

**I. REAL PROPERTY CHARACTERISTICS, LEGAL DESCRIPTIONS, AND PROPERTY USE****(SALES 9; BROKER 9)****A. Real Property vs. Personal Property**

1. Fixtures
2. Trade Fixtures
3. Emblements
4. Attachment
5. Severance
6. Bill of Sale

**B. Characteristics of Real Property**

1. Economic characteristics
2. Physical characteristics

**C. Legal Descriptions**

1. Methods used to describe real property

2. Survey
  - D. Public and private land use controls – encumbrances
    1. Public controls – governmental powers
      - a. Police Power
      - b. Eminent domain
      - c. Taxation
      - d. Escheat
      - e. Zoning ordinances
    2. Private controls, restrictions, and encroachments
      - a. Covenants, Conditions, and Restrictions (CC&Rs)
      - b. HOAs

- c. Easements
  
- d. Licenses
  
  
- e. Encroachments

## II. FORMS OF OWNERSHIP, TRANSFER, AND RECORDING OF TITLE (SALES 8; BROKER 8)

### A. Ownership, estates, rights, and interests

- 1. Forms of Ownership
  
- 2. Freehold estate
  - a. Fee simple absolute
  
  - b. Fee simple defeasible
  
  - c. Determinable
  
  - d. Condition Subsequent
  
  - e. Life Estate

- f. Bundle of Rights
  
- 3. Leasehold estates and types of leases
  - a. Estate for years and from period to period(periodic estate)
  
  - b. Estate at will and estate at sufferance
  
  - c. Gross, net, and percentage leases
  
- 4. Liens and lien priority
  
- 5. Surface and sub-surface rights
  
- B. Deed, title, transfer of title, and recording of title
  - 1. Elements of a valid deed
  
  - 2. Types of deeds
  
  - 3. Title transfer
    - a. Voluntary alienation

b. Involuntary alienation

4. Recording the Title

a. Constructive and actual notice

b. Title abstract and chain of title

c. Marketable title and cloud on title

d. Attorney title opinion, quiet title lawsuit, and title insurance

### III. PROPERTY VALUE AND APPRAISAL

(SALES 11; BROKER 10)

A. Concept of value

1. Market value vs. market price

2. Characteristics of value

3. Principles of value

**B. Appraisal process**

1. Purpose and steps to an appraisal
  
2. Federal oversight of the appraisal process

**C. Methods of estimating value and Broker Price Opinions (BPO)**

1. Sales comparison approach (market data)
  
2. Cost approach
  - a. Improvements and depreciation
  
  - b. Physical deterioration
  
  - c. Functional obsolescence
  
  - d. economic obsolescence
  
  - e. Reproduction or replacement costs

3. Income approach
4. Gross rent and gross income multipliers
5. Comparative Market Analysis (CMA)
6. Broker Price Opinion (BPO)
7. Assessed value and tax implications

#### IV. REAL ESTATE CONTRACTS AND AGENCY

(SALES 16; BROKER 17)

- A. Types of contracts
  1. Express vs. implied
  2. Unilateral vs. bilateral
- B. Required elements of a valid contract
- C. Contract performance
  1. Executed vs. executory

2. Valid vs. void
  3. Voidable vs. unenforceable
  4. Breach of contract, rescission, and termination
  5. Liquidated, punitive, or compensatory damages
  6. Statute of Frauds
  7. Time is of the essence
- D. Sales contract
1. Offer and counteroffer
  2. Earnest money and liquidated damages
  3. Equitable title
  4. Contingencies



5. Disputes and breach of contract
  6. Option contract and installment sales contract
- E. Types of agency and licensee-client relationships
- F. Creation and termination of agency
- G. Licensee obligations to parties of a transaction

## V. REAL ESTATE PRACTICE

(SALES 14; BROKER 13)

- A. Responsibilities of broker
1. Practicing within scope of expertise
  2. Unauthorized practice of law
- B. Brokerage agreements between the broker and principal (seller, buyer, landlord, or tenant)
1. Seller representation – Types of listing agreements
    - a. Exclusive right-to-sell and exclusive agency listing

