

original

by Hhh Oo

Submission date: 12-Jul-2020 06:17PM (UTC-0700)

Submission ID: 1356694435

File name: real_estate.edited.docx (16.69K)

Word count: 348

Character count: 1855

Name

Course

Institution

Based on this scenario, three tests, there are three tests to be considered to determine whether specific are fixtures or persona property. Now tests are the method of attachment, adapting, and party intention tests. Considering the items, they need to be attached to physical devices, bolt, nails Glue, and screw, and the attachment method can be used in such a case (Bruss, 2020). In the adaptation test, the consideration is made to determine if items are for real estate enjoyment and cannot be removed. When it comes to party intention, the test is based on whether the items should be benefiting the property in question (Weintraub, 2019).

These items are considered personal property. The reason for my opinion is that the items meet three conditions. For example, some items have been installed for business to operate comfortably (Weintraub, 2019). The items can be removed easily with minimal damages to the property since they are removable. Furthermore, before tenants possess the property, the items can also be removed. Finally, the moment, lease expires they will belong to the Hot Coffee.

In my thinking, tenancy and joint tenancy could be the best options. These two options are suitable for both new purchases by the landlord and Hot Coffee. There are equal possession rights to own property with joint tenancy. However, the two might not own a property equally in case of death. Now, the consequence of the joint tenancy option is that if one party dies, the remaining one will become the sole owner. In common ownership, the tenancy cannot own any part of real estate because each party has an equal share, although undivided. The consequence of this option is that, in case of the death of one of the parties, the property's interest will benefit the heirs rather than common tenants, and thus both parties will not benefit from it (Weintraub, 2019).

References

Bruss, J. Robert. (2020). SOME TESTS TO DETERMINE IF PROPERTY IS A 'FIXTURE.'

<https://www.orlandosentinel.com/news/os-xpm-1985-06-22-0310070245-story.html>

Weintraub, E. (2019). 5 Tests to Determine What a Fixture Is and Is Not in Real Estate.

<https://www.thebalance.com/what-is-a-fixture-1798556>

original

ORIGINALITY REPORT

3%

SIMILARITY INDEX

0%

INTERNET SOURCES

0%

PUBLICATIONS

3%

STUDENT PAPERS

PRIMARY SOURCES

1

Submitted to Corinthian Colleges

Student Paper

3%

Exclude quotes On

Exclude bibliography On

Exclude matches Off