



WACO, TEXAS

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**COURSE SYLLABUS**

**AND**

**INSTRUCTOR PLAN**

**LAW OF CONTRACTS**

**RELE 1311.87**

**TAMMY TULL, MBA, MS**

**NOTE: This is a 16-week course.**

**COVID 19 Notice:**

McLennan Community College is committed to providing you with every resource you need to reach your academic goals including your safety. We will continue to monitor the evolving situation with COVID 19 and adjust our safety guidelines to make sure we offer a safe environment for you and our faculty. Please make sure to consult your faculty and the MCC website on any changes to these guidelines.

# LAW OF CONTRACTS

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## **Course Description:**

Elements of a contract, offer and acceptance, statute of frauds, specific performance and remedies for breach, unauthorized practice of law, commission rules relating to use of adopted forms, and owner disclosure requirements. Semester Hours 3 (3 lec).

## **Prerequisites and/or Corequisites:**

None

## **Course Notes and Instructor Recommendations:**

- Refer to the syllabus, often
- Take quizzes and exams
- Prepare for class-Read the assignments and do your work
- Turn in your work properly and on time ***\*No Late Work Accepted***
- Check for feedback and learn from your mistakes
- Ask Questions

## **Instructor Information:**

Instructor Name:	Tammy Tull
MCC Email:	<a href="mailto:ttull@mclennan.edu">ttull@mclennan.edu</a>
Office Phone Number:	(254) 299-8666
Office Location:	MAC 214
Office/Teacher Conference Hours:	Mon & Wed: 9:30 – 10:30 a.m.
Other Instruction Information:	

## **Required Text & Materials:**

Title:	Texas Law of Contracts
Author:	Barrell
Edition:	3 <sup>rd</sup>
Publisher:	Dearborn Real Estate Education
ISBN:	9781475446715

**MCC Bookstore Website:** <http://www.mclennan.edu/bookstore/>

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## **Methods of Teaching and Learning:**

Lecture, discussions, participation, assignments, tests, and quizzes.

## **Course Objectives and/or Competencies:**

### **Unit 1: Texas Contract Law**

- 1.1 describe the composition and duties of the Texas Real Estate Commission (TREC);
- 1.2 describe the unauthorized practice of law and how to avoid it;
- 1.3 describe the composition and duties of the Broker-Lawyer Committee;
- 1.4 describe TREC's rules regarding the use of promulgated forms;
- 1.5 explain and give examples of the exceptions to TREC's rules regarding the use of promulgated forms;
- 1.6 describe the requirement by Section 5.008 of the Texas Property Code for sellers to provide to buyers a written notice of a property's condition;
- 1.7 identify the exceptions to the seller's disclosure requirement;
- 1.8 explain when the seller has to provide the disclosure;
- 1.9 describe the buyer's rights based upon the receipt of the disclosure; and
- 1.10 describe how the Deceptive Trade Practices Act applies to real estate agents.

### **Unit 2: Basics of Real Estate Law**

- 2.1 define land, real estate, and real property;
- 2.2 describe the rights individuals can have in the ownership and use of real estate;
- 2.3 give examples of real and personal property;
- 2.4 describe and identify fixtures and trade fixtures;
- 2.5 review the characteristics of real property;
- 2.6 compare the ways that title can be held in co-ownership: tenancy in common, joint tenancy, tenancy by the entirety; and community property;
- 2.7 explain the different ways property can be owned by married couples;
- 2.8 describe the ways in which various business organizations may own property; and
- 2.9 compare the condominium, cooperative, town-house, and time-share forms of property ownership.

### **Unit 3: Contracts Used in Real Estate**

- 3.1 distinguish between express and implied, bilateral and unilateral, and executed and executory contracts;
- 3.2 explain the difference in valid, void, voidable and unenforceable contracts;

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- 3.3 identify the essential elements of a valid contract;
- 3.4 explain the difference between an assignment and a novation;
- 3.5 give examples of what constitutes a breach of contract;
- 3.1 list reasons for a termination of a contract;
- 3.2 describe the types of contracts used in the real estate business;
- 3.3 describe different types of listings and how they may be terminated;
- 3.4 identify the information needed for a listing agreement;
- 3.5 compare a listing agreement and a buyer agency agreement;
- 3.6 define types of leasehold estates;
- 3.7 summarize the requirements and general conditions of a valid lease and how it may be discharged;
- 3.8 describe different leases and when they are used; and

## **Unit 5: The Sales Contract**

- 5.1 list the details included in a sales contract;
- 5.2 describe the process of offer and acceptance of a sales contract;
- 5.3 explain the process involved in making a counteroffer;
- 5.4 define statute of frauds and parole evidence and their use;
- 5.5 identify types of personal and financial information that may be included in the sales contract;
- 5.6 describe the three methods that are used for a legal description of property;
- 5.7 discuss the financing information that should be included in a contract;
- 5.8 review the purpose and disposition of an earnest money deposit; and
- 5.9 discuss the ramifications of default or breach of contract.

