

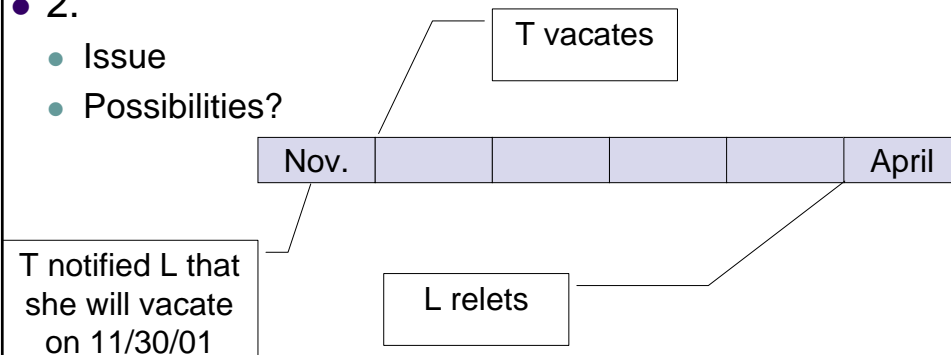
## Property

- Module 5
- Landlord / Tenant

Property, Spring 2009, Prof. Greg R. Vetter

## Problems 1-2, pg. 364

- 1.
  - First version
  - Second version
  - Third version
- 2.
  - Issue
  - Possibilities?



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OH 5.1

### **Garner v. Gerrish (NY Ct. App. 1984)**

- Dispute / issue?
- “for and during the term of quiet enjoyment from the first day of May, 1977 which term will end – Lou Gerrish has the privilege of termination [sic] this agreement at a date of his own choice”
- Problems, pg. 368

### **Crechale & Polles v. Smith (Miss. 1974)**

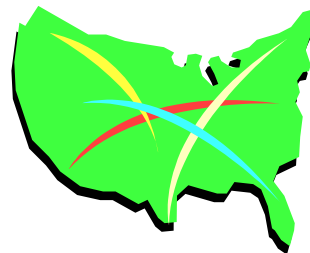
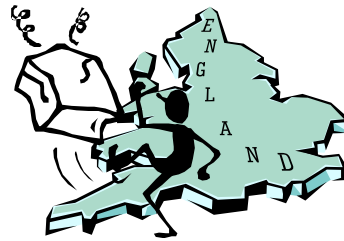
- Dispute
- Holdover time period
  - 2/7/69 to ???
- Note 1 – conditions on holdover election by L

## The Lease

- Does a L/T relationship arise?
  - Rights/duties
  - Liabilities/remedies
- Contract versus conveyance
- Statute of Frauds
- Form contracting

## Hannan v. Dusch (Virginia 1930)

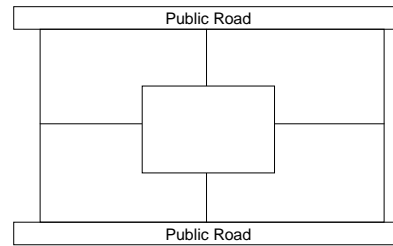
- Dispute?
- English rule
- American rule



## Problems, pg. 387-388

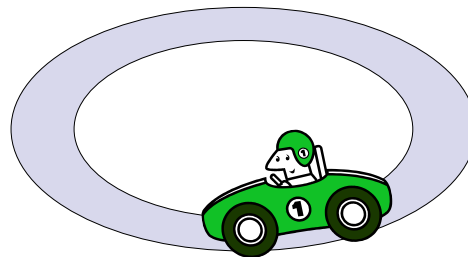
- 1.

- 2.



## Ernst v. Conditt (TN 1964)

- Dispute
- Lease and amendment language
- Assignment versus sublease
  - C/L rule
  - Modern rule
- Outcome

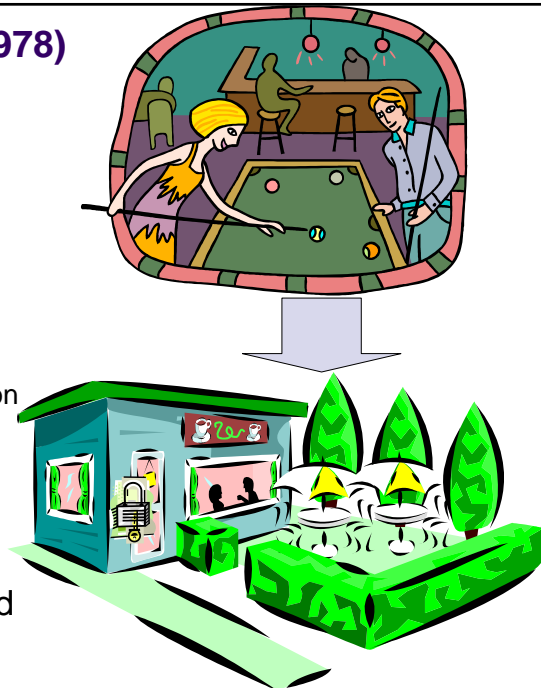


## Notes and Problems, pg. 393-394

- 1.
  - Partial assignment for lessee transferring her interest in a physical part of the premise
  - Entire leasehold interest transfer, but upon condition that transferor can retake possession if transferee breaches any obligation of lease?
- 2
  - (a) version 1: T “subleases, transfers and assigns” to T1
  - version 2: T1 agrees to pay the rents
  - (b)
  - (c)

## Berg v. Wiley (Minn. 1978)

- Dispute
- Did Berg abandon or surrender?
- Retaking rightful?
  - c/l rule
    - Legal right to possession
    - Peaceable retaking
  - Modern trend?
- Outcome for parties and for Minnesota law?



## Sommer v. Kridel (NJ 1977)

- And . . .
  - Riverview Realty Co. v. Perosio
- Disputes
- Duty to mitigate?
- Pros and cons

