



APPLIES TO ACADEMIC YEAR 2006/2007

## EMS 2221 Real Estate Law I

### Program

Bachelor in Real Estate (2. year)

### Responsible for the course

Tore Bråthen

### Department

Accounting - Auditing and Law

### Term

According to study plan

### 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.

### Prerequisites

Foundation Programme in Business Administration or equivalent.

### Compulsory literature

#### Books:

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

Bergsåker, Trygve. 2000. Kjøp av ny bolig: med kommentarer til bustadoppføringoppslova. Oslo: T.Bergsåker/Norges eiendomsmeglerforbund.

Bergsåker, Trygve. 2003. Kjøp av fast eiendom: med kommentarer til avhendingsloven. 4. utg. Oslo : T.Bergsåker/Norges eiendomsmeglerforbund

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

Gundersen, Fridtjof Frank; Faafeng Langfeldt, Sverre; Bråthen, Tore. Lov og rett for næringslivet. Oslo: Focus Forlag og Universitetsforlaget. ISBN enda ikke tildelt

Rosén, Karl og Dag Torstensen. 2005. Eiendomsmegling : rettslige spørsmål. Oslo: Gyldendal akademisk

Wyller, Christian F. 2000. Boligrett. 4. utg. Stavanger: Christian Fr. Wyller. Kap 1,3, og 6.

#### Other:

Odelstingsproposisjon nr. 30 (2002-2003). (side 22-24, 39-43, 90-156 og 165-210 pluss lovforslagene på s 320-360)

Relevante lovtekster (Norges Lover, særtrykk m.v.) er meget sentrale i studiet. Studentene forutsettes å bruke siste utgave av lovsamlingen Norges Lover, samt særtrykk som det opplyses om i undervisningen.

### Recommended literature

#### 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. Kap. IV, V, XI og XII.

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

Bergsåker, Trygve. 2003. *Kjøp av fast eiendom: Med kommentarer til avhendingsloven*. 4. utg. Oslo : T.Bergsåker. Følgende sider er ikke pensum: 28-48,54-58,62-68,127-132,141-147,317-321,332-338,356-360,365-367.

Bergsåker, Trygve. 2000. *Kjøp av ny bolig: Med kommentarer til bustadoppføringsoppslova*. Oslo: T.Bergsåker/Norges Eiendomsmeidlerforbund.

### 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 6

### 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.

### **Computer-based tools**

Computer-based tools are not used in this course.

### **Course structure**

The course consists of 84 lecture hours. Students are expected to make a considerable individual effort - reading the syllabus, doing group work and assignments etc.

### **Evaluation**

A five-hour written exam concludes the course.

### **Evaluation code(s)**

EMS 22211 - written exam which accounts for 100% of the grade in EMS 2221, 12 studiepoeng.

### **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 course.