



APPLIES TO ACADEMIC YEAR 2011/2012

EMS 3524 Real Estate Law II

Programme

Bachelor in Real Estate (2. year)

Responsible for the course

Tore Bråthen

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.

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.

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. 2011. Fast eiendoms rettsforhold. 4. utg. Universitetsforlaget
Høviskeland, Hans Tore, red. 2005. Hva er miljøkriminalitet? : håndbok i bekjempelse av miljøkriminalitet. Økokrim. Økokrims skriftserie ; nr 17, 0804-273X
Unneberg, Inge. 2009. Familierett, arverett og odelsrett for eiendomsmejlere. 2. utg. I. Unneberg

Other:

Landbruksdepartementets praktiseringsrundskriv M-2 / 2009 om konsesjon og boplikt (Internettutgave)
Ot.prp. nr. 32 (2007-2008) Plandelen av loven, kapittel: 5.5.4 (Kommunal planlegging)

Departementets vurderinger, Ot.prp. nr. 45 (2007-2008) Bygningsdelen av loven, Kapittel 5
Sammendrag av departementets forslag til ny plan- og bygningslov (byggesaksdelen)

Recommended reading

Books:

Bull, Kirsti Strøm og Nikolai K. Winge. 2009. Fast eiendoms rettsforhold : kort og godt.
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 (Ot.prp. nr. 32 (2007-2008) Plandelen av loven, kapittel: 5.5.4 (Kommunal planlegging) Departementets vurderinger, Ot.prp. nr. 45 (2007-2008) Bygningsdelen av loven, Kapittel 5 Sammendrag av departementets forslag til ny plan- og bygningslov (byggesaksdelen))
- Legislation on expropriation and laws on property valuation. (Falkanger § 7)
- Consession 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

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 35241 Written exam, which accounts for 100 % of the grade in the course EMS 3524 Real Estate Law II, 7.5 credits.

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. 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