

Course Number

Course Name

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY

SAULT STE. MARIE, ONTARIO

PRIORITY 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.

COURSE OUTLINE

LITIGATION II AND CONVEYANCING PROCEDURES

Course Outline: \_\_\_\_\_

Code No.: BUS 218-6

Program: OFFICE ADMINISTRATION (LEGAL)

Semester: FOUR

Date: JANUARY, 1994

Previous Outline Dated: JANUARY, 1993

Author: PHIL LEMAY

New: \_\_\_\_\_ Revision: X

APPROVED: \_\_\_\_\_  
Dean, Business & Hospitality

\_\_\_\_\_  
Date

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 the subject matter.

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**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 seven 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: (1) essay-type, (2) multiple-choice, or (3) true/false tests, 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+" 90% 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

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of or ability with, the material or work and thus understands at least eighty 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 at least 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 undertands at least sixty percent, of be able to perform more than sixty percent of the work tested.

"I" In tests and assignments this grade means that the student has not sucessfully demonstrated a basic elementary understanding of the material assessed to achieve a "C" grade.

"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.

\*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 rminology 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 half hour, students are expected to be in class beforehand. Anyone not present as aforesaid will be refused entry. Student is advised to knock on the door to attract the professor's attention at which point the reason for the tardiness will be discussed and a decision made to enter or not. Tardiness causes interruption in the class process and is, therefore, thereby discouraged. 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 may be considered in the grading. Attendance will be kept and graded on a percentage basis which may be incorporated in the grade calculations.

#### TEXTBOOK(S): Recommended

- (1) Ontario Civil Practice, 1991-92

(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  <b>TEST</b> 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  <b>TEST on 2 &amp; 3</b>
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  <b>Test on 4</b>

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**

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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

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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**

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8

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

Forms, Articles

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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

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10

Appointment and routine on closing, Sheriff's Office, sub-search, certified cheque, reporting letter

Forms, Articles

*Test, 8, 9, 10*

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