



APPLIES TO ACADEMIC YEAR 2009/2010

EMS 2308 Real Estate Law III

Programme

Bachelor in Real Estate (3. year)

Responsible for the course

Department

Department of Accounting - Auditing and Law

Term

According to study plan

ECTS Credits

12

Language of instruction

Norwegian

Introduction

The aim of the course Real Estate Law III is that students shall acquire knowledge about the rules of law that affect the real estate business. These legal rules delimit the practice of the real estate agent's profession and are important for sales and letting of real estate. The terms knowledge, in-depth knowledge and understanding show what specialist level that is required. The term understanding is used when the most extensive knowledge is required.

Objective

The aim of the subject area organizational law, including co-ownership, is that the students shall gain knowledge about the rules governing various forms of ownership, and in-depth knowledge on the legal rules of particular importance for management and sales of real estate. The students shall gain an understanding of the company law rules affecting the organizing of real estate agencies. The students shall acquire knowledge about relevant rules that regulate working conditions in the real estate business. They shall gain an understanding of the rules concerning various forms of monetary claims, settlement of monetary claims, as well as limitation of monetary claims. The students shall also gain an understanding of how various creditors can secure their claims in real estate, through mortgages and guarantees. They shall also get an understanding of the rules on title registration of documents concerning real estate. The students shall have knowledge of rules on legal enforcement, debt negotiations and bankruptcy. They shall have an understanding of the rules on forced sale of residential properties. Based on the legal subject areas, the students shall have in-depth knowledge of the formulation of contracts to be entered into by means of a real estate agent.

Relevant law texts (The Norwegian Code of Laws, reprints, etc.) are essential in the program. The students are expected to purchase and use the latest edition of relevant laws and regulations.

Prerequisites

1st year of the bachelor of business administration program or equivalent.

Compulsory reading

Books:

Almaas, Knut. 2006. Tinglysing. 9. utg. Oslo: Norges eiendomsmeglerforbund
Bråthen, Tore. 2008. Selskapsrett. 3. utg. Oslo: Focus : Universitetsforlaget. Kap.1, 2, 4 og 7
Bråthen, Tore. 2009. Sameie: kompendium for eiendomsmeglerstudiet. 4. utg. Oslo: Norges eiendomsmeglerforbund
Falkanger, Thor. 2004. Introduksjon til panteretten : stiftelse og virkninger, herunder om tvangsfyllbyrdelse. Oslo : Universitetsforlaget
Langfeldt, Sverre F. og Tore Bråthen. 2008. Lov og rett for næringslivet. 15. utg. Oslo : Universitetsforlaget : Focus forlag
Næssvik, Bodil. 2002. Tvangssalg gjennom eiendomsmegler. Oslo: Norges eiendomsmeglerforbund
Wyller, Christian Fr. 2009. Boligrett. 5. rev.utg. Stavanger : C. F. Wyller

Other:

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 reading

Books:

Bergsåker, Trygve, Ingvild Ericson og Monica Viken, red. 2007. *Rettspraksis om eiendomsmeglingsloven*. Oslo : Rettspraksis.no

Course outline

1. Organizational law

The legal rules for various forms of ownership concerning capital, organizational structure, the right of conveyance of interests, and organizational changes.

Compulsory literature:

Bråthen, Tore. 2006. *Selskapsrett*. 2nd ed. Oslo 2006: Fokus forlag. Ch.1, 2, 4 og 7

Bråthen, Tore. 2008. *Sameie: Kompendium for eiendomsmeglerstudiet*. 4th ed. Oslo: Norges Eiendomsmeglerforbund.

2. Labour legislation

Compulsory literature:

Langfeldt, Sverre F. and Tore Bråthen. *Lov og rett for næringslivet*. latest ed. Oslo: Focus Forlag og Universitetsforlaget. Ch. 9.

3. Law of negotiable instruments

The content of monetary claims, simple claims, debt instruments, negotiable debt instruments, settlement of monetary claims, limitation, guarantees.

Compulsory literature:

Langfeldt, Sverre F. and Tore Bråthen. *Lov og rett for næringslivet*. latest ed. Oslo: Focus Forlag og Universitetsforlaget. Ch. 12 (except 12.3 and 12.10), ch. 13.2.

4. Security interest

Compulsory literature:

Falkanger, Thor. 2004. *Introduksjon til panteretten*. Oslo: Universitetsforlaget.

5. Title registration law

Title registration legislation, including regulation of title registration.

Study of the practical implementation of title registration, coordinated with the program's study of the practical real estate business.

Compulsory literature:

Almaas, Knut. 2006. *Tinglysing*. 9th ed. Oslo: Norges eiendomsmeglerforbund.

6. Legal enforcement

The legal rules on legal enforcement, debt negotiations and bankruptcy, including rules concerning the position of real estate during legal enforcement, debt negotiations and bankruptcy.

Compulsory literature:

Langfeldt, Sverre F. and Tore Bråthen. *Lov og rett for næringslivet*. latest ed. Oslo: Focus Forlag og Universitetsforlaget. Ch 15.

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

7. Contracts

Formulation of contracts that are entered into by means of the real estate agent.

Computer-based tools

Computer-based tools are not used in this course.

Course structure

Full-time/part-time

The course is taught over 72 hours. The course requires a considerable effort in the form of private study, exercises etc.

The course consists of two teaching courses:

- EMS 2309 Real Estate Law III, 1st semester, fall
- EMS 2310 Real Estate Law III, 2nd semester, spring

Examination

A five-hour individual written exam concludes the course.

Exam code(s)

EMS 23081 - written exam, accounts for 100% of the total grade in EMS 2308, 12 ECTS credits.

Examination support materials

The Norwegian Code of Laws, reprints and photocopies of laws, draft laws and regulations.

Ethical rules for the Norwegian Association of Real Estate Agents.

Exam aids at written examinations are explained under exam information in our web-based Student handbook. Please note use of calculator and dictionary.
<http://www.bi.edu/studenthandbook/examaids>

Re-sit examination

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

Additional information

Due to changes in our Bachelor Programmes from autumn 2009, there also will be changes in every single course.

This course will be lectured for the last time autumn 2010. Re-sit exam will be offered every term from autumn 2011 even spring 2013.