REAL PROPERTY

A. Real property may be valued for purposes of condemnation, taxes, damages or conveyance. What are three methods of valuing real property?

(1)

(2)

(3)

B. If the negligence of the plumber results in broken water pipes and substantial damage to plaintiff's home, what can plaintiff recover? Read pages 506-514.

(1) general damages; § 30-1, 30-2

(2) special damages

C. If Defendant's negligence results in the permanent pollution of plaintiff's water well, what can the plaintiff recover? See pages 500-506, 520-527

(1) general damages

(2) special damages

D. Defendant dropped 2 tons of rotten sweet potatoes on plaintiff's vacant, unoccupied land. Two of plaintiff's cows ate the sweet potatoes and died. What are the remedies available to plaintiff? See pages 47-49. § 30-6

(1) Damages

a)

b)

c)

d)

(2) Restitution

(3) Equity

(4) To what extent can the above remedies be combined?

E. In the context of a boundary dispute, plaintiffs allege that defendants have occupied a building on plaintiffs' property. What is the remedy? What is the relief? Read Ark. Code Ann. § 18-60-201 et seq. § 30-13

(1) Remedy:

(2) Relief:

A)

B)

(3) What common law defense is likely to be raised?

F. In contrast with ejectment, what is the objective of a forcible entry and unlawful detainer action? Read Ark. Code Ann. § 18-60-301 et seq. § 25-3

(1) When does the landlord have a cause of action?
§ 18-60-304

(2) Outline the procedure to be followed:

a) § 307

b)

c)

d)

e) § 310

f)

g)

(3) In your opinion is the procedure constitutional?

(4) What does the landlord recover? §309

(5) When does the tenant have a cause of action? § 303

What does the tenant recover? § 309(d), 311

(7) See the Arkansas Residential Landlord-Tenant Act of 2007. See 18-17-101, and following.

G. Distinguish:

(1) ejectment

(2) forcible entry and unlawful detainer
(3) quiet title action; Ark. Code Ann. § 18-60-501 et seq.

(4) bill to remove cloud on title

(5) adverse possession; See ACA § 18-11-106; §§ 13-7, 30-13

(6) partition; Ark. Code Ann. § 18-60-403

H. In the absence of a statute, what is the black letter rule for equity and trespass? Why?

I. Defendant's garage extends over the property line and occupies 60 square feet (20 by 3 feet) of plaintiff's residential property. Read pages 51-53, 83-85. See 1994 Ark. L. Notes 1.

(1) What is the traditional remedy?

(2) What are the exceptions?

(3) If equitable relief is not appropriate, what other remedies are available?

(a)

(b)

(c)

J. Owner Peter hires a contractor Carl to build a home on Lot #1, to which Peter has title. A mistake is made (by Peter or Carl) and the house is built on Lot #2, which is owned by Debbie, an absentee owner. When she comes to visit her children in Arkansas, she visits the lot and discovers the new house on her land.

If Peter and Carl come to you for advice, what remedies or procedures would you consider? See pages 883-887. § 30-14

(1) The common law

(2) Is § 18-60-105 applicable?

(3)

(4) Is § 18-60-213 applicable?

(5) What is the last available option?

K. Unusual acts of trespass

(1) Continuing and repeated trespass by duck hunters, page 49

(2) Straying golf balls, pages 53, 56, 349-350

(3) Edwards v. Lee's Administrator, page 827

(4) Raven Red Ash Coal Co. v. Ball, page 827

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