

Cumberland School of Law at Samford University
Real Property Security
Syllabus - Spring Semester 2007 - Maddox
Office Hours: By appointment or after class

Casebook: Nelson & Whitman's Cases and Materials on Real Estate Transfer, Finance & Development (7th ed. 2006). In the schedule below, an asterisk (*) indicates that material is omitted before the pages mentioned.

Handbook of Mortgage Lending

Chapter 1/Chapter 8

Contracts for the Sale of Land2-98, *115-120, 886-948**

Chapter 2

Deeds and Titles 127-157

Chapter 1 (again)

Introduction to Mortgage Financing 99-115

Chapter 3

The absolute deed as a mortgage 256-278

The installment land contract..... 279-332

The negative covenant as a mortgage 333-342

Chapter 4

Theories of title and mortgage priority vs. leases - Mortgages on rents 343-376

Receiverships 377-388

Waste 389-397

Mortgagee liability for environmental problems 398-413

Insurance and real estate taxes 414-435

Chapter 5

Transfer by the mortgagor 436-456

Restrictions on Transfer by Mortgagor 457-471

Transfers of Mortgagees Interest 472-517

Discharge of Debt and Mortgage 518-547

Merger and deeds in lieu of foreclosure 548-559

Chapter 6 (Read All)

Acceleration 560-582

Foreclosure and parties 583-611

Power of sale foreclosure..... 612-673

Statutory redemption 687-695

Bankruptcy..... 747-820

Chapter 7 (Read All)

Attendance Policy: The ABA mandates regular and punctual class attendance is required of each student. To that end, Cumberland has adopted a school-wide attendance policy. Under said policy, the Assoc. Dean will post the max. number of absences in every course each semester. That number is 20 percent of the scheduled class meetings for the course. Faculty must record student attendance in each course. While faculty may use any reasonable procedure for taking attendance, most do so by having students sign an attendance sheet. Any student whose excessive absences exceed the max allowed in a course receives a mandatory grade reduction to the next lower grade increment (i.e. B becomes B-). Additional absences may result in further grade reduction at the discretion of the faculty member after consultation with the assoc. dean. For purposes of this policy, all absences are considered unexcused.

Class Attendance and Class Roll: Attendance will be taken by signing a roll sheet to be passed around the classroom during each class. You must sign personally to be counted present. I caution you that this is a very serious matter. Any student who signs another's name, or who procures another student to sign his or her name, will be violating the Honor Code. It is not a minor violation, and it will be dealt with accordingly. It would be a tragedy for any student to mar his or her law school record with such a violation.

Needs for Special Accommodation: If you have emergency medical information that might be significant in the context of the class, or if you might need special arrangements in case the building must be evacuated, please let me know immediately by visiting me after class.

If you need academic accommodations, you should register with Dept. of Counseling Services. Please contact Pam Nelson at 726-2222, or Anne Sherman at 726-4078

Academic Integrity: Your legal reputation started the day you started law school. I regard any breach of the Honor Code as an extremely serious matter. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, call me.

Administrative Matters: I am an adjunct, therefore my office is not at the law school. My office address is 3400 Wachovia Tower 420 N. 20th St. Birmingham, AL 35203. Direct Dial is (205) 458-5424 and email is rmaddox@burr.com I prefer email but if you have an emergency call 800-487-2866 and ask to speak with Nancy Fallaw, my assistant, she can track me down regardless of where I am located.

To keep up with class discussion, **you should plan to read about 25 pages beyond** our quitting point in the preceding class.

Supplemental Reading: I don't think it is necessary for anyone to buy any books other than the assigned casebook. Other materials, listed below, are available on reserve in the library for those situations in which you might need to consult them. The standard hornbook for the course material is Nelson & Whitman, Real Estate Finance Law (4th ed. 2001). There are two outline-type books; Nelson & Whitman, Land Transactions & Finance (4th ed. 2004), which is part of West Group's "Black Letter" series, and Jon Bruce, Real Estate Finance (5th ed. 2004), which is part of West Group's "Nutshell" series.

Examination: Tentatively, a 48 hour floating examination.

NOTICE

The Professor reserves the right to make changes to the syllabus as deemed necessary, throughout the course of the academic term.