

**Condensed Test Specifications  
Florida-Prepared Portion of the General Bar Examination**

**Real Property**

1. Ownership
  - 1.1. Present estates
    - 1.1.1. Fees simple
    - 1.1.2. Defeasible fees simple
    - 1.1.3. Life estates
  - 1.2. Co-tenancy
    - 1.2.1. Types
    - 1.2.2. Severance
    - 1.2.3. Partition
    - 1.2.4. Relations Among Cotenants
  - 1.3. Future interests
    - 1.3.1. Reversions
    - 1.3.2. Remainders, vested and contingent
    - 1.3.3. Executory interests
    - 1.3.4. Possibilities of reverter, powers of termination

- 1.4. The law of landlord and tenant
  - 1.4.1. Fitness and suitability of premises
  - 1.4.2. Types of holdings: creation and termination
  - 1.4.3. Assignment and subletting
  - 1.4.4. Rent
  - 1.4.5. Surrender, Mitigation of Damages, and anticipatory breach
- 1.5. Special problems
  - 1.5.1. Rule Against Perpetuities
  - 1.5.2. Alienability, descendability, and devisability
- 2. Rights in land
  - 2.1. Covenants at law and in equity
  - 2.2. Easements, profits, and licenses
  - 2.3. Other interests in land
    - 2.3.1. Fixtures (including relevant application of Article 9, UCC)
    - 2.3.2. Scope and extent of real property
  - 2.4. Zoning (fundamentals rather than regulatory taking)

- 3. Real Property Contracts
  - 3.1. Relationships included
    - 3.1.1. Contracts to buy and sell by conveyance of realty
    - 3.1.2. Installment contract
  - 3.2. Creation and construction
    - 3.2.1. Statute of Frauds and Exceptions
    - 3.2.2. Essential terms
    - 3.2.3. Implied conditions or terms
    - 3.2.4. Time for performance
    - 3.2.5. Remedies for Breach
  - 3.3. Performance
    - 3.3.1. Fitness and suitability of premises
    - 3.3.2. Marketable title
    - 3.3.3. Risk of loss
  - 3.4. Interests before conveyance
    - 3.4.1. Equitable conversion
    - 3.4.2. Earnest-money deposits
  - 3.5. Relationships after conveyance
    - 3.5.1. Condition of premises
    - 3.5.2. Title problems

### 3.5.3. Merger

## 4. Real property mortgages

### 4.1. Types of security instruments

4.1.1. Mortgages (including deeds of trust)

4.1.2. Land contracts as security instruments

4.1.3. Absolute deeds as security

### 4.2. Some security relationships

4.2.1. Necessity and nature of obligation

4.2.2. Theories: title, lien, and intermediate

4.2.3. Rights and duties prior to foreclosure

### 4.3. Transfers by mortgagor

4.3.1. Distinguishing "subject to" and "assuming"

4.3.2. Rights and obligations of transferor

4.3.3. Rights and obligations of transferee

4.3.4. Due-on-sale clauses

### 4.4. Transfers by mortgagee (including effect of Article 3 of UCC)

### 4.5. Discharge and defenses

## 4.6. Foreclosure

4.6.1. Types

4.6.2. Lis Pendens

4.6.3. Rights of parties omitted from a foreclosure action

4.6.4. Deficiency and deficiency judgments

4.6.5. Surplus

4.6.6. Redemption

4.6.7. Deed in lieu of foreclosure

## 4.7. Special Problems

4.7.1. Adjustable rate mortgages

4.7.2. Prepayment penalties

## 5. Titles

5.1. Adverse Possession

5.2. Conveyancing by deed

5.2.1. Types

5.2.2. Necessity for a grantee and other deed requirements

5.2.3. Delivery (including escrows)

5.2.4. Land description and boundaries

5.2.5. Covenants for title

5.3. Transferring by operation of law and by will

## 5.4. Priorities and recording

### 5.4.1. Types of priority

### 5.4.2. Scope of coverage

### 5.4.3. Special problems

#### 5.4.3.1. After acquired title (including estoppel by deed)

#### 5.4.3.2. Constructive notice

#### 5.4.3.3. Actual notice

#### 5.4.3.4. Forged instruments

#### 5.4.3.5. Transfers by corporations and by agents

#### 5.4.3.6. Purchase money mortgages

#### 5.4.3.7. Dissolved corporation

#### 5.4.3.8. Powers of Attorney

## 6. Florida Statutory Provisions

### 6.1. Chapter 689 – Conveyances of Land and Declarations of Trust

### 6.2. Chapter 692 – Conveyance by or to Particular Entities

### 6.3. Chapter 694 – Certain conveyances made valid

### 6.4. Chapter 695 – Record of Conveyances of Real Estate

### 6.5. Chapter 696 – Record of Contracts; Photographic Recording

### 6.6. Chapters 697, 698, 701 and 702 – Mortgages

### 6.7. Chapter 704 – Easements

- 6.8. Chapter 709 – Powers of Attorney and Similar Instruments
- 6.9. Chapter 712 – Marketable Record Titles to Real Property
- 6.10. Chapter 713.001 – 713.37 Construction Liens
- 6.11. Chapter 718 – Condominiums
- 6.12. Chapter 720 – Homeowners' Association
- 6.13. Chapter 723 – Mobile Home Park Lot Tenancies
- 6.14. Chapter 83 – Landlord and Tenant
  - 6.14.1. Part I - Nonresidential tenancies
  - 6.14.2. Part II - Residential tenancies