

Example of case study on property

[Finance](#), [Investment](#)



Property: Barney Discussion Board 3

Barney may be a man that seems to have plunged on circumstances of ghastly luck. Barney has not only lost his properties, but also he has lost his vehicle. It may be a depressing case to observe that he has gone through a great deal in a matter of a few days; this may make have Barney to feel hurt and lost. Being Barney's attorney, it may be best to provide him with paramount legal advice and assist him to be aware of his alternatives although there may be a likelihood that he may not have the ability to recover anything that has gone. First, we will at this moment look into is what he may be entitled too and all his rights.

Joint tenancy in addition with the right of survivorship may be referred to as "where title to an asset is held by two or more persons" (James T. Blazek & Associates, P. C., L. L. O., 2008). Barney had entered into a joint tenancy and currently he may be the sole survivor out-of the three that had entered into the joint tenancy, nevertheless, Barney had placed in his 'will' leaving the 'interest of the property' to Opie his son. Opie has now used that 'interest of the property' as collateral that has caused seizure of the property.

This may be what we intend to look at and establish, though this may be stated in a 'will', does Opie has rights to it? Opie ought not to have been able to make use of the 'interest on the property' because Barney is not dead and is still alive. When you look into the joint tenancy and in addition consider that the 'interest of the property' had been merely stated in the will of Barney. The bank ought to be put at fault since the bank had no proof of whether Opie may even be entitled to the 'interest of the property'.

Barney and Earnest have known one another actually for a while, and Barney

had no knowledge that Earnest had been living on the mountain property. The issue may be how to this can be handled and resolved. What Earnest and Barney may be faced with now is termed as ‘adverse possession’. The Cornell University Law School defines adverse possession to be “when someone in possession of land that is owned by another person may obtain a valid title to that land” (Adverse Possession, 2012). What this connotes may be that by someone having a property for some amount of time, it may become their possession. Under the limitations statute, some may only be required to have seven years in possession of the property if it may be under color title whereas others require 20 years if they are not under color title. In this matter it may be a huge loss to Barney never saw this coming.

After having such an unusual encounter and a rough day, Barney’s day may only be starting. Even though he may be noticing that all the construction that may be going on his surrounding, it never dawned on him that his property would be flattened to construct the new Nickelodeon Family Resort. Something to look at under eminent domain was the question; under which conditions was the state permitted to claim this property? Kubasek, Brennan, and Browne describe ‘eminent domain’ as the “constitutional right of the state to seize private property, upon compensation that may be termed as just, for a principle that will benefit the welfare of the general public” (The Legal Environment of Business, 2010). The modus operandi for this to occur may be that the government has to have made an ‘offer’ to the owner of the property so as to get hold of it. If this deal does not occur smoothly and easily in that case legal matters may have to be advanced and follow in the courts so as to conclude whether the government can be able to have the

property stipulated that the owner declines to sell it. In the case of Barney, he just saw an envelope on his door that contained the notice and was never aware that his house on the beach had been sold. A similar matter to this case, would be that of 'Kelo verses New London' that was to be reviewed following the ruling by the Supreme Court that stipulated you have proper land acquisition, then the government may be able to use 'eminent domain' and to claim that property. Barney in this case was offered by the state to be compensated, although it was as much afflicting for him to lose his hard earned property. Nobody has the will to lose grip over their home; however, there may be something good coming from this loss and Barney now has the ability to buy property somewhere else.

Barney must be given credit for trying to make other people happy and still maintain his grounds despite what he may be going through. The time that Thelma Lou and Barney took a turn was to be the most terrible; that no one could have even imagined it coming. Barney just desired to take Thelma Lou for a huge dinner and a former employee posing as a valet unsuspectingly stole his car; the name of the employee was Carl. Even though Barney took the correct measures to make sure his car was returned, the police failed Barney. Later, the car was sold and nobody had a thought that the car was stolen. The actions of Carl to Barney may have misled him into believing that he was an important person that had the power to watch-over vehicles whilst the customers dined. In this case, bailment would be challenged for the reason that Barney had transferred his car under the assumption that his car was to be returned to Carl. Carl then sold out the car to a dealer who sold it to somebody else. Barney's shock of finding his car ought to have been a

hurtful moment reflecting the things that he had gone through. I relate Psalm 29: 11, to Barney and all that has happened; Psalm 29: 11 states that “ The LORD provides strength to his people; and he blesses them with peace” (New International Version Bible).

The preeminent advice for Barney may be to keep-up with all of his property and not to trust others so much and remember of all the events and lessons he has learned from this affair. Barney should also take into account, Philippians 4: 13 that states that, “ I can do all things through Christ which strengthens me” (King James Version Bible).

References

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Pearson.