

SOLUTIONS MANUAL

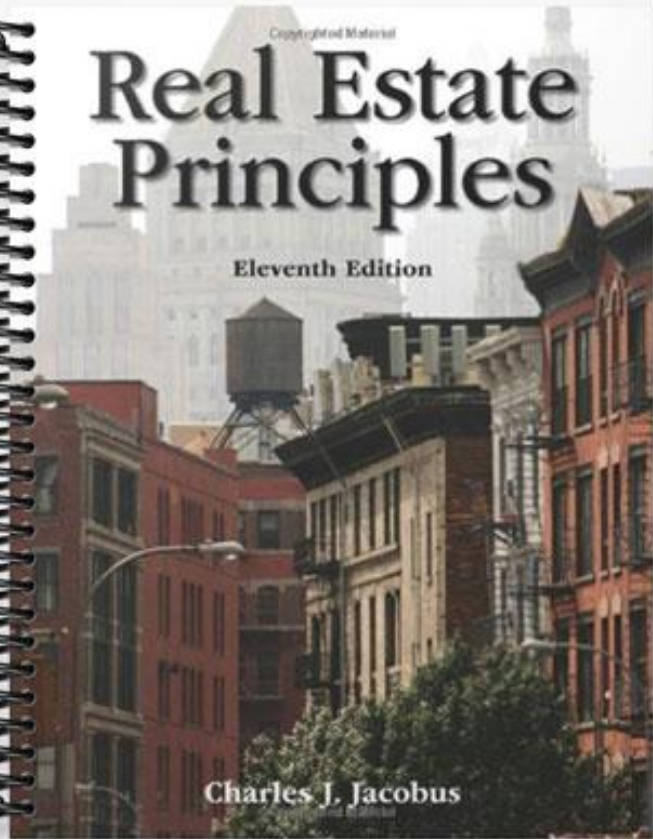


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Real Estate Principles

Eleventh Edition

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CHAPTER 2: Nature and Description of Real Estate

- I. Define Land and Appurtenances
 - II. Define Improvements
 - III. Define Fixtures as they are defined in your state; emphasize the importance of
 - A. Manner of Attachment
 - B. Adaptation of the Object
 - C. Existence of an Agreement
 - D. Relationship with the Parties
 - E. Ownership of Plants, Trees, Crops
 - IV. Define Appurtenances
 - V. Explain how water Rights affect the land
 - VI. Explain the need for Land Descriptions
 - A. Informal References
 - B. Metes and Bounds
 1. Define Permanent Monuments
 2. Define and give examples of Compass Directions
 - C. Rectangular Survey System
 1. Define Range
 2. Define Township
 3. Define Section
 4. Define Acre
 - D. Show a Recorded Plat
 - E. Discuss problems using Assessor's Parcel Numbers
 - F. Discuss Reference to Documents Other than Maps
 - G. Discuss Grid Systems
 - VII. Define Vertical Land Descriptions
 - VIII. Discuss Lot Types
 - IX. Define the Physical Characteristics of Land
 - A. Immobility
 - B. Indestructibility
 - C. Nonhomogeneity
 - X. Define and discuss the Economic Characteristics of Land
 - A. Scarcity
 - B. Modification
 - C. Fixity
 - D. Situs
- Use examples that are controversial to stimulate discussion: light bulbs, plasma TV's, grape vines (natural versus production crops), surround sound systems, but don't forget about the simple light fixture. Explain what courts consider most important.
- Explain how surveys are done, with some history of the surveying profession (use Internet as resource).
- Explain how inexact this system is based on old original surveys. Discuss use of GPS as a better tool for today.
- Give an example of how sections are numbered in a township. Show dimensions of a section. Explain Topography (use Internet as resource).
- Explain the uniqueness of real estate versus it's common details.
- Stress the non-fungible, economic benefits and disadvantages of real estate.
- Bring to class local plat maps to help explain legal descriptions. Can also find examples on Internet.

Real estate, or real property, is defined as land and the improvements made to land, and the rights to use them.

