

INDEX

A REORGANIZATION

Sale of business, § 30.10

ABANDONED SITES

Environmental law, § 14.12

ABATEMENT

Wills, §§ 34.19, 34.58

ABSTRACT OF TITLE

Real estate transactions, § 1.8

ACCELERATION

Deeds of trust, §§ 8.14, 8.30, 9.2

ACCEPTANCE

Offer and Acceptance, this index

ACCESSIONS

Leases of goods, § 20.20

Secured transactions, § 25.27

ACCOMMODATION PARTY

Negotiable instruments, § 21.24

ACCORD AND SATISFACTION

Negotiable instruments, § 21.37

ACCOUNTANTS

Probate, § 35.44

ACCOUNTING

Partnerships, § 33.13

ACKNOWLEDGMENT

Deeds of trust, § 8.31

AD VALOREM TAXES

Generally, §§ 18.1-18.9

Appeals, §§ 18.7, 18.9

Assessments, § 18.5

Circuit court, appeals to, § 18.9

Classification of taxable property, § 18.1

County boards of equalization, §§ 18.6, 18.7

Exemptions, § 18.4

State Tax Commission, § 18.8

Subclassification of personal property, § 18.3

Subclassification of real estate, § 18.2

ADDITIONS

Deeds of trust, § 8.38

Mechanics liens, priority, § 16.21

ADJUSTMENTS

Real estate transactions, § 1.10

INDEX

ADOPTED PERSONS

Wills, § 34.10

ADVERTISING

Blue sky law, § 28.8

AFTER ACQUIRED PROPERTY

Mechanics liens, priority, § 16.20

Secured transactions, § 25.16

AGENTS

Blue Sky Law, this index

Brokers, this index

Investment Advisers, this index

AGREEMENTS

Contracts and Agreements, this index

ALCOHOL ABUSE

Guardians and conservators, § 36.37

ALLOCATIONS

Partnerships, § 33.11

ALTERATIONS

Modifications, this index

AMENDMENTS

Corporations, this index

Deeds of trust, § 8.54

Limited liability companies, articles of organization, § 32.7

Mechanics liens, §§ 16.41, 16.50

Zoning, § 12.10

ANATOMICAL GIFTS

Generally, § 34.43

ANTENUPTIAL AGREEMENTS

Wills, execution of, §§ 34.79, 34.84

ANTICIPATORY REPUDIATION

Leases of goods, § 20.32

Sales, § 19.36

APPEAL AND REVIEW

Ad valorem taxes, §§ 18.7, 18.9

Bankruptcy, § 26.7

Blue sky law, rules and orders, § 28.28

Quiet title, § 17.18

APPOINTMENT

Guardians and conservators, §§ 36.38-36.40

Wills, personal representatives, § 34.66

APPRAISEMENT

Guardians and conservators, § 36.19

Probate, § 35.18

APPROVAL

Consent or Approval, this index

ARTICLES OF INCORPORATION

Corporations, this index

INDEX

ARTICLES OF ORGANIZATION

Limited liability companies, §§ 32.5, 32.7

ASSESSMENTS

Ad valorem taxes, § 18.5

ASSETS

Sale of business, §§ 29.6, 29.13, 30.6

ASSIGNMENTS

Copyrights, §§ 37.21-37.23

Deeds of trust, §§ 8.42, 8.55

Leases of real property, § 10.12

Letters of credit, § 23.10

Limited liability companies, § 32.27

Mechanics liens, filing with circuit clerk, § 16.40

Motor vehicle time sales, § 27.25

Option to purchase real estate, § 2.6

Real estate transactions, § 1.19

Retail credit sales, § 27.13

Sales, § 19.8

ATTESTATION

Wills, §§ 34.12, 34.73

ATTORNEYS

Guardians and conservators, § 36.7

Probate, § 35.44

Real estate transactions, closing of, §§ 7.3, 7.4

ATTORNMENT

Leases of real property, § 10.16

AUCTIONS

Sales, § 19.19

AUTOMATIC STAY

Bankruptcy, §§ 26.14, 26.15, 26.58

AUTOMOBILES

Motor Vehicles, this index

B REORGANIZATION

Sale of business, § 30.11

BAD FAITH

Negotiable instruments, holder in due course, § 21.13

BANK DEPOSITS AND COLLECTIONS

Generally, §§ 22.1-22.26

Account of customer, right to charge, §§ 22.11-22.17

Altered checks, § 22.17

Branch banks, § 22.8

Charge backs, § 22.22

Collection system, generally, §§ 22.3-22.9

Death of customer, § 22.13

Definitions, § 22.2

Documentary drafts, collection of, § 22.25

