



APPLIES TO ACADEMIC YEAR
2002/2003

EMS 9515 Real Estate Law I

Program

Associate Degree Program in Real Estate Studies

Responsible for the course

Tore Bråthen

Department

Accounting - Auditing and Law

Term

Fall

ECTS Credits

12

Objective

The objective of this course is to give students an understanding of the laws that affect practitioners of real estate brokerage.

The course covers contract law and aims to give the students an understanding of the regulations that govern the legal relations between seller and buyer in broker mediated real estate contracts. This includes the laws that apply to breach of contract and relevant regulations pertaining to monetary claims.

The students will become familiar with specific topics within general property law and acquire a knowledge of relevant regulations in the field of insurance.

The students will also become familiar with the rules regarding the highest instances of the State (parliament, government and the judiciary) and regarding central and local administration. Consequently, students will acquire knowledge of the Public Administration Act and the Freedom of Information Act.

Within the subject area of joint ownership, the students will become thoroughly acquainted with rules relevant to the operation and sale of real estate. The students will also gain an understanding of the rules that apply to the organization of real estate enterprises, including relevant rules that regulate working conditions.

Prerequisites

The Foundation Program in Business Administration or equivalent.

Compulsory literature

Bråthen, Tore, red. 2001. *Foretaksrett*. 5. utg. Oslo: Gyldendal Akademisk.

Bech, Stig og Trond Hasfjord. 1995. *Eiendomsmeglingsloven*. 2. utg. Oslo: Universitetsforlaget.

Bergsåker, Trygve. 1995. *Eiendomshandel gjennom megler: Avtaleinngåelse og avtalebrudd*. 2. utg. Oslo: Juridisk forlag.

Bergsåker, Trygve. 2000. *Kjøp av fast eiendom: Med kommentarer til avhendingsloven*. 3. utg. Oslo: Norges Eiendomsmeglerforbund.

Wyller, Christian F. 2000. *Boligrett*. 4. rev. utg. Stavanger: Christian Fr. Wyller.

Bråthen, Tore. 1998. *Sameie: Kompendium for eiendomsmeglerstudiet*. 3. utg. Oslo: Norges Eiendomsmeglerforbund.

Relevante lovtekster (Norges Lover, særtrykk m.v.)

Recommended literature

None

Course outline

1. Introduction to law

Bråthen, Tore, red. 2001. *Foretaksrett*. 5. utg. Oslo: Gyldendal Akademisk. Ch I, pt.2 and Ch XI.

2. Real Estate Law, part I

- Laws relating to the profession of real estate brokerage, including the Act on Estate Agency, provisions on Estate Agency, marketing and ethical rules.

Bech, Stig og Trond Hasfjord. 1995. *Eiendomsmeglingsloven* . 2. utg. Oslo: Universitetsforlaget.

3. General property law

- Basic principles of contracting and the source of law in contract law.
- Legal problems in connection with contracting through real estate brokers, and the claims, transfer of claims and limitation of claims.

- The main regulations in insurance and indemnity.

Bråthen, Tore, red. 2001. *Foretaksrett* . 5 . utg. Oslo: Gyldendal Akademisk. Ch IV, V, XI and XII.

Bergsåker, Trygve. 1995. *Eiendomshandel gjennom megler: Avtaleinngåelse og avtalebrudd* . 2. utg. Oslo: Juridisk forlag.

Bergsåker, Trygve. 1997. *Kjøp av fast eiendom: Med kommentarer til avhendingsloven*. 2.utg. Oslo : Norges Eiendomsmeglerforbund.

The following pages are not required reading: 22-48,52-57,61-66,124-129,138-143-292-296,308-314,329-332,338-340.

4. Real estate legislation

- Housing cooperatives.
- Rules on proprietor units and establishing procedures.
- Laws on property rental.

Wyller, Christian F. 2000. *Boligrett*. 4. rev.utg. Stavanger: Christian Fr. Wyller. Ch 1,2,3 and

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5. State and public administration law

- Basic rules on the organization of central, county and local government.
- The provisions of the Public Administration Act concerning procedures in administrative affairs and the provisions of the Freedom of Information Act concerning access to information.

6. Rules on joint ownership

- Laws on capital, organization and the right to transfer property shares.

Bråthen, Tore, red. 2001. *Foretaksrett* . 5 . utg. Oslo: Gyldendal Akademisk. Ch II.2, ch III.

Bråthen, Tore. 1998. *Sameie: Kompendium for eiendomsmeglerstudiet*. 3. utg. Oslo: Norges Eiendomsmeglerforbund.

7. Real Estate law, part II

- Laws on the organization of real estate agencies.

8. Labour legislation

Bråthen, Tore, red. 2001. *Foretaksrett* . 5 . utg. Oslo: Gyldendal Akademisk. Ch X

Relevant law texts.

Relevant law texts (Norges Lover, prints etc.) are essential in this course, further information will be provided during teaching hours.

Computer-based tools

Computer-based tools are not used.

Course structure

The course is based on 84 teaching hours of lectures.

Evaluation

A five-hour written examination concludes the course.

Evaluation code(s)

EMS 95151 Real Estate Law I - written exam, accounts for 100% of the grade in EMS 9515, 4 credits

Aids at the examination

The Norwegian code of laws, law texts, drafts and provisions. Ethical guidelines for The Norwegian Association of Real Estate Agents.

Makeup exam

A makeup exam is held at the end of the next course.