Page Ref.		Topic	Teaching Tips
Hard back	Soft back		
11	13	Opening Remarks	Start this chapter by asking your class to describe real estate, land, and personal property. Address how general and limited their answers are (generally this is the case).
11	13	Land	Stress: These three rights can be divided and owned or leased separately. (See Chapter 17, Vertical Leases.)
11	13	Improvements	Expanding the Text: Improvements are affixed in a permanent manner by man and are conveyed by a deed.
12	14	Personal Property	Stress: Usually, personal property is moveable. It may also be called chattel or personalty. Reference: See Chapter 3, Freehold Estates. Freehold estate cases are tried under real property laws, but non-freehold cases are tried under personal property laws.
12	14	Fixtures	Examples: Components of a house, e.g., windows, doors, lumber, bricks, built-in (permanent) cabinets, bookcases, bathtubs, etc.
13	15	Manner of Attachment	Unusual Examples: A split-rail fence which is staked in a zigzag pattern where no part of the fence is imbedded into the ground is real property. A 20-gallon flower planter resting on the ground in the courtyard of an office building remains personal property.
13	15	Adaptation of the Object	Expanding the Text: The attached item must be consistent with the use and purpose of the property. Examples: The key which locks/unlocks the door to the house; custom-made items like draperies or coded garage door openers.
13	15	Relationship of the Parties	Stress: Trade fixtures are usually removable by tenant.
14	16	Ownership of Plants, Trees, and Crops	Expanding the Text: Emblements, also called <i>fructus industriales</i> , are generally considered personal property. <i>Fructus naturales</i> , such as grasses and trees, are real property.
15	18	Metes and Bounds	Local Distinction: Go to your local courthouse or title company and get a copy of several legal descriptions dated as early in history as possible or research information on Internet. Summary: Metes = Distance (measured in feet and hundredths of feet, e.g., 108.68 ft.) Bounds = Direction (stated in deviations of north and south, in degrees, minutes, and seconds)

Page Ref.		Topic	Teaching Tips
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16	19	Point of Beginning	<p>Stress: Each metes and bounds description must "close;" that is, <i>it</i> must stop where it started at the P.O.B.</p> <p>Local Distinction: Make available several plats, along with their accompanying written metes and bounds description. These are available from a local surveyor or your courthouse.</p>
18	21	Rectangular Survey System	<p>Local Distinction: Make available several plats, along with their accompanying written legal description.</p>
20	23	Townships	<p>Summary: 6 x 6 miles square, or 36 square miles, or 23,040 acres</p>
20	23	Sections	<p>Summary: 36 sections in a township 1 mile x 1 mile, or 1 square mile, or 1 mile square, or 640 acres</p>
21	24	Acre	<p>Summary: 640 acres = one section 1 acre = 43,560 square feet (This can help! 66 x 66 x 10) also the zip code for Sylvania, Ohio is 43560! 1 mile = 5,280 lineal feet</p>
22	25	Recorded Plat	<p>Local Distinction: Show the class plats of several local Subdivisions or ask them to research examples on Internet..</p>
24	26	Reference to Documents Other Than Maps	<p>Stress: Stress the legality, despite the simplicity, of this method.</p>
26	28	Vertical Land Description	<p>Local Distinction: Provide copies of these descriptions as pertinent to your area (also can use Internet as resource).</p>
27	29	Lot Types	<p>Memory Hook: Help students see the similarity between the name and the position the lot occupies. Cul-de-sac is of French derivation meaning a street closed at one end.</p>
27	--	Physical Characteristics of Land	<p>Stress: The characteristic of immobility makes land a good source of collateral.</p>
28	--	Nonhomogeneity	<p>Common Misconception: Many believe that two side-by-side lots that appear to be identical are 100% the same. The fact is, each is unique. Each is an original creation. The uniqueness may not be obvious. It may be in the subsurface or airspace. For example, drill 25 feet on one lot and you may find an abundant supply of water. Drill 250 feet on the other and you may find none.</p>
29	--	Scarcity	<p>Stress: Land is scarce in the sense that there is no new land being made. We must work with that which we presently have.</p>

Page Ref.

Hard Soft
back back

29 -- Modification
29 -- Fixity
30 -- Situs
30 -- Wrap-Up

Teaching Tips

Remember location, location, & location

1. Fixtures can become improvements. Explain How.
2. Conveying real and personal property. (Real property is conveyed with a deed, and personal property is conveyed with a bill of sale.)
3. Name the four tests used in determining whether an item is real or personal property (Manner of Attachment, Adaptation, Agreement, Relationship of the Parties).
4. Annual crops are called emblements? (True)
5. An appurtenance passes with the land? (True)
6. The primary land description used in our state is (answer as per your state).

Class Activity

Have students who own real property bring in their deeds and read the descriptions or have them look up on the Internet from their area tax office website or do a (www.google.com) search for examples.