Final payment, § 22.4

Forged checks, § 22.16

Form of settlement, § 22.5

Garnishment, priorities in customer's account, §§ 22.19-22.21

Holder in due course, bank as, § 22.6

Incompetence of customer, § 22.13

INDEX

BANK DEPOSITS AND COLLECTIONS—Continued

- Limitation of actions, § 22.26
- Medium of settlement, § 22.5
- Missing endorsements, § 22.7
- Monthly statements, duty of customer to examine, § 22.18
- Payable through or payable at bank, § 22.9
- Payor bank and its customer, generally, §§ 22.10-22.23
- Postdated checks, § 22.14
- Priorities in customer's account
 - Generally, §§ 22.19-22.21
 - Customer's right to draw against items deposited, § 22.21
 - Order in which items may be charged to customer's account, § 22.20
- Provisional payment, § 22.4
- Refunds, § 22.22
- Restrictive endorsements, § 22.7
- Stale checks, § 22.15
- Statute of limitations, § 22.26
- Stop payments, §§ 22.12, 22.19-22.21
- Time of settlement, § 22.5
- Warranties, liabilities based on, § 22.24
- Wrongful dishonor, liability for, § 22.23

BANKRUPTCY

- Generally, §§ 26.1-26.73
- Adequate protection and relief from automatic stay, §§ 26.15, 26.69
- Administration of cases
 - Chapter 7, § 26.38
 - Chapter 11, § 26.45
 - Chapter 13, § 26.60
- Administrative powers, §§ 26.16, 26.69
- Allowance of claim, § 26.29
- Appeals, § 26.7
- Automatic stay, §§ 26.14, 26.15, 26.58
- Chapter 7
 - Generally, §§ 26.36-26.42
 - Administration of case, § 26.38
 - Conversion and dismissal, § 26.39
 - Eligibility, § 26.37
 - Liquidation and distribution process, § 26.42
 - Objections to discharge, § 26.41
 - Redemption right, § 26.40
- Chapter 11
 - Generally, §§ 26.43-26.55
 - Administration of case, § 26.45
 - Classification of claims and interests, § 26.49
 - Collective bargaining agreements and retiree benefits, § 26.47
 - Confirmation process, § 26.53
 - Contents of plan, § 26.51
 - Conversion and dismissal, § 26.46
 - Eligibility, § 26.44
 - Filing the plan, § 26.48
 - Impairment, § 26.50
 - Modification of plan, § 26.54
 - Post-confirmation matters, § 26.55
 - Voting on plan of reorganization, § 26.52
- Chapter 12
 - Generally, §§ 26.64-26.73
 - Adequate protection, stays, administrative powers, and sales free of interest, § 26.69
 - Commencement of case, § 26.66
 - Confirmation of plan, § 26.71

INDEX

BANKRUPTCY—Continued

Chapter 12—Continued

- Conversion or dismissal, § 26.68
- Discharge, § 26.73
- Duties, rights, and powers of debtor, § 26.67
- Eligibility, § 26.65
- Plan, § 26.70
- State or local income taxes, § 26.72

Chapter 13

- Generally, §§ 26.56-26.63
- Administration of cases, § 26.60
- Automatic stay, § 26.58
- Confirmation of plan, § 26.62
- Eligibility, § 26.57
- Estate, § 26.59
- Plan, § 26.61
- Post-confirmation matters, § 26.63

Claims

- Generally, §§ 26.27-26.32
- Allowance of claim, § 26.29
- Distribution scheme, § 26.32
- Filing requirements, § 26.28
- Priority claims, § 26.31
- Secured claims, § 26.30

Classification of claims and interests, Chapter 11, § 26.49

Collective bargaining agreements, Chapter 11, § 26.47

Commencement of case, §§ 26.8, 26.66

Confirmation of plan

- Chapter 11, § 26.53
- Chapter 12, § 26.71
- Chapter 13, § 26.62

Conversion and dismissal

- Chapter 7, § 26.39
- Chapter 11, § 26.46
- Chapter 12, § 26.68

Discharge of debtor, §§ 26.34, 26.73

Dismissal. Conversion and dismissal, above

Distribution scheme, § 26.32

Eligibility

- Chapter 7, § 26.37
- Chapter 11, § 26.44
- Chapter 12, § 26.65
- Chapter 13, § 26.57