## **Unit 6: Contingencies, Addenda, and Amendments**

- 6.1 identify common contingencies included in sales contracts;
- 6.2 state the purpose for using a loan contingency;
- 6.3 identify the possible ramifications of an appraisal contingency;
- 6.4 explain the use of an approval of homeowner or condominium documents contingency;
- 6.5 explain the types of inspections sometimes required or requested by a buyer;
- 6.6 identify types of hazardous substances frequently covered in an inspection contingency;
- 6.7 discuss the benefits and the risks of allowing a sale of property contingency;
- 6.8 describe an amendment and how and when it is used; and
- 6.9 describe an addendum and how and when it is used

## **Unit 7: Financing Real Estate**

- 7.1 identify the basic components of a promissory note;

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- 7.2 define loan origination fee, discount points, and prepayment penalty;
- 7.3 explain a deed of trust and why lenders prefer it;
- 7.4 explain the use of a land contract or owner financing;
- 7.5 identify the two general types of foreclosure proceedings;
- 7.6 identify the types of institutions in the primary and secondary mortgage markets;
- 7.7 describe the various types of financing techniques available;
- 7.8 discuss the significance of private mortgage insurance on conventional loans;
- 7.1 compare FHA and VA government loans; and
- 7.2 examine the role of government financing regulations: Truth in Lending, Equal Credit Opportunity, and Real Estate Settlement Procedures Acts.

### **Unit 8: Conveyance of Title**

- 8.1 list the basic requirements for a valid deed;
- 8.2 describe the most common types of deeds;
- 8.3 illustrate how transfer tax may be assessed on a conveyance of property;
- 8.4 explain how property may be transferred through voluntary and involuntary alienation, including a discussion of adverse possession;
- 8.5 explain the difference in someone dying testate and intestate and the effect on potential heirs;
- 8.6 review the legal requirements for making a will;
- 8.7 identify the purpose and procedure of probate;
- 8.8 explain the importance of recording documents in the public records;
- 8.9 describe constructive and actual notice;
- 8.10 distinguish between chain of title and abstract of title;
- 8.11 review the process and purpose of a title search;
- 8.12 discuss ways to show proof of ownership; and
- 8.13 compare what is included in title insurance policies.

### **Unit 9: Transaction Process and Closing**

- 9.1 describe the steps involved in the transaction process from contract to closing;
- 9.2 prepare a list of tasks to be done in preparation for closing by the closing agent;
- 9.3 list the tasks to be done by the buyer and the seller before closing;
- 9.4 describe a face-to-face closing, including where it might be held, individuals who attend, and any special considerations;
- 9.5 identify the items to be deposited by the seller and by the buyer in an escrow closing;
- 9.6 discuss the impact of the Taxpayer Relief Act and the Consumer Protection Act on closings;
- 9.7 identify the practices that are prohibited by the Real Estate Settlement Procedures Act;
- 9.8 define the disclosures required by the Real Estate Settlement Procedures

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Act; and 9.9 identify items that are typically prorated at closing.

### **Unit 10: Common Contract Mistakes**

10.1 describe issues with the identification of the parties and the property in a sales contract;

10.2 describe issues in the sales contract regarding checkboxes, signatures, effective dates, and addenda;

10.3 discuss the proper and improper use of the Special Provisions paragraph of the sales contract;

10.4 explain what makes property real or personal and the need to address these issues in the sales contract; and

10.5 describe the terms marketable title and cloud on the title.

