APPLIES TO ACADEMIC YEAR 2010/2011

EMS 3524 Real Estate Law II

Programme
Bachelor in Real Estate (2. year)

Responsible for the course

Department
Department of Accounting - Auditing and Law

Term
According to study plan

ECTS Credits
7,5

Language of instruction
Norwegian

Introduction
The students will acquire knowledge about the legal regulation of the real estate business.

Learning outcome
Acquired knowledge
The aim of the course Real Estate Law II is that the students shall gain knowledge about the rules of law governing the acquisition of real estate and the rules that restrict how real estate may be used, as well as the rules on the boundaries between properties. The students shall gain an understanding of the rules of law concerning owner control and governmental control, legal issues concerning prescriptive rights, easements and the boundaries of real estate. The students shall learn about rules concerning nature and environmental law that are important for sales of real estate. The students shall have an in-depth knowledge of rules in family law, inheritance and probate law, as well as an understanding of allodial privilege and primogeniture, especially with regard to the sale of real estate. Within the area of tax law the students will learn about the rules governing property and income tax as well as gain an in-depth understanding of rules on property gains tax and on tax allowances for losses incurred in connection with the transfer of real estate. Students will also learn about the rules governing inheritance tax.

The students shall have an adequate understanding of the topics that are covered by the discipline. The terms knowledge, in-depth insight and understanding indicate which specialist level that is required. The most extensive knowledge is required when the term understanding is used.

Acquired skills
The aim of the course is to enable the students to handle tasks in a real estate agency associated with issues concerning possession in law and governmental control, prescriptive rights, easements and the boundaries of real estate, acquisition of real estate and the rules that restrict how real estate may be used. The students shall also learn how to manage issues relating to family law, inheritance and probate law, including issues on inheritance tax, allodial privilege and primogeniture. Finally the students shall be able to address issues regarding taxation of the purchase and sale of real estate, to the extent that this is expected of a real estate agent on the basis of legislation and case law.

Reflection
In order to be able to practice their tasks in a manner that safeguards the interests involved in a property transaction, a real estate agent must have an appropriate ethical reflection ability and attitude, as well as professional knowledge within the legal topics discussed in the course.

Prerequisites
JUR 3430 Business Law or JUR 3420 Marketing Law.

Compulsory reading
Books:
Falkanger, Thor. 2005. Fast eiendoms rettsforhold. 3. utg. Oslo : Universitetsforlaget
Høviskeland, Hans Tore, red. 2005. Hva er miljøkriminalitet? : håndbok i bekjempelse av miljøkriminalitet. Oslo : Økokrim. Økokrims skriftserie ; nr 17, 0804-273X
Sønsthagen, Dag. 2009. Skatterett for eiendomsmeglere. Ski : D. Sønsthagen
Unneberg, Inge. 2009. Familierett, arverett og odelsrett for eiendomsmeglere. 2. utg. Høvik : I.

Unneberg

Other:
Landbruksdepartementets praktiseringsrundskriv M-2 / 2009 om konsesjon og boplikt (Internettutgave)

Recommended reading

Books:
Bull, Kirsti Strøm og Nikolai K. Winge. 2009. Fast eiendoms rettsforhold : kort og godt. Oslo : Universitetsforlaget

Course outline

1. Laws governing owner control and governmental control

- The planning and building act and other laws governing the building of new houses and changes to existing buildings
- Legislation on expropriation and laws on property valuation. (Falkanger § 7)
- Concession legislation (Falkanger § 7)
- The owner's disposal of real estate

Compulsory literature:
Falkanger, Thor. 2005. *Fast eiendoms rettsforhold* . 3rd ed. Oslo: Universitetsforlaget
Landbruksdepartementets praktiseringsrundskriv M-2 / 2009 om konsesjon og boplikt (Internet edition)

2. Other subjects related to property law

- Legal rules on common usage of real estate
- Legal rules on restrictive rights in real estate (restrictive covenants, ground lease)
- Legal rules on real estate boundaries
- Neighbour law
- Right to redeem allodial land

Compulsory literature:
Falkanger, Thor. 2005. *Fast eiendoms rettsforhold* . 3rd ed. Oslo: Universitetsforlaget § 3.5, § 4, § 5.5, § 11, § 12, § 13, § 14

3. Nature and environmental law

- The main laws regulating protection of nature and the environment.

Compulsory literature:
Høviskeland, Hans Tore (ed.), Rune B. Hansen, Jørn Holme. Hva er miljøkriminalitet? Økokrims skriftserie no. 17, 2005.

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
- Inheritance duty

Compulsory literature:
Unneberg, Inge: Familie-, arve- og odelsrett for eiendomsmeglere, kompendium for eiendomsmeglerstudiet, 2009

5. Allodial rights and primogeniture

- Laws on the right to acquire allodium and on the procedures for such acquisitions.
- Allodial privilege
- Primogeniture

Compulsory literature:
Unneberg, Inge: Familie-, arve- og odelsrett for eiendomsmeglere, kompendium for eiendomsmeglerstudiet, 2009

6. Tax law

- Tax law regulations and the Directorate of Taxes' rules on valuation and taxation of real estate.
- The rules of the income tax act on income taxation of real estate during ownership (direct tax assessment and indirect tax assessment)
- The income tax rules on taxation of gains and tax allowances for losses incurred in connection with the sale of real estate.
- Property tax
- Property value taxation
- Tax rates used for the various forms of taxation

Compulsory literature:
Sønsthagen, Dag: Skatterett for eiendomsmeglere, compendium for eiendomsmeglerstudiet, 2009.

Computer-based tools

No particular computer-based tools are used in the course.

Learning process and workload

As part of the teaching programme the students are divided into small discussion groups and will work on assignments associated with each topic. The assignments will be discussed and reviewed in class after the discussion group work. The lecture form of teaching requires that the students before each lecture have studied the syllabus and the rules of law for the topic in question. The students are required to bring the code of laws and other study aids to the lectures and become familiar with them while studying the various topics. Parts of the syllabus must be studied through self-tuition.

Coursework requirements

One mandatory hand-in assignment is set in the course, and will be graded by the lecturer or another qualified person.

Recommended workload in hours

Activity	**Use of hours**
Participation in lectures	34
Discussion group work supervised by the lecture	11
Preparations for lectures	45
Self-tuition / reading syllabus	45
Work on assignments	60
Exam	5
Total use of hours recommended	**200**

Use of hours

34 lecture hours
11 hours of discussion group work organized by the lecturer
45 hours altogether

Coursework requirements

The hand-in assignment must be completed and passed before the student can sit for the exam.

Examination

A five-hour individual written exam completes the course.

Examination code(s)

EMS 35211 Written exam, which accounts for 100 % of the grade in the course.

Examination support materials

The Norwegian code of laws or another printed compilation of laws, reprints of laws and regulations, law texts, draft laws (the text only). Ethical rules for the Norwegian Real Estate Association. NEF handbook. The students are required to acquire and use the latest editions of relevant laws and regulations.

Re-sit examination

A re-sit examination is held every semester.

Students that have not passed the assignment must re-take the assignment during the next scheduled course.

Students that have not passed the written examination or who wish to improve their grade must re-take the examination in connection with the next scheduled examination.

Additional information