

Table of Contents

Chapter 1: An Introduction to Real Estate	1
The Real Estate Industry	2
Real Estate Transactions	3
Real Estate Brokerage	6
Real Estate as a Career	10
Real Estate and the Law	15
Chapter 2: The Nature of Real Property	23
Types of Property	24
Elements of Real Property	24
Appurtenances	25
Air Rights	25
Water Rights	26
Solid Mineral Rights	28
Oil and Gas Rights	28
Other Appurtenant Rights	29
Attachments	29
Natural Attachments	29
Man-made Attachments: Fixtures	30
Annexation and Severance	30
Distinguishing Fixtures from Personal Property	30
Mobile Homes as Fixtures	32
Characteristics of Real Property	33
Physical Characteristics	33
Economic Characteristics	34
Land Description	35
Surveys	35
Methods of Description	35
Using Legal Descriptions	42
Chapter 3: Real Property Ownership	49
Systems of Land Ownership	50
Estates in Land	50
Freehold Estates	51
Leasehold Estates	54
Methods of Holding Title	57
Ownership in Severalty	57
Concurrent Ownership	57
Forms of Business Ownership	60

Common Interest Developments	64
Condominiums	64
Townhouses	66
Planned Unit Developments	66
Cooperatives	66
Timeshares	67
Chapter 4: Transferring Ownership	75
Title and Alienation	76
Voluntary Alienation	76
Patents	76
Deeds	77
Wills	84
Involuntary Alienation	85
Dedication	85
Intestate Succession	86
Escheat	86
Condemnation	87
Court Decisions	87
Adverse Possession	88
Accession	90
Recording	91
Title Protection	94
Security Interests in Fixtures	98
Chapter 5: Encumbrances	105
Encumbrances	106
Financial Encumbrances (Liens)	106
Types of Liens	107
Lien Priority	110
Homestead Laws	110
Nonfinancial Encumbrances	111
Easements	111
Profits	116
Licenses	116
Encroachments	116
Nuisances	116
Private Restrictions	117
Chapter 6: Public Restrictions on Land	125
Land Use Controls	126
Comprehensive Planning	127
Zoning	127
Building Codes	130
Subdivision Regulations	131
Floodplain Restrictions	132
Environmental Laws	132

Eminent Domain	133
Taxation	134
General Real Estate Taxes	135
Special Assessments	137
Real Estate Transfer Tax	137
Intangibles Tax	138
Chapter 7: Civil Rights and Fair Housing	145
The Civil Rights Act of 1866	146
The Civil Rights Act of 1964	147
The Federal Fair Housing Act	147
Exemptions	147
Prohibited Acts	149
Handicap and Familial Status	150
HUD and Enforcement	151
Federal Fair Lending Laws	152
Equal Access to Facilities	153
State Antidiscrimination Legislation	154
Complying with Fair Housing Laws	154
Working with Clients	155
Advertising Properties	156
Actions That Do Not Violate Fair Housing Laws	157
Discriminatory Restrictive Covenants	157
Chapter 8: Real Estate Agency Law	165
Introduction to Agency	166
Creating an Agency Relationship	167
Agency Creation Under General Agency Law	167
Agency Creation Under BRRETA	168
The Legal Effects of Agency	169
Scope of Authority	169
Actual vs. Apparent Authority	170
Other Legal Effects of Agency	171
Duties in an Agency Relationship	172
Duties to the Client	173
Duties to Customers	176
Breach of Duty	180
Terminating an Agency	181
Termination Under General Agency Law	181
Termination Under BRRETA	182
Real Estate Brokerage Relationships	183
Real Estate Agents in a Typical Transaction	183
Real Estate Agency Relationships: a Historical Perspective	184
Agency Disclosures	186
Types of Brokerage Relationships	188

Chapter 9: Contract Law	201
Legal Classifications of Contracts	202
Express vs. Implied	202
Unilateral vs. Bilateral	202
Executory vs. Executed	203
Elements of a Valid Contract	203
Capacity	204
Mutual Assent	205
Lawful Objective	208
Consideration	208
The Writing Requirement	209
Legal Status of Contracts	210
Void	210
Voidable	211
Unenforceable	211
Valid	212
Discharging a Contract	212
Full Performance	213
Agreement Between the Parties	213
Termination	214
Breach of Contract	215
Rescission	215
Liquidated Damages	216
Damages	216
Specific Performance	217
Tender	217

Chapter 10: Types of Real Estate Contracts	225
Listing Agreements	226
Earning a Commission	226
Elements of a Listing Agreement	229
Buyer Agency Agreements	233
Types of Buyer Agencies	233
Buyer's Agent's Compensation	238
Purchase and Sale Agreements	239
Typical Provisions	239
Amendments	243
Land Contracts	244
Rights and Responsibilities of the Parties	244
Remedies for Default	245
Reasons for Using a Land Contract	245
Option Agreements	245
Requirements for a Valid Option	246
Option Rights	246
Recording an Option	246
Right of First Refusal	246
Listing Agreement exercise	252
Purchase and Sale Agreement exercise	252

