

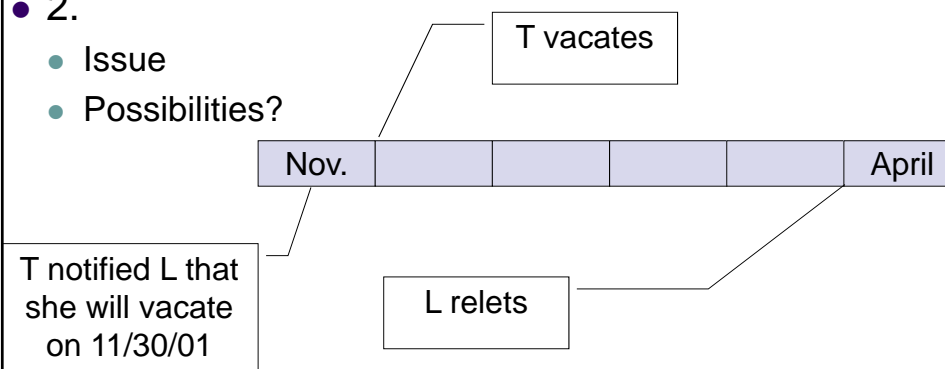
Property

- Module 5
- Landlord / Tenant

Property, Spring 2012, Prof. Greg R. Vetter

Problems 1-2, pg. 364

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



Property, Spring 2012, Prof. Greg R. Vetter

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)

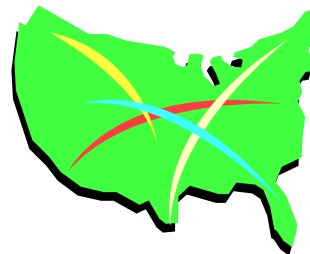
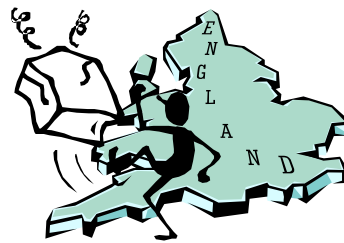
- Dispute
- Holdover time period
 - 2/7/69 to ???
- Note 1 – conditions on holdover election by L

The Lease

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

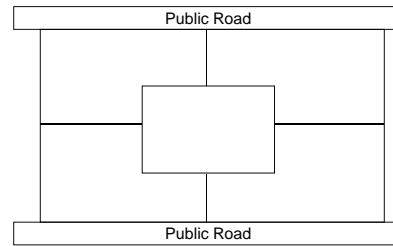
Hannan v. Dusch (Virginia 1930)

- Dispute?
- English rule
- American rule



Problems, pg. 387-388

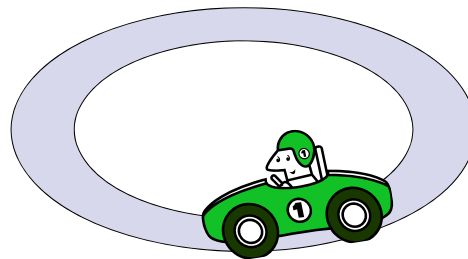
- 1.



- 2.

Ernst v. Conditt (TN 1964)

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

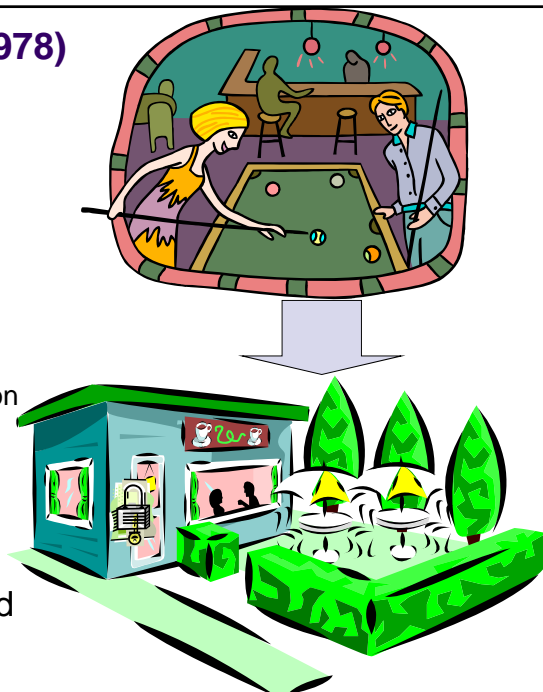


Notes and Problems, pg. 393-394

- 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

