



APPLIES TO ACADEMIC YEAR 2003/2004

EMS 2224 Real Estate Law II

Program

N/A

Responsible for the course

Tore Bråthen

Department

Accounting - Auditing and Law

Term

According to study plan

ECTS Credits

12

Objective

The goal of this course is to give the students knowledge of the legislation regulating the acquisition and use of real estate. The students will gain an understanding of the legislation on propriety rights, the legal questions concerning prescriptive right, easements and real estate boundaries and how different creditors may secure their claims in real estate.

The students will also gain an understanding of registration laws regarding real estate documents.

Furthermore, the course covers family, inheritance and probate law as well as allodial law with regards to the sale of real estate.

Within the subject area of tax law, students will become thoroughly acquainted with the laws on property and income tax and gain an understanding of the laws on property gains tax and on tax allowances for losses incurred in connection with transfer of real estate. Students will also gain knowledge of the rules governing inheritance tax. Students are expected to become familiar with the laws on legal enforcement, debt settlement procedures and bankruptcy. Finally, students will gain thorough knowledge of contract documents and procedures.

Prerequisites

The Foundation Program in Business Administration or equivalent.

Compulsory literature

Falkanger, Thor. 1997. *Fast eiendoms rettsforhold* . 2. utg. Oslo: Universitetsforlaget.

Backer, Inge Lorange. 2002. *Innføring i naturressurs- og miljørett* . 4. utg. Oslo: Ad Notam Gyldendal.

Unneberg, Inge. 1999. *Familierett, arverett og odelsrett: Kompendium for eiendomsmeglerstudiet*. Oslo: Norges Eiendomsmeglerforbund.

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

Relevant laws (The Norwegian Code of Laws, offprints etc..) are very central to the program.

Students are expected to use the latest issue of the Norwegian Code of Laws and the offprints that are announced in class).

Recommended literature

None

Course outline

1. Laws governing owner control and state control

The main laws regulating outdoor life and the building of cottages.

The planning and building act and other laws affecting the building of new houses and changes to existing buildings.

Legislation on expropriation and laws on property valuation. Consession laws.

Falkanger, Thor. 1997. *Fast eiendoms rettsforhold* . 2. utg. Oslo: Universitetsforlaget.

Hovedpunkter i rettsregulering om vern av natur og miljø

2. Other subjects related to property law

Falkanger, Thor. 1997. *Fast eiendoms rettsforhold* . 2. utg. Oslo: Universitetsforlaget. § 3.5, § 4, § 5.5, § 10, § 12, § 14

3 Nature and environmental law

The main laws regulating protection of nature and the environment.

Literature:

Backer, Inge Lorange. 1999. *Innføring i naturressurs- og miljørett* . 3. utg. Oslo: Ad Notam Gyldendal.

4. Family, inheritance and probate law

Economic consequences of marriage, including contracting on behalf of the spouse

Laws on and consequences of divorce

Laws of succession (family/spouses), including regulations on statutorily prescribed share

Laws on the drawing up of wills

Laws on probate cases

Unmarried cohabitation

Unneberg, Inge. 1999. *Familierett, arverett og odelsrett: Kompendium for eiendomsmeglerstudiet*. Oslo: Norges Eiendomsmeglerforbund.

5. Allodial rights

Laws on the acquisition procedures of allodial land.

Unneberg, Inge. 1999. *Familierett, arverett og odelsrett: Kompendium for eiendomsmeglerstudiet*. Oslo: Norges Eiendomsmeglerforbund.

6. Tax law

Tax law regulations and the Directorate of Taxes' rules on valuation and taxation of real estate.

Laws on income and property tax, including property gains tax and tax allowances for losses incurred in connection with the sale of real estate.

Wyller, Christian F. 2000. *Boligrett*. 4. rev.utg. Stavanger: Christian Fr. Wyller. Ch 5

Computer-based tools

Computer-based tools are not used in this course.

Course structure

The course duration is 84 lecture hours. Students are expected to make a considerable personal effort in reading, group work, assignments etc.

Evaluation

A five-hour individual written examination concludes the course.

Evaluation code(s)

EMS 22241 written exam which accounts for 100% of the grade in EMS 2224, 12 ECTS credits.

Aids at the examination

The Norwegian Code of Laws, reprints and photocopies of laws, draft laws and regulations. Ethical rules for the Norwegian Association of Real Estate Agents.

Makeup exam

A re-sit is held in connection with the next scheduled exam in the course.