/runhide-fight-video>)

Building Evacuation 1. Building evacuations occur when an alarm sounds and/or upon notification by Security or the Emergency Director. 2. When the building evacuation alarm is activated during an emergency, individuals should exit according to the building evacuation plan and alert others to do the same. 3. Once outside, individuals should proceed to a clear area that is at least 500 feet away from the affected building. Streets, fire lanes, hydrant areas and walkways should be kept clear for emergency vehicles and personnel. 4. Individuals should not return to an evacuated building unless told to do so by Security or the Emergency Director. 5. Individuals should assist persons with disabilities in exiting the building. Elevators are reserved for disabled persons

Campus Evacuation 1. A uniformed Security Guard, the Emergency Director, or an Emergency Resource Team member will announce evacuation of all or part of

the campus grounds. 2. All persons (students and staff) are to immediately vacate the campus, or in the case of a partial evacuation relocate to another part of the campus grounds as directed.

Lockdown 1. Clear the halls 2. Report to the nearest classroom/office 3. Assist those needing special assistance 4. Ensure classroom/office doors are closed and locked 5. Turn off lights 6. Stay away from doors and windows (out of the line of sight) 7. BE QUIET and follow instructor's directions 8. Silence cell phones 9. Wait for the "All Clear" before leaving