



CALIFORNIA BAR EXAM
MULTIPLE-CHOICE QUESTION CONTENT MAP
REAL PROPERTY

The topics listed below are illustrative of those covered in Real Property, but are not exhaustive. The percentages listed next to each section represent the approximate percentage of questions on the exam that will be drawn from this subject.

- I. Nature and Ownership of Land – 20%**
- A. Present Possessory Interests in Land
 - 1. Fee simple absolute
 - 2. Defeasible fees
 - 3. Life estates
 - B. Future Interests
 - 1. Contingent and vested remainders
 - 2. Reversions
 - 3. Executory interests
 - 4. Possibility of reverter
 - 5. Power of termination
 - C. Concurrent Estates
 - 1. Joint tenancy
 - 2. Tenancy in common
 - 3. Rights and duties of co-tenants
 - 4. Partition and severance
 - D. Landlord and Tenant
 - 1. Types of tenancies
 - 2. Duties and remedies
 - a. Landlord's duties
 - b. Tenant's duties
 - c. Remedies for breach of duty
 - 3. Retaliatory evictions
 - 4. Assignments and subletting
 - 5. Termination, including surrender and mitigation
 - E. Problems with Interests in Land
 - 1. Waste
 - 2. Gifts to classes
 - 3. Rule Against Perpetuities
 - 4. Restraints on alienation
- II. Non-Possessory Rights and Interests in Land – 20%**
- A. Easements
 - 1. Nature and Type
 - 2. Creation
 - 3. Scope
 - 4. Transferability
 - 5. Termination and Modification
 - B. Profits
 - C. Licenses

- D. Real Covenants
 - 1. Running with the land
 - a. Burden
 - b. Benefit
 - 2. Termination
- E. Equitable Servitudes / Restrictive Covenants
 - 1. Implied from common scheme
 - 2. Running with the land
 - 3. Equitable defenses
 - 4. Termination
- F. Fixtures
 - 1. Definition
 - 2. Ownership
 - 3. Removal
- G. Zoning
 - 1. Nonconforming use
 - 2. Variances and special exceptions
- H. Takings
 - 1. Actual Takings
 - 2. Regulatory
- I. Support Rights
 - 1. Lateral
 - 2. Subjacent

III. Real Property Contracts – 20%

- A. Land-Sale Contracts
 - 1. Creation
 - 2. Essential terms
 - 3. Time for performance
- B. Options and Rights of First Refusal
- C. Marketable Title
- D. Risk of Loss and Equitable Conversion

IV. Titles, Deeds, and Conveyancing – 20%

- A. Adverse Possession
 - 1. Requirements
 - 2. Mistaken boundaries
 - 3. Title acquired
- B. Conveyance by Deed
 - 1. Requirements for valid deed
 - 2. Statute of Frauds
 - 3. Delivery and acceptance
 - 4. Types of deeds
 - a. Quitclaim Deed
 - b. Warranty Deed
 - 5. Covenants of title
 - a. Present Covenants
 - b. Future Covenants
 - 6. Estoppel by deed
 - 7. After-acquired title
 - 8. Forged instruments
- C. Conveyance by Operation of Law and Will
- D. Recording Acts
 - 1. Common law rule
 - 2. Types of statutes
 - a. Notice
 - b. Race-notice
 - c. Race
 - 3. *Bona fide* purchaser

4. Types of notice
 - a. Actual notice
 - b. Inquiry notice
 - c. Constructive / record notice
5. Indexes
6. Priorities

V. Mortgages and Security Devices – 20%

- A. Types of Security Interests
 1. Mortgage
 2. Purchase-money mortgage
 3. Future-advance mortgage
 4. Installment land-sale contract
 5. Equitable mortgage
 6. Deed of trust
 7. Liens
- B. Mortgage Theories
 1. Lien theory
 2. Title theory
 3. Intermediate theory
- C. Pre-Foreclosure Rights and Obligations
 1. Duty to pay principal and interest
 2. Enforcement of Contract Provisions
 3. Possession and title
- D. Transfers of Interest
 1. Transfers by mortgagor
 2. Transfers by mortgagee
- E. Discharge of the Mortgage
 1. Payment, including prepayment
 2. Deed in lieu of foreclosure
- F. Foreclosure
 1. Procedure
 2. Right to Redemption
 - a. Equitable right
 - b. Statutory right
 3. Parties and priorities
 - a. Senior interests
 - b. Junior interests
 - c. Modification and its effect on priority
 - d. Notice and participation requirements
 4. Proceeds
 - a. Deficiency and surplus
 - b. Order of distribution
 - c. Deficiency judgment