

Hondros learning – ohio real estate – law



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Appropriative Rights Water rights allocated by government permit, according to an appropriation system. It is not necessary to own property beside the body of water in order to apply for an appropriation permit. Appurtenance A right that goes with ownership of real property; usually transferred with the property, but may be sold separately. ONHONDROS LEARNING - OHIO REAL ESTATE - LAW SPECIFICALLY FOR YOU FOR ONLY \$13.90/PAGE Order

Now Constructive Annexation Personal property associated with real property in such a way that the law treats it as a fixture, even though it is not physically attached to the real property. Doctrine of Emblements The rule that allows an agriculture tenant to re-enter land to harvest crops if the lease ends (through no fault of the tenant) before the crop can be harvested. This rule applies only to the first crop. Fixture An article of personal property which has been installed in or attached to land or a building thereon, in such a manner that it is now considered to be a part of the real estate. ALSO KNOWN AS: Improvements Fructus Industriales "Fruits of Industry"... annual crops, generally considered personal property. (e. g. planted crops that will die if they're not harvested yearly) Fructus Naturales "Fruits Natural" naturally occurring vegetation that does not require annual planting and cultivation (e. g. flowering bushes, trees, shrubs etc.) Trespass A physical invasion of the land by another person who has no lawful right to enter the land. Encroachment An unlawful intrusion onto another's adjacent property by improvements to real property (e. g. a swimming pool built across a property line... a neighbor's tree hanging over the property line.) Nuisance Involves interference with the quiet enjoyment of the land from the outside. (e. g. a toxic waste dump / prison / airport being on a lot near or next to you.) Natural Attachment Plants growing on land - considered

real property. Riparian Rights Rights of an owner whose land borders flowing water (e. g., a river or watercourse), to the reasonable use of the water. Rule of Capture The owner of an oil or gas well could claim all that is pumped from it, regardless of whether the oil or gas migrated from adjacent property.

Trade Fixture Items of personal property attached to the real property and used by a tenant in the operation of the tenant's business. Annexation The attaching of personal property to land so that the law views it as part of the real property (a fixture). Annexation can be actual or constructive. Adverse

Possession A method of acquiring title by possession under certain conditions. Generally, possession must be actual, under claim of right, open, continuous, notorious, exclusive, and hostile (knowingly against the rights of the owners). Dower In some states, a life estate that is a one third estate in real property which the spouse is entitled to claim upon the death of the other spouse on land which the late spouse sold during their marriage. Fee Simple An inheritable, transferable, perpetual ownership interest.

Foreclosure When a lienholder causes property to be sold so unpaid debt secured by the lien can be satisfied from the sale proceeds. Fee Simple

Defeasible A type of real property ownership that may be defeated or undone if certain events occur or certain conditions are not met. Fee Simple

Determinable A defeasible fee estate terminated automatically if certain conditions occur. Lien A legal claim against another person's property as

security for a debt. A lien does not convey ownership of the property, but gives the lien holder a right to have his or her debt satisfied out of the proceeds of the property if the debt is not otherwise paid. Leasehold

Estate Tenant's right to occupy (not own) real estate for an determinate length of time, can be tried under personal property laws. Freehold Estate An

estate in real property held for an indefinite duration. There are two types of freehold estates: Fee Estates and Life Estates. Life Estate A freehold estate in land that is limited in duration to the life of the owner or to the life or lives of some other designated person or persons. Possessory Interest An interest in property that entitles the holder to possess and occupy the property, now or in the future; an estate, which may be either a freehold or leasehold.

Common Law Marriage An informal type of marriage requiring no ceremony—legalized by some states, but not by others. MD does not authorize common law marriage, but will recognize common law marriage of a jurisdiction which permits it, provided. Estate for Years Leasehold interest for specific period of

time; definite beginning, definite ending; not terminated by death of either party, nor sale of property; no notice required. Easement in Gross A right of someone who is not a land owner to use the land of another. (There is no dominant tenement) Acknowledgement When a party signing a document formally declares to an authorized official that he signed voluntarily. The official certifies that the signature is voluntary and genuine. Actual

Notice Having actual knowledge of a fact, as opposed to knowledge imputed or inferred by law. Consideration Anything of value (e. g. money, services, goods, promises) given to induce another person to enter into a contract.

Constructive Notice Knowledge of a fact imputed to a person by law. A person is held to have constructive notice of a fact because it was a matter of public record, even if the person was not actually aware of it. Deed An instrument that conveys the grantor's interest, if any, in the real property. Donative

Intent A grantor's intent to transfer title immediately and unconditionally.

Inquiry Notice Having notice of a problem because circumstances should have alerted a person to a problem that needed to be investigated further,

even if actual knowledge of a particular fact does not exist. Ownership in Severalty Ownership by a single individual as opposed to a co-ownership. Title The actual lawful ownership of real property. This is not a document, but rather a concept or theory dealing with ownership. Undivided Interest A co-tenant's interest, giving him the right to possession of the whole property rather than a fraction of it. Case Law Rules of law developed in court decisions, as opposed to constitutional law, statutory law, or administrative regulations. Civil Litigation A lawsuit in which one individual sues another for compensation. Criminal Litigation A lawsuit in which the government sues an individual to punish the wrongdoer and protect society. Damages An amount of money a defendant is ordered to pay to a plaintiff. Due Process A fair hearing before an impartial judge. Under the U. S. Constitution, no one may be deprived of life, liberty, or property without due process of law. Precedent A previously decided case concerning the same facts as a later case; a published judicial opinion that serves as authority for determining a similar issue in a later case. Pretrial Discovery Using depositions and interrogatories to learn more about the disputed facts in a case from the opposing parties and reluctant witnesses. Settlement An agreement between the parties to a civil lawsuit, in which the plaintiff agrees to drop the suit in exchange for a sum of money or the defendant's promise to do or refrain from doing something. Stare Decisis The legal doctrine that requires a judge to follow precedent (decided in the same jurisdiction) to make the law consistent and predictable. Tort A breach of some obligation causing harm or injury to someone ; a civil wrong, such as negligence or libel. Estoppel A legal doctrine that prevents a person from asserting rights or facts that are inconsistent with his or her earlier actions or statements, when he or she

failed to object (or attempt to " stop") another person's actions. Familial StatusProtected group under the federal fair housing act and the IL Human Rights Act which make it illegal to discriminate against a person because he/she is the parent/guardian of a child less than 18 years of age. Mrs. Murphy ExemptionAn exemption to the Federal Fair Housing Act for an owner-occupied dwelling of four units or less provided the owner occupies one unit, does not use discriminatory advertising, and does not use a real estate agent. Ohio does not recognize this exemption.