

Course Title: Do's and Don'ts of Transferring Title; NM Course #21020181

Description: This course studies the manner by which estates in land are transferred, both by voluntary and involuntary alienation. The course details the elements of each type of deed, conveyance and transfer. It then seeks to find the correct application and the proper documentation for each of the various real property transactions we encounter.

Learning Objectives:

- L1: Students will know the essential elements of any type of estate transfer.**
- L2: Students can demonstrate which method of transfer (deeds, etc) applicable for each type of transaction planned or encountered.**
- L2: Students will understand the risks and liabilities occurring under the various deeds, as both grantors and grantees.**
- L3: Students demonstrate the burdens on estate transfers occurring by reason of bankruptcy, judgments and other encumbrances.**
- L4: Students distinguish between prescription, adverse possession, eminent domain and escheat.**
- L5: Students evaluate the type of transfer document appropriate for their clients in the transfer of their estates (as both grantor and grantee).**
- L5: Students distinguish between and understand the uses and benefits of Trust deeds, TODD deeds, and other estate-transfer mechanisms.**

The following will be the means used in assessing whether the Learned Objectives have been met: Q+A=questions and answers; CS = case study; L = lecture, PP = power point; GD = group discussions

Timed Outline

0-15	Class introduction and review objectives	L; PP
15-30	Essential elements to any transfer, emphasis on delivery and acceptance	L; PP; CS
30-45 in detail	Compare and differentiate various Deeds: Warranty, Special warranty and quit claim, all	L; PP; Q+A

45-60	Tax deeds, Conservator deeds and PR deeds: the details and the limitations of special warranty deeds	L; PP
60-75	Transfer on Death Deeds (and other estate mechanisms)	GD; L; PP
75-90	Recordation, occupancy, Constructive notice and elements of transfer and closing	L; PP
90-105	Quieting title; types of Powers of Attorney: scope of authority, NMREC regulations, inherent risks and methods to mitigate same	GD; CS; PP
105-120	Understand and distinguish between various tenancies: in common, joint, applications for use; cautions and risk avoidance	L; PP; GD
120-135	Classes of property: separate and community; differences by definition and use	CS; GD; PP
135-150	Mortgages and deeds of trust: voluntary alienation; mortgage covenants; foreclosure, redemptions	L; PP; GD; Q+A
150-165	Real Estate contracts; equitable conversion of title; breach of alienation clause and inherent dangers	L; PP; GD
165-180	Prescription and adverse possession – involuntary alienation; mitigating the risk of property loss	CS; GD; PP
180-195	Theory of Eminent domain and methods of condemnation: how they operate including inverse condemnation	PP; L; CS; GD
195-210	General rules of Intestate succession; the use of Affidavits of Heirship and QCs; abandonment and escheat	PP; L
210-225	Judgments and bankruptcy and the affects on alienation	PP; L; Q+A
225-240	Summary and review objectives	GD; Q+A