### **Course Outline or Schedule:**

*This schedule is subject to change. Notification of changes will be announced during class, posted in Brightspace and/or delivered by MCC student e-mail. Students are responsible for checking all forms of communication.*

Date	Class Agenda	Items Due
08/23/21	Chapter 1, Introduction, TREL Assignment	Q1, Introduction, TREL Assignment due 08/29/21
08/30/21	Chapter 2, Basics of Contract Law	Q2, Basics of Ownership Assignment due 09/05/21
09/06/21	Chapter 3, Validity	Q3, Validity Assignment due 09/12/21
09/13/21	Chapter 4, Homestead in Texas	Q4, Homestead Assignment due 09/19/21
09/20/21	EXAM 1-Chapters 1-4	Exam 1 due 09/26/21
09/27/21	Chapter 5, Case Study	Q5, Case Study due 10/03/21
10/04/21	Chapter 6, Default	Q6, Default Assignment due 10/10/21
10/11/21	Chapter 7, Contingencies	Q7, Contingency Assignment due 10/17/21
10/18/21	Chapter 8, Finance, Introduce Project	Q8, Finance Assignment due 10/24/21
10/25/21	EXAM 2-Chapters 5-8	Exam 2 due 10/31/21
11/01/21	Chapter 9, OR or EE	Q9, OR/EE Assignment due 11/07/21

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11/08/21	Chapter 10	Q10 due 11/14/21
11/15/21	Chapter 11	Q11 and Project due 11/21/21
11/22/21	THANKSGIVING WEEK	THANKSGIVING
11/29/21	EXAM 3-Chapters 9-11	Exam 3 due 12/03/21
12/06/21	Study for Finals-Due 12/06/21 TODAY ONLY 8:00 a.m. – 8:00 p.m.	Opens 12/06/21 8:00 a.m. Due 12/06/21 8:00 p.m.

*This course schedule is subject to change at the discretion of the instructor.*

### **Course Grading Information:**

#### **Grading Scale**

A	895 and above
B	795-894
C	695-794
D	600-694
F	<b><i>Below 600</i></b>

#### **Points Distribution**

Assignment	Details	Points Available
Exams	3 exams worth 100 points each	300
Quizzes	11 quizzes worth 10 points each	110
Assignments/Participation	Varies	240
Project	Contract Project	150
Final Exam	Comprehensive	200
<b><i>The overall grade is based on a scale of 1000 points</i></b>	<b><i>NO LATE WORK WILL BE ACCEPTED</i></b>	<b><i>1000 POINTS TOTAL</i></b>

SPECIAL NOTE: Students will earn a zero if caught cheating, plagiarizing, or colluding with others to gain grade advantage in the course, either for themselves or others.

### **Late Work, Attendance, and Make Up Work Policies:**

No late work will be accepted and work not submitted by due date and time will earn a zero. Attendance policies will be enforced. Student who misses more than 4 class periods will be dropped from the course. Review MCC Rules and Policies here:

<http://www.mclennan.edu/highlander-guide/policies>

**Student Behavioral Expectations or Conduct Policy:**

- Professor and Students are expected to treat each other and peers with courtesy, dignity, and respect.
- Students are expected to convey an attitude that seeks to take full advantage of the education opportunity and participate in class activities and discussions.
- Attendance is important for academic success and students are expected to participate in all activities for maximum learning effectiveness.

**[Click Here for the MCC Attendance/Absences Policy](https://www.mclennan.edu/highlander-guide/policies.html)**

**(<https://www.mclennan.edu/highlander-guide/policies.html>)**

Click on the link above for the college policies on attendance and absences. Your instructor may have additional guidelines specific to this course.



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## ACADEMIC RESOURCES/POLICIES

### **Student Support/Resources:**

MCC provides a variety of services to support student success in the classroom and in your academic pursuits to include counseling, tutors, technology help desk, advising, financial aid, etc. A listing of these and the many other services available to our students is available at <http://www.mclennan.edu/campus-resource-guide/>

College personnel recognize that food, housing, and transportation are essential for student success. If you are having trouble securing these resources or want to explore strategies for balancing life and school, we encourage you to contact a Success Coach by calling (254) 299-8226 or emailing [SuccessCoach@mclennan.edu](mailto:SuccessCoach@mclennan.edu). Students may visit the Completion Center Monday-Friday from 8 a.m.-5 p.m. to schedule a meeting with a Success Coach and receive additional resources and support to help reach academic and personal goals. Paulanne's Pantry (MCC's food pantry) provides free food by appointment to students, faculty and staff based on household size. Text (254) 870-7573 to schedule a pantry appointment. The Completion Center and pantry are located on the Second Floor of the Student Services Center (SSC).

