



APPLIES TO ACADEMIC YEAR 2016/2017

EMS 3642 Real Estate Law III

Programme

Bachelor of Real Estate (3. year)

Responsible for the course

Thorunn Falkanger

Department

Department of 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

Aquired Knowledge

The aim of the course Real Estate Law, Part III is for students to learn about rules for different forms of ownership and thorough knowledge of the law of particular importance for the operation and sale of real estate.

Students should have sufficient knowledge of the topics covered by the field. The terms knowledge, a thorough knowledge and understanding indicates the academic level required. The most extensive knowledge is required where the term understanding is used.

- Students will have an understanding of company law provisions of importance to the organization of real estate enterprises.
- Students should be familiar with relevant regulations governing the working conditions in the real estate business.
- Students will have an understanding of the rules on different types of monetary claims, the settlement of monetary claims, as well as the limitation of monetary claims.
- Students will also have an understanding of how various creditors to secure their claims in real estate including through charges and bail. In addition, students have an understanding of the rules on registration of documents relating to real estate.
- Students should be familiar with the rules on enforcement, debt negotiation and bankruptcy. It requires an understanding of the rules on the forced sale of residential properties.

Aquired Skills

The course aim of Real Estate Law, Part III is for students to be familiar with the legal rules of different ownership capital, organization, access to the transfer of interest as well as organizational changes.

- Students will have an understanding of company law provisions on the organization of real estate enterprises.
- To be an employer or employee in the real estate business, the students should have knowledge of relevant rules on working conditions. Among other because real estate agents need to understand the settlement, the students have an understanding of selected claims legal questions, as well as different rules about safety and security in connection with real estate financing and collection of claims, including bankruptcy.

- Based on the study other subjects, students will be able to design contracts that are used in connection with real estate.

Reflection

In order to perform their duties in a manner that safeguards the interests involved in a property transaction, a real estate agent for ethical reflection and attitude as well as solid professional knowledge of the legal subject areas covered in the course.

Prerequisites

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

Compulsory reading

Books:

Bråthen, Tore og Margrethe Røse Solli, red. Lærebok i praktisk eiendomsmegling. Del 1. Siste utgave. Norges eiendomsmeglerforbund
 Bråthen, Tore. 2009. Sameie : kompendium for eiendomsmeglerstudiet. 5. utg. Norges eiendomsmeglerforbund
 Bråthen, Tore. 2013. Eiendomsmeglingsloven : lov av 29. juni 2007 nr. 73 om eiendomsmegling : kommentarutgave. Universitetsforlaget. kap.2
 Bråthen, Tore. 2013. Selskapsrett. 4. utg. Universitetsforlaget
 Falkanger, Thor. 2013. Introduksjon til panteretten : stiftelse, virkninger og tvangsfullbyrdelse. 2. utg. Universitetsforlaget
 Høviskeland, Hans Tore, Rune B. Hansen, Jørn Holme. 2005. Hva er miljøkriminalitet? : håndbok i bekjempelse av miljøkriminalitet. Økokrim. Økokrims skriftserie nr. 17. 2005
 Håndbok for Norges eiendomsmeglerforbund. Siste utg. Norges Eiendomsmeglerforbunds servicekontor.
 Tinglysing og dokumentavgift
 Langfeldt, Bråthen, Viken, Minde. Lov og rett for næringslivet. Siste utg. Gyldendal forlag. kap.9, 12, 13.1 til 13.3, 15.

Articles:

Rundskriv om tinglysing utgitt av Statens kartverk. <http://kartverket.no/Eiendom-og-areal/Tinglysing-av-eiendom/Rundskriv-for-Tinglysingen/>

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. 2013. *Selskapsrett*. 4nd ed. Oslo 2013: Fokus forlag. Ch.1, 2, 4 og 7

Bråthen, Tore. 2008. *Sameie: Kompendium for eiendomsmeglerstudiet*. 5th ed. Oslo: Norges Eiendomsmeglerforbund.

2. Labour legislation

Compulsory literature:

Langfeldt, Bråthen, Viken, Minde. *Lov og rett for næringslivet*. Siste utg. Gyldendal forlag.. 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, Bråthen, Viken, Minde. *Lov*

og rett for næringslivet. Siste utg. Gyldendal forlag. Ch. 12 (except 12.3 and 12.10), ch. 13.2.

4. Security interest

Compulsory literature:

Falkanger, Thor. 2013. *Introduksjon til pantereffen*. 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, Siste utgave Tinglysing og dokumentavgift

Rundskriv om tinglysing utgitt av Statens

kartverk, http://www.statkart.no/nor/Tinglysing/Rundskriv_for_Tinglysingen/

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, Bråthen, Viken, Minde. *Lov og rett for næringslivet*. Siste utg. Gyldendal forlag. Ch 15.

Bråthen, Tore og Solli, Margrethe Røse. 2011. *Lærebok i praktisk eiendomsmegling, Del 1*. Rev.utg. Norges eiendomsmeglerforbund. Kap 16.

Computer-based tools

Computer-based tools are not used in this course.

Learning process and workload

1. EMS 3643 Real Estate Law III, 1. semester - autumn
2. EMS 3644 Real Estate Law III, 2. semester - spring

The course is carried out though two semesters:

As part of the teaching programme the students could be 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.

Students will have the opportunity to submit a written work for correction and feedback.

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 |
| Total use of hours recommended | 400 |

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

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 examination information in the student portal @BI. Please note use of calculator and dictionary. https://at.bi.no/EN/Pages/Exa_Hjelpemidler-til-eksamen.aspx

Re-sit examination

A re-sit examination is held every semester.

Additional information