Chapter 11: Property Management and Lease Law	275
Introduction to Property Management	276
Investing in Real Estate	277
Investment Characteristics	277
Advantages of Investing in Real Estate	278
Disadvantages of Investing in Real Estate	280
Types of Managed Properties	280
The Management Agreement	282
The Management Plan	283
Management Functions	288
Leasing and Tenant Relations	288
Recordkeeping and Manager/Owner Relations	291
Maintenance	292
Risk Management	294
Environmental Issues	294
Community Association Management	294
Role of Community Association	295
Role of Community Association Manager	295
Community Association Management License	296
Leases and Landlord/Tenant Law	297
Requirements for a Valid Lease	297
Lease Provisions	298
Transferring Lease Interests	300
Terminating a Lease	301
Types of Leases	302
Chapter 12: Principles of Real Estate Financing	311
The Economics of Real Estate Finance	312
Real Estate Cycles	312
Interest Rates and Federal Policy	313
Real Estate Finance Markets	316
Primary Market	316
Secondary Market	317
Real Estate Finance Documents	320
Promissory Notes	320
Security Instruments	322
Finance Document Provisions	324
Foreclosure Procedures	326
Seller Financing	330
Types of Mortgage Loans	330
Chapter 13: Applying for a Mortgage Loan	341
Choosing a Lender	342
Types of Mortgage Lenders	342
Loan Costs	345
Truth in Lending Act	346
Loan Application and Underwriting	349

Basic Loan Features	354
Loan Term	355
Amortization	356
Loan-to-Value Ratios	358
Secondary Financing	359
Fixed and Adjustable Interest Rates	359
Residential Financing Programs	361
Conventional Loans	361
FHA-Insured Loans	363
VA-Guaranteed Loans	365
Rural Housing Service Loans	368
Predatory Lending	368
Mortgage Fraud	369

Chapter 14: Real Estate Appraisal 379

Introduction to Appraisal	380
Value	382
Types of Value	382
Principles of Value	384
The Appraisal Process	388
Gathering Data	389
General Data	389
Specific Data	392
Methods of Appraisal	396
Sales Comparison Approach to Value	396
Cost Approach to Value	400
Income Approach to Value	405
Site Valuation	409
Appraising Multi-family Properties	409
Reconciliation and Final Estimate of Value	409
Competitive Market Analysis	411

Chapter 15: Closing Real Estate Transactions 423

The Closing Process	424
Closing Costs and Credits	425
Prorating Expenses	428
Estimating the Buyer's Net Cost	429
Estimating the Seller's Net Proceeds	435
Income Tax Aspects of Closing	439
1099-S Reporting	439
FIRPTA	439
Real Estate Settlement Procedures Act	439
Transactions Covered by RESPA	440
RESPA Requirements	440
Uniform Settlement Statement	442
Sample Buyer's Costs and Seller's Net Exercises	451
Explanation of Math Calculations for Buyer's Costs and Seller's Net Exercises	456

Chapter 16: Income Taxation and Real Estate	459
Basic Taxation Concepts	460
Nonrecognition Transactions	464
Installment Sales	465
Involuntary Conversions	466
Sales of Low-Income Housing	466
“Tax-Free” Exchanges	467
Special Provisions for Home Buyers and Sellers	468
Exclusion of Gain from the Sale of a Principal Residence	468
IRA Withdrawals	469
Deductions Available to Property Owners	470
Depreciation and Cost Recovery Deductions	470
Uninsured Casualty or Theft Loss Deductions	471
Repair Deductions	472
Property Tax Deductions	473
Mortgage Interest Deductions	473
Deductibility of Points and Other Loan Costs	473
Vacation Home Deductions	474
Home Office Deductions	474
Rental Payment Deductions	475
State Income Tax	475
Chapter 17: Home Ownership and Construction	481
To Rent or to Buy?	482
Factors to Consider When Choosing a Home	486
Property Insurance	495
What is Covered	495
Types of Insurance	496
Flood Insurance	497
Changes in Policy	498
Home Warranty	498
Construction	499
Local Codes and Regulations	499
The Role of the Architect	500
Plans and Specifications	500
Wood Frame Construction	500
Glossary of Construction Terms	507
Chapter 18: Georgia Real Estate License Law	515
Administration of the License Law	516
Real Estate Licenses	517
When a License is Required	517
Exemptions from License Law Requirements	518
Types of Licenses	521
Licensing Qualifications and Applications	522
License Fees and Renewal	524
License Exams	525

Regulation of Business Practices	526
The Broker’s Office	526
Affiliations and Termination	527
Broker’s Supervisory Responsibilities	528
Trust Funds	530
Records	532
Advertising	533
Commissions	533
Handling Transactions	533
Discrimination	535
Disciplinary Action	535
Grounds for Disciplinary Action	536
Disciplinary Procedures	537
Sanctions for License Law Violations	538
The Real Estate Education, Research, and Recovery Fund	539
Antitrust Laws and Their Effect on Licensee Practices	540
Chapter 19: Real Estate Math	553
Solving Math Problems	554
Area Problems	558
Squares and Rectangles	559
Triangles	559
Odd Shapes	560
Volume Problems	562
Percentage Problems	563
Solving Percentage Problems	563
Commission Problems	564
Loan Problems	565
Profit or Loss Problems	567
Capitalization Problems	568
Tax Assessment Problems	571
Seller’s Net Problems	573
Proration Problems	573
Property Tax Prorations	574
Insurance Prorations	575
Rent Prorations	576
Mortgage Interest Prorations	577
Glossary	585
Index	637