### **MCC Foundation Emergency Grant Fund:**

Unanticipated expenses, such as car repairs, medical bills, housing, or job loss can affect us all. Should an unexpected expense arise, the MCC Foundation has an emergency grant fund that may be able to assist you. Please go to <https://www.mclennan.edu/foundation/scholarships-and-resources/emergencygrant.html> to find out more about the emergency grant. The application can be found at [https://www.mclennan.edu/foundation/docs/Emergency\\_Grant\\_Application.pdf](https://www.mclennan.edu/foundation/docs/Emergency_Grant_Application.pdf).

### **Minimum Technical Skills:**

Students should have basic computer skills, knowledge of word processing software, and a basic understanding of how to use search engines and common web browsers.

### **Backup Plan for Technology:**

In the event MCC's technology systems are down, you will be notified via your MCC student email address. Please note that all assignments and activities will be due on the date specified in the Instructor Plan, unless otherwise noted by the instructor.

### **Minimum System Requirements to Utilize MCC's D2L|Brightspace:**

Go to <https://www.mclennan.edu/center-for-teaching-and-learning/Faculty%20and%20Staff%20Commons/requirements.html> for information on the minimum system requirements needed to reliably access your courses in MCC's D2L|Brightspace learning management system.

**Email Policy:**

McLennan Community College would like to remind you of the policy (<http://www.mclennan.edu/employees/policy-manual/docs/E-XXXI-B.pdf>) regarding college email. All students, faculty, and staff are encouraged to use their McLennan email addresses when conducting college business.

A student's McLennan email address is the preferred email address that college employees should use for official college information or business. Students are expected to read and, if needed, respond in a timely manner to college emails.

**Instructional Uses of Email:**

Faculty members can determine classroom use of email or electronic communications. Faculty should expect and encourage students to check the college email on a regular basis. Faculty should inform students in the course syllabus if another communication method is to be used and of any special or unusual expectations for electronic communications.

If a faculty member prefers not to communicate by email with their students, it should be reflected in the course syllabus and information should be provided for the preferred form of communication.

**Email on Mobile Devices:**

The College recommends that you set up your mobile device to receive McLennan emails. If you need assistance with set-up, you may email [Helpdesk@mclennan.edu](mailto:Helpdesk@mclennan.edu) for help.

**Forwarding Emails:**

You may forward emails that come to your McLennan address to alternate email addresses; however, the College will not be held responsible for emails forwarded to an alternate address that may be lost or placed in junk or spam filters.

**MCC Academic Integrity Statement:**

Go to [www.mclennan.edu/academic-integrity](http://www.mclennan.edu/academic-integrity) for information about academic integrity, dishonesty, and cheating.

**Accommodations/ADA Statement:**

Any student who is a qualified individual with a disability may request reasonable accommodations to assist with providing equal access to educational opportunities. Students should contact the Accommodations Coordinator as soon as possible to provide documentation and make necessary arrangements. Once that process is completed, appropriate verification will be provided to the student and instructor. Please note that instructors are not required to provide classroom accommodations to students until appropriate verification has been provided by the Accommodations Coordinator. For additional information, please visit [www.mclennan.edu/disability](http://www.mclennan.edu/disability).

Students with questions or who require assistance with disabilities involving physical, classroom, or testing accommodations should contact:

[disabilities@mclennan.edu](mailto:disabilities@mclennan.edu)

254-299-8122

Room 319, Student Services Center

**Title IX:**

We care about your safety, and value an environment where students and instructors can successfully teach and learn together. If you or someone you know experiences unwelcomed behavior, we are here to help. Individuals who would like to report an incident of sexual misconduct are encouraged to immediately contact the Title IX Coordinator at [titleix@mclennan.edu](mailto:titleix@mclennan.edu) or by calling Dr. Drew Canham (Chief of Staff for Diversity, Equity & Inclusion/Title IX) at (254) 299-8645. Individuals also may contact the MCC Police Department at 299-8911 or the MCC Student Counseling Center at MCC at (254) 299-8210. The MCC Student Counseling Center is a confidential resource for students. Any student or employee may report sexual harassment anonymously by visiting <http://www.lighthouse-services.com/mclennan/>.

Go to McLennan's Title IX webpage at [www.mclennan.edu/titleix/](http://www.mclennan.edu/titleix/). It contains more information about definitions, reporting, confidentiality, resources, and what to do if you or someone you know is a victim of sexual misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence.

**Disclaimer:**

The resources and policies listed above are merely for informational purposes and are subject to change without notice or obligation. The College reserves the right to change policies and other requirements in compliance with State and Federal laws. The provisions of this document do not constitute a contract.