

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY

SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

Course Outline: LITIGATION II AND CONVEYANCING PROCEDURES

Code No.: BUS 218-6

Program: OFFICE ADMINISTRATION (LEGAL)

Semester: FOUR

Date: JANUARY, 1993

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New: _____ Revision: X

APPROVED:

Amontall
Dean, Business & Hospitality

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Date

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SAULT STE. MARIE

Course Name

Course Number**PHILOSOPHY/GOALS:**

The purpose of this subject is to provide the student with an understanding and knowledge of the content and terminology of the more common procedures involving legal documents and papers that the student may experience as a legal secretary and thus enable the student to better perform the duties assigned as well as, to develop a positive attitude toward the legal systems and their complexities. This course is designed as five-fifty minute periods per week for two semesters.

METHOD OF INSTRUCTION:

Reading assignments, lectures, discussion, cases, *articles and tests.

***ARTICLE** - is defined as: the topic may be about a case which actually took place in the courts, or about a set of circumstances that has actually occurred, but in either situation the information about it was reported in a NEWSPAPER, MAGAZINE, or some other PUBLICATION, reference to which was made in class, or was in fact read by, or to the class. However, it does not include cases or examples in the text or mentioned in explanation by the instructor or student, not in a publication. And, please note the spelling of the word - **ARTICLE!** Articles will be placed on reserve in the Library and students are responsible for their content.

METHOD OF ASSESSMENT (GRADING METHOD):

1. **Basis:** The student's grade will be determined by the administration of a maximum of thirteen tests, all of equal value.

Miss a Test: If a student misses a test, it is the student's responsibility to contact the professor in the first class the student has with the professor after the test, or upon returning to the College, and make arrangements to take the test. The student, of course, must have a valid reason for not writing the test in the first instance. If the student fails to contact the instructor within a reasonable time, the student may be refused the opportunity to take the test at a later time. If the student is to write the test, it will be either a multiple-choice type or essay type test, at the discretion of the professor.

2. **Grading:** A letter grading of A+, A, B, C, I, or R will be used to indicate the achievement or value of the student's work.
3. **Grade Interpretation:**

"A+" 96% or more

"A" This grade means that the student has an exceptional understanding of, and/or ability with, the portion of the subject assessed, to such an extent that he/she has a complete or near complete grasp of or ability with, the material or work and thus understands more

than eighty-five percent of the work tested.

- "B" This grade means that the student has a high degree of understanding of, and/or ability with, the portion of the subject assessed and thus understands more than seventy percent or able to perform more than seventy percent of the work tested.
- "C" This grade means that the student has a basic understanding of all the elementary essentials of the portion of the subject assessed, and or able to perform all the basic elementary essentials or the work tested and thus understands more than fifty-eight percent, of be able to perform more than fifty-eight percent of the work tested. The letter grade weight is 2.0.
- "I" In tests and assignments this grade means that the student has not successfully demonstrated a basic elementary understanding of the material assessed to achieve a "C" grade, and the results of this assessment therefore, will be weighed as a zero* in the calculation of the final average grade of all the tests etc.
- "R" This grade means that the student has not achieved a minimum of a "C" grade in the final average calculation of all his tests etc. or has demonstrated a lack of serious intention in acquiring a basic understanding of the material during the semester.

*NOTE: This means there will be no make-up tests , etc.

SPELLING:

Correct spelling and grammar in all test papers and written submissions are essential to effectively communicate proof of understanding of the subject content. Any serious frequency of spelling errors, particularly of subject terminology or of grammar errors will probably reduce the receiver's or marker's ability to accurately interpret the communication, and thus should be avoided, and may also therefore justify the lowering of the mark by one grade or more, and even possibly the granting of an "I" grade.

PUNCTUALITY:

Classes will commence on time, that is, precisely on the hour, students are expected to be in class beforehand. Anyone not present as aforesaid will be refused entry. Tardiness causes interruption in the class process and is, therefore, thereby prohibited. If a student foresees circumstances that may result in being late, the student should discuss these situations with the professor and flexibility can be agreed upon.

ATTENDANCE:

Since there is not a text for this subject, it is crucial students attend in order to obtain the information and understanding, therefore, attendance is partially indicative of having acquired the aforesaid, and so will be considered in the grading. Attendance will be kept and graded on a percentage basis which is to be incorporated in the grade calculations.

TEXTBOOK(S): Recommended

(1) Ontario Civil Practice, 1991-92

LITIGATION AND CONVEYANCING PROCEDURES (BUS212-6)
(LITIGATION CONTINUES FROM THE FALL TERM)

ITEM TOPIC

LECTURE EMPHASIS

1 Preservation of rights pending litigation, Courts of Justice Act, Initiation of litigation, definition pleadings, issued, issuing, originating process, Statement of Claim contents, time, computation of time

TEST

Notice of Action, content, when used, preparation and issuing process

Forms, Rules, Articles

2 Service methods, personal, alternatives to, proof of service, Sunday rule, Ex, Juris, delivery, effective service,

Forms, Rules, Articles

3 Notice of intent to defend, contents, time, extension, Statement of Defence, contents, reply, purpose, civil rules vs criminal, content, time, counter-claim, Third Party Claim, Defence to Counter-claim, reply to the Defence to the counter claim, Crossclaim, Third Party Claim, use

Forms, Rules, Articles

TEST on 2 & 3

4 Default, failure of delivery, time, source requisition, consequences, liquidated, unliquidated damages, setting aside, discontinuance, withdrawal, notice of, discovery, purpose, types, Affidavit of Documents, penalty, request to inspect, Notice of Examination, inspection of property process, medical examination, notice of

Forms, Rules, Articles

Test on 4

5 Contract of sale, real estate listings, Lord's Day Act, Statute of Frauds, Vendors and Purchasers Act, Agreement of Purchase and Sale, contents, standard and additional clauses

Forms, Articles

TEST ON 5

6 Procedure for Vendor, initial requests to client, draft transfer, contract substantive law relevant thereto, terms of reference, approval of transfer, interlineations, alterations, Land Registration Reform Act 1984, FLRA, Planning Act, Land Transfer Tax Act

Forms, Articles

7 Statement of Adjustment, purpose, approval, notice to tenants, mortgage statement, reply to the letter of requisitions, letter of direction, cessation of charges, appointment and routine on closing advantages of registration, reporting letter, purpose content, letter to assessment office

Forms, Articles

TEST ON 6 & 7

8 Procedure for the purchaser, letter of title, financing arrangements, utilities, insurance, charges

Forms, Articles

9 Searching Title, purpose, basic steps, plotting land descriptions, divisions of land in Ontario, an in-class abstract search, letter of requisitions, standard and possible requests, abstract of title, Certificate of Title, approval of transfer and statement of adjustments

Forms, Articles

Sheriff's Office, sub-search, certified
cheque, reporting letter

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