Property
- Module 5
- Landlord / Tenant

Problems 1-2, pg. 364
- 1.
  - First version
  - Second version
  - Third version
- 2.
  - Issue
  - Possibilities?

T notified L that she will vacate on 11/30/01

T vacates

L relets

Nov.         April

- 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