



APPLIES TO ACADEMIC YEAR 2011/2012

EMS 3642 Real Estate Law III

Programme

Bachelor in Real Estate (3. year)

Responsible for the course

Tore Bråthen

Department

Department of Accounting - Auditing and Law

Term

According to study plan

ECTS Credits

15

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 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 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.

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 topics mentioned in acquired knowledge.

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

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

Compulsory reading

Books:

Bråthen, Tore. 2008. Selskapsrett. 3. utg. Focus : Universitetsforlaget. Kap.1, 2, 4 og 7
Bråthen, Tore. 2009. Sameie : kompendium for eiendomsmeglerstudiet. 5. utg. Norges eiendomsmeglerforbund
Falkanger, Thor. 2004. Introduksjon til panteretten : stiftelse og virkninger, herunder om tvangsfullbyrdelse.. Universitetsforlaget
Langfeldt, Sverre F. og Tore Bråthen. Lov og rett for næringslivet. Siste utg. Universitetsforlaget : Focus forlag
Norges Eiendomsmeglerforbund. Norges Eiendomsmeglerforbunds håndbok. Siste utg. Norges Eiendomsmeglerforbund. Tinglysning og dokumentavgift
Næssvik, Bodil. 2002. Tvangssalg gjennom eiendomsmegler. 2. utg. Norges eiendomsmeglerforbund

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

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:

Norges Eiendomsmeglerforbund Håndbok 2011 Tinglysing og dokumentavgift

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.

Computer-based tools

Computer-based tools are not used in this 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	69
Discussion group work supervised by the lecture	16
Preparations for lectures	90
Self-tuition / reading syllabus	100
Work on assignments	120
Exam	5

Use of hours

69 hours - Lectures

16 hours - Discussions group work organized by the lecturer

5 hours - Feedback on assignment (Marking is a central process)

90 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 36421 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. The students are required to acquire and use the latest editions of relevant laws and regulations.

Examination support materials 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 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