Estate, §§ 26.9, 26.59

Executory contracts, § 26.23

Exempt property, § 26.11

Filing, §§ 26.28, 26.48

Fraudulent transfers, § 26.20

Fresh start for debtor, §§ 26.33-26.35

Impairment, Chapter 11, § 26.50

Income taxes, Chapter 12, § 26.72

Jurisdiction, §§ 26.4, 26.5

Leases, §§ 10.25, 26.23, 26.24

Liquidation and distribution process, Chapter 7, § 26.42

Local income taxes, Chapter 12, § 26.72

Meeting of creditors, § 26.26

Modification of plan, Chapter 11, § 26.54

New credit, obtaining, § 26.25

Objections to discharge, Chapter 7, § 26.41

Personal jurisdiction, § 26.5

INDEX

BANKRUPTCY—Continued

- Post-confirmation matters
 - Chapter 11, § 26.55
 - Chapter 13, § 26.63
- Postpetition transfers, § 26.22
- Preferences, § 26.19
- Preservation of estate, § 26.12
- Priority claims, § 26.31
- Property of estate, § 26.10
- Reaffirmation agreements, § 26.35
- Redemption right, Chapter 7, § 26.40
- Relief from automatic stay, § 26.15
- Retiree benefits, Chapter 11, § 26.47
- Sale of property of estate, §§ 26.24, 26.69
- Secured claims, § 26.30
- State income taxes, Chapter 12, § 26.72
- Statutory liens, § 26.21
- Stays, Chapter 12, § 26.69
- Strong-arm clause, § 26.17
- Subject matter jurisdiction, § 26.4
- Successor to rights of unsecured creditors, trustee as, § 26.18
- Trustee as successor to rights of unsecured creditors, § 26.18
- Turnover, § 26.13
- Use of property of estate, § 26.24
- Venue, § 26.6
- Voting on plan of reorganization, Chapter 11, § 26.52

BANKS

- Bank Deposits and Collections, this index
- Partnerships, § 33.13

BENEFICIARIES

- Deeds of trust, § 8.8
- Wills, § 34.5

BLUE SKY LAW

- Generally, §§ 28.1-28.42
- Administration of act, generally, §§ 28.25-28.30
- Advertising literature, filing of, § 28.8
- Agents. Broker-dealers, agents, and investment advisers, below
- Broker-dealers, agents, and investment advisers
 - Generally, §§ 28.17-28.24
 - Agent, scope of definition, § 28.19
 - Broker-dealer, scope of definition, § 28.18
 - Criminal liability for failure to register, § 28.40
 - Denial, revocation, suspension, cancellation, and withdrawal of registration, § 28.24
 - Investment adviser, scope of definition, § 28.20
 - Investment adviser representative, scope of definition, § 28.20
 - Post-registration provisions, § 28.23
 - Registration procedure, § 28.22
 - Registration requirements, § 28.17
- Cancellation of registration of broker-dealers, agents, and investment advisers, § 28.24
- Civil liability
 - Generally, §§ 28.31-28.37
 - Defenses, § 28.36
 - Material misrepresentations, § 28.33
 - Non-seller liability, § 28.34
 - Remedies, § 28.35
 - Violations of act, § 28.32
- Coordination, registration, § 28.6
- Criminal liability

INDEX

- BLUE SKY LAW**—Continued
 - Criminal liability—Continued
 - Generally, §§ 28.38-28.42
 - Defenses, § 28.42
 - Failure to register as broker-dealer or agent, § 28.40
 - Sale of unregistered securities, § 28.39
 - Securities fraud, § 28.41
 - Defenses
 - Civil liability, § 28.36
 - Criminal liability, § 28.42
 - Definitions, §§ 28.2, 28.3
 - Denial of registration of broker-dealers, agents, and investment advisers, § 28.24
 - Escrow, registration, § 28.11
 - Exemptions, §§ 28.14-28.16
 - Forms, § 28.27
 - Impoundment, registration, § 28.11
 - Injunctions, § 28.30
 - Interpretive opinions, § 28.29
 - Investigations, § 28.30
 - Investment advisers. Broker-dealers, agents, and investment advisers, above
 - Material misrepresentations, civil liability, § 28.33
 - Notification, registration, § 28.5
 - Orders, §§ 28.27, 28.28
 - Prospectus delivery, registration, § 28.9
 - Qualification, registration, § 28.7
 - Registration
 - Generally, §§ 28.4-28.13
 - Broker-dealers, agents, and investment advisers, above
 - Coordination, § 28.6
 - Escrow and impoundment, § 28.11
 - Notification, § 28.5
 - Post-registration requirements, § 28.13
 - Prospectus delivery, § 28.9
 - Qualification, § 28.7
 - Sales and advertising literature, filing of, § 28.8
 - Stop order proceedings, § 28.12
 - Remedies, civil liability, § 28.35
 - Review of rules and orders, § 28.28
 - Revocation of registration of broker-dealers, agents, and investment advisers, § 28.24
 - Rules, §§ 28.27, 28.28
 - Sale of unregistered securities, criminal liability, § 28.39
 - Sales literature, filing of, § 28.8
 - Scope of act, § 28.25
 - Securities fraud, criminal liability, § 28.41
 - Stop order proceedings, registration, § 28.12
 - Subpoenas, § 28.30
 - Suspension of registration of broker-dealers, agents, and investment advisers, § 28.24
 - Withdrawal of registration of broker-dealers, agents, and investment advisers, § 28.24
- BOARD OF DIRECTORS**
 - Corporations, organizational meeting, § 31.15
- BONDS AND UNDERTAKINGS**
 - Conservators, §§ 36.15, 36.51
 - Patents and inventions, § 37.11
 - Probate, personal representative, §§ 35.16, 35.87
- BOUNDARIES**
 - Water, § 15.4

INDEX

BRANCH BANKS

Bank deposits and collections, § 22.8

BROKERS

Real estate transactions, § 1.20

BROWNFIELDS

Environmental law, § 14.14

BURDEN OF PROOF

Negotiable instruments, status as holder in due course, § 21.16

BUSINESS JUDGMENT RULE

Corporations, § 31.