



# *Independent Study* IN IDAHO

**Bus 263**  
Real Estate Law

**Independent Study in Idaho**  
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The University of Idaho in statewide cooperation with  
Boise State University — Idaho State University  
Lewis-Clark State College

# Study Guide

*Independent*

*Study* IN IDAHO

PO Box 443225

Moscow ID 83844-3225

*Self-paced study. Anytime. Anywhere!*

## **Business 263 Real Estate Law**

University of Idaho  
3 Semester-Hour Credits

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RV: 1/8/01  
Bus C263A

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# Independent Study in Idaho

## This course is offered by the University of Idaho.

### Real Estate Law

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3 Semester-Hour Credits: UI

### Welcome!

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Whether you are a new or returning student, welcome to the Independent Study in Idaho (ISI) program. Before beginning this course, read the information provided below, including course description, prerequisites, required materials, course objectives, and information about lessons, exams, and grading.

### Important!

As you read this section, you will see the following icon: 

Use this icon to direct yourself to the **Appendix** in the back of this study guide for essential registration information, Independent Study in Idaho policies and procedures, and forms you will need to successfully complete this course. You are responsible for understanding and following ISI policies and procedures.



Turn to the **Appendix** now. Familiarize yourself with the information in the *Registration* section, student responsibilities in *Academic Integrity*, and the necessary forms. If there is anything you do not understand, please contact the ISI office for clarification before starting your course.

### Course Description

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Study of Idaho real estate law. This course has been certified by the Idaho Real Estate Commission.

### Prerequisites

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Bus C261 (Real Estate) or a course in essentials of real estate.

### Course Materials

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#### Required Course Materials

- May, J. D.. *Idaho Real Estate Law Handbook*. Coeur d' Alene: Seminar Enterprises. 2000.

Independent Study in Idaho course materials are available for purchase at the University of Idaho Bookstore. Visit the UI Bookstore's Web site, <http://www.uidahobookstore.com>, select *Textbook, Independent Study* for a list of course materials. You may order online, by telephone, (208) 885-7334, or by e-mail to [uibooks@uidaho.edu](mailto:uibooks@uidaho.edu).

Independent Study in Idaho courses are updated and revised periodically. Ordering course materials from the UI Bookstore at the time of registration allows you to purchase the correct edition(s) of textbooks, study guides, and supplemental materials. If purchasing textbooks from another source, refer to the ISBN(s) for the textbook(s) listed for this course to ensure that you obtain the correct edition(s). If you have questions regarding the course materials you have ordered and received, contact the UI Bookstore.

### Course Introduction

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Welcome to the study of real estate law. Whether you are taking this course for professional advancement or simple personal knowledge, you will find the material interesting and stimulating. Real

estate law is a subject that has its origins in the period when monarchs ruled the European continent. As decades and centuries have passed, real estate law has continuously been transformed to reflect the changes in society. Even today this field is constantly changing, adapting to our new ideas and customs. Our concept of tenants' rights has followed our urbanization as a nation, and in the last ten years environmental law and land use planning have been changing at such a rapid pace that textbooks covering these subjects must be constantly updated or replaced.

The material in this course is professionally essential if you are to function effectively in the field of real estate. The number of lawsuits naming real estate brokers and agents as defendants is rising at an alarming rate. At the very least, today's real estate professional should have a thorough working knowledge of the concepts covered in this course to minimize potential legal exposure.

This is an introductory course that goes into considerable depth. It is **not** designed to teach you to practice law in this field. Rather, its purpose is to help you avoid legal pitfalls and to assist you in dealing effectively with your attorney.

You will find that lessons are presented so that you will gain an orderly knowledge of the important segments of the textbook chapter under discussion.

You are urged to give complete but concise answers to the questions. *Avoid copying the textbook; use your own words in the answers.*

## **Course Objective**

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This course satisfies one of the four courses required for a real estate broker's license in Idaho.

## **Lessons**

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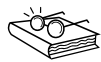
### **Overview**

Each lesson includes the following components:

- A reading assignment
- A written assignment or activity

### **Study Hints:**

- Read each chapter carefully and completely before answering the questions.
- You will probably have to go over some of the reading material several times before you fully understand it. Don't worry; this is perfectly normal.
- When answering the questions, you will probably refer to the textbook. This is fine. *However, do not expect to find all the answers in your textbook. Some questions are intended to make you think on your own and reach your own conclusions.*
- Try to relate the material in the textbook to your own experiences and those of your friends. You will be surprised how relevant the material is.
- Try to create questions for yourself and attempt to answer them.
- This course is not intended to, nor can it succeed in making you qualified to act as your own attorney. Law is complex. For every legal principle there is an opposite or counter principle. In spite of this, it is tremendously useful to you to have a general understanding of law. It is essential if you are to make effective use of your legal rights.
- Set a schedule allowing for completion of the course one month prior to your desired deadline. (An *Assignment Submission Log* is provided for this purpose.)



See the **Appendix** at the back of this study guide for essential *ISI policies on submitting lessons to your instructor*. See the letters sent in your registration packet for *your instructor's requirements: how to format and submit lessons; number of lessons you may submit at one time, and lesson guidelines*.

## Exams

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### Overview

- You must wait for grades and comments on lessons prior to taking each subsequent exam.
- For your instructor's exam guidelines, refer to the letters sent in your registration packet and the *Exam Information* sections in this study guide.

Exams follow lessons 4, 8 and 12. It is recommended that the last exam be taken within four weeks of completion of lesson 12. You will be given 90 minutes for each exam. The exams are not comprehensive.

See *Grading* for specific information on exams, points, and percentages.

### Choosing a Proctor/Scheduling Exams

All exams require a proctor unless an exam is self-administered.



See the **Appendix** for guidelines on *how to choose a proctor and schedule exams*.

## Grading

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A letter grade will be given for each written lesson and the three examinations. The final grade will be computed as follows:

Lessons	=	25 percent
Examination 1	=	25 percent
Examination 2	=	25 percent
Examination 3	=	25 percent

Letter grades are given the following weights:

A	=	4.00
B	=	3.00
C	=	2.00
D	=	1.00

Grades falling below a D will not be given credit for that lesson or examination.

The final course grade is issued after **all** lessons and exams have been graded.



See the **Appendix** for information about *confidentiality of student grades, course completion and time considerations, and requesting a transcript*.

## About the Course Developer

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Michael Harland Felton, a.k.a. Mike Felton, Jr., resides in Buhl, Idaho, and has set up the present-day firm of Felton & Felton with Mike Felton, Sr. Prior to returning to Buhl, Mike received his undergraduate degree in finance and next his juris doctorate degree, both from the University of Idaho.

After graduating from the University of Idaho, Mike worked as a tax intern for now Senator Larry Craig, served as a law clerk for the Honorable John Bengtson in Moscow, Idaho and then began to practice law with an insurance defense firm in Boise Idaho by the name of Saetrum & Day.

Mike Felton's work includes estate planning and probate as two of his primary areas of emphasis, and also includes a substantial amount of personal injury and trial work as well as a large number of family law and real estate cases.

Mike Felton, Jr. became a court-certified mediator in May of 1996 and was the youngest attorney ever to serve as the Fifth District Bar Association President. At present, Mike serves on the Idaho Supreme Court Civil Rules Advisory Committee.

### **Contacting Your Instructor**

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You will receive *course and instructor contact information* in your registration packet.



See the **Appendix** for detailed information on *contacting your instructor*.

### **Disability Support Services**

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See the **Appendix** for *information on Disability Support Services (DSS)*.

## Assignment Submission Log

Lesson	Chapter	Written Assignment	Date Submitted
1	1	16 Questions	_____
2	2	9 Questions	_____
3	3	18 Questions	_____
4	4	9 Questions	_____
<b>It is time to make arrangements with your proctor to take Exam 1.</b>			
5	5	9 Questions	_____
6	6	7 Questions	_____
7	7	4 Questions	_____
8	8	18 Questions	_____
<b>It is time to make arrangements with your proctor to take Exam 2.</b>			
9	9	3 Questions	_____
10	10	6 Questions	_____
11	11	18 Questions	_____
12	12	30 Questions	_____
<b>It is time to make arrangements with your proctor to take the Final Exam.</b>			

# Lesson 1

## Legal Basics

### Reading Assignment

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Chapter 1

### Written Assignment

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Please read the **Appendix** in the back of this study guide for essential Independent Study in Idaho policies and procedures, and forms you will need to successfully complete this course. You are responsible for understanding and following ISI policies and procedures. If there is anything on these pages you do not understand, contact the ISI office for clarification. Before starting the written assignment for Lesson 1, see the letters sent in your registration packet for your instructor's contact information and requirements: **how to format and submit lessons, number of lessons you may submit at one time, and lesson guidelines.**

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1. Discuss the differences between procedure and case law, if any.
2. Discuss the difference between courts of law and courts of equity.
3. In Idaho, if you filed a lawsuit requesting both legal and equitable remedies, would you expect to have one or two judges assigned to your case? Why?
4. Describe the main differences including, but not limited to, the jurisdictional limit for small claims court, magistrate court and district court. For full credit, you will need to discuss differences other than just the jurisdictional limits.
5. In a civil action, what is the document filed by the Plaintiff that initiates the action? Discuss the procedure by which personal service can be accomplished.
6. How long does the Defendant have to respond to a properly served document?
7. List the six methods of discovery and include a brief explanation for each.
8. What is *voir dire*?
9. Discuss the legal concept of a reasonable man.
10. What are the four requirements that must be met to be a bona fide purchaser for value?
11. What is the statute of limitations for the following:
  - (A) torts?
  - (B) fraud?
  - (C) written contracts?
  - (D) oral contracts?
12. Should a lease for eighteen months be in writing? Why?
13. Can a lease for eighteen months be enforced if it is not in writing after the lessee has made the first two required monthly payments?
14. Give an example of when (outside) evidence could be admitted to prove the intent of two parties with respect to a prior written contract.
15. Describe the doctrine of estoppel.
16. List the six requirements for a valid contract.