LEARNING AIDS

THE ESSENTIALS

**Essential Elements of a Deed**
- Intent of the Grantor
- Names of the Parties
- Description of the Property
- Granting Clause
- Consideration
- In Writing
- Signature of the Grantor
- DELIVERY

**Covenants of a Deed**
- Seizin
- Against Encumbrances
- Quiet Enjoyment
- Further Assurance
- Warranty Forever

**Essential Elements of a Contract**
- Mutual Agreement
- Consideration
- Capacity/Competency
- Legal Purpose

**Essential Elements of Value**
- Demand
- Utility or usefulness
- Scarcity
- Transferability

**Four Unities of Joint Tenancy**
- Possession
- Interest
- Time
- Title

Joint Tenancy conveys full rights of survivorship

**Bundle of Rights**
- Possession
- Use/Control
- Quiet Enjoyment
- Disposition

In Writing (if for sale or purchase of real estate)
Measurements:

1 square yard = 9 square feet
1 cubic yard = 27 cubic feet
1 mile = 5,280 linear feet
1 section = 640 acres
1 section = 1 mile square
1 township = 36 square miles
1 acre = 43,560 square feet
1 rod = 16.5 feet
1 chain = 66 feet or 100 links
1 link = .66 feet
## Or’s and Ee’s — Who’s Who?

<table>
<thead>
<tr>
<th>The Or’s Give</th>
<th>What is given or received?</th>
<th>The Ee’s Receive</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offeror</td>
<td>Offer</td>
<td>Offeree</td>
<td>Buyer and seller often change roles.</td>
</tr>
<tr>
<td>Optionor (Seller)</td>
<td>Option</td>
<td>Optionee (Buyer)</td>
<td>The Shakespeare Contract, “To buy or not to buy.”</td>
</tr>
<tr>
<td>Lessor (Owner)</td>
<td>Lease</td>
<td>Lessee (Tenant)</td>
<td></td>
</tr>
<tr>
<td>Grantor (Seller)</td>
<td>Grant or Deed</td>
<td>Grantee (Buyer)</td>
<td></td>
</tr>
<tr>
<td>Mortgagor (Borrower)</td>
<td>Mortgage (Security/Collateral)</td>
<td>Mortgagee (Lender)</td>
<td>This one is the most often misunderstood.</td>
</tr>
<tr>
<td>Trustor (Borrower)</td>
<td>Trust Deed (Security/Collateral)</td>
<td>Trustee (3rd Party)</td>
<td>Trustee holds security for the beneficiary (lender) in the form of “Power of Sale.”</td>
</tr>
<tr>
<td>Vendor (Seller)</td>
<td>Property</td>
<td>Vendee (Buyer)</td>
<td></td>
</tr>
<tr>
<td>Payor (Borrower)</td>
<td>Payment, Money, or Promissory Note</td>
<td>Payee (Lender)</td>
<td>Payor is also know as the maker of the note.</td>
</tr>
</tbody>
</table>
Time Periods

1 day = Borrower to see the closing statement before the closing (RESPA)
3 days = Truth in Lending right of rescission
3 days = Time to get money in trust account (banking, not calendar days)
5 days = Utah Land Sales Practices (also Timeshare) Act right of rescission (calendar days)
5 days = Required notice for a disciplinary hearing
10 days = Time for licensee to respond to a complaint
10 days = Period for mechanic to release mechanic’s lien after payment
15 days = Statutory period for notice under a periodic tenancy lease
15 days = Broker must notify parties in writing of earnest money dispute
30 days = Period to pay late fee and renew license
30 days = Period to appeal decision of the Commission to revoke a license
60 days = Period for the Commission to make decision after a hearing
90 days = Period your test results are valid for obtaining your license
3 mos. 21 days = Equitable period of redemption under Trust Deed & Note foreclosure process
6 mos. = Pass results for part of the State Exam are valid.
6 mos. = Statutory period of redemption under a Mortgage foreclosure
6 mos. = Grace period after expiration of license for renewing before it lapses and you have to start from scratch
1 year = Statute of Limitations, foreclosure on a non-residential mechanic’s lien
1 year = Education is good for one year from date on certificate
2 years = Your real estate license is valid
3 years = Following the year of the transaction, broker must keep transaction files
4 years = Period after default before a property can be sold at a tax sale
4 years = The term of office for Utah Real Estate Commissioners
5 years = In Utah, a person can lose their water rights by abandonment or non use
7 years = Statutory period in Utah for adverse possession
20 years = Statutory period in Utah for obtaining a prescriptive easement
27.5 yrs. = Least number of years that can be used to depreciate residential investment property (Cost Recovery)
39 years = Least number of years that can be used to depreciate commercial investment property
40 years = Statutory period for removal of old encumbrances under the Marketable Record Title Act