- b. Non-exclusive or open listing
  - c. Net listing (conflict of interest)
  - d. Multiple listing service (MLS)
- 2. Buyer representation
  - 3. Property management agreement
    - a. Accounting for funds
    - b. Property maintenance
    - c. Leasing property
    - d. Collecting rents and security deposits
  - 4. Termination of agreements
  - 5. Services, fees, and compensation

### C. Fair Housing

1. Equal opportunity in housing
2. Protected classes
3. Fair housing laws
4. Illegal practices, enforcement, and penalties
5. Prohibited advertising
6. Housing and Urban Development (HUD)
7. Americans with Disabilities Act (ADA)

### D. Risk management

1. Supervision
2. Compliance with federal regulations; including Privacy and Do Not Contact

3. Vicarious liability
4. Antitrust laws
5. Fraud and misrepresentation
6. Types of insurance
  - a. Errors and Omissions
  - b. General Liability

## VI. PROPERTY DISCLOSURES AND ENVIRONMENTAL ISSUES (SALES 8; BROKER 8)

### A. Property conditions and environmental issues

1. Hazardous substances
  - a. Lead-based paint
  - b. Asbestos, radon, and mold
  - c. Groundwater contamination and underground storage tanks

- d. Waste disposal sites and brownfields
  - e. Flood plains, flood zones, and flood insurance
2. Clean Air and Water Acts
3. Environmental Protection Agency (EPA)
- a. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
  - b. Superfund Amendment and Reauthorization Act (SARA)
  - c. Environmental site assessments (including Phase I and II studies) and impact statements
  - d. Wetlands protection
- B. Disclosure obligations and liability

## VII. FINANCING AND SETTLEMENT

(SALES 7; BROKER 7)

### A. Financing concepts and components

#### 1. Methods of financing

a. Mortgage financing – conventional and nonconventional loans

b. Seller financing – land contract/contract for deed

#### 2. Lien theory vs. title theory and deed of trust

3. Sources of financing (primary and secondary mortgage markets, and seller financing)

#### 4. Types of loans and loan programs

#### 5. Mortgage clauses

### B. Lender Requirements

#### 1. FHA requirements

2. VA requirements
  3. Buyer qualification and Loan to Value (LTV)
  4. Hazard and flood insurance
  5. Private mortgage insurance (PMI) and mortgage insurance premium (MIP)
- C. Federal Financing Regulations and Regulatory Bodies
1. Truth-in-Lending and Regulation Z
  2. TILA-RESPA Integrated Disclosures (TRID)
    - a. Consumer Financial Protection Bureau (CFPB)
    - b. Loan Estimate (LE)
    - c. Closing Disclosure (CD)

3. Real Estate Settlement Procedures Act (RESPA)

a. Referrals

b. Rebates

4. Equal Credit Opportunity Act (ECOA)

5. Mortgage fraud and predatory lending

D. Settlement and closing the transaction

**VIII. REAL ESTATE MATH CALCULATIONS**

(SALES 7; BROKER 8)

A. Property area calculations

1. Square footage

2. Acreage total

B. Property valuation

1. Comparative Market Analysis (CMA)



2. Net Operating Income (NOI)
  3. Capitalization rate
  4. Gross rent multiplier- Broker Only
  5. Gross income multiplier- Broker Only
  6. Equity in property
  7. Establishing a listing price
  8. Assessed value and property taxes
- C. Commission/compensation
- D. Loan financing costs
1. Interest
  2. Loan to Value (LTV)

3. Fees
  
  4. Amortization, discount points, and prepayment penalties
- E. Settlement and closing costs
1. Purchase price and down payment
  
  2. Monthly mortgage calculations- principal, interest, taxes, and insurance (PITI)
  
  3. Net to the seller
  
  4. Cost to the buyer
  
  5. Prorated items
  
  6. Debits and credits
  
  7. Transfer tax and recording fee

**F. Investment**

1. Return on investment
2. Appreciation
3. Depreciation
4. Tax implications on investment

**G. Property management calculations**

1. Property management and budget calculations
2. Tenancy and rental calculations