



APPLIES TO ACADEMIC YEAR 2005/2006

EMS 9116 Real Estate Law II

Program

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

Books:

Almaas, Knut. 2002. Tinglysing. 7. utg.. Oslo: Norges eiendomsmeglerforbund.

Bråthen, Tore, red.. 2001. Foretaksrett. 5. utg.. Oslo: Gyldendal akademisk. Kap. XVI

Falkanger, Thor. 2005. Fast eiendoms rettsforhold. 3. utg.. Oslo: Universitetsforl.

Kjelstrup, Carl-Bernhard. 1996. Liten panterett. 4. utg.. Oslo: Tano Aschehøug Bankakademiet.

Næssvik, Bodil. 1998. Tvangssalg gjennom eiendomsmegler. Oslo: Norges eiendomsmeglerforbund.

Unneberg, Inge. 1999. Familierett, arverett og odelsrett: kompendium for eiendomsmeglerstudiet. Oslo: Norges eiendomsmeglerforbund

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

Recommended literature

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. Security legislation

Mortgages and other forms of security in connection with the acquisition of real estate

Laws on detention and arrest

Kjelstrup, Carl-Bernhard. 1996. *Liten panterett*. 4. utg. Oslo: Tano Aschehoug.

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

4. Land registration law

Laws on land registration, including regulation on land registration

A close look at the practical implementation of land registration, with special reference to that part of the second year of study which is aimed directly at practical real estate brokerage.

Almaas, Knut. 1999. *Tinglysing*. 5. utg. Oslo: Norges eiendomsmeglerforbund.

5. 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.

6. Allodial rights

Laws on the acquisition procedures of allodial land.

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

Norges Eiendomsmeglerforbund.

7. 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

8. Legal enforcement, debt settlement procedures and bankruptcy

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

Næssvik, Bodil. 1998. *Tvangssalg gjennom eiendomsmegler*. Oslo: Norges eiendomsmeglerforbund.

9. Real Estate Contracts

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 duration is 84 teaching hours.

Evaluation

A five-hour individual written exam concludes the course.

Evaluation code(s)

EMS 91161 Real Estate Law II - written exam, counts 100% of the grade in EMS 9116, 12 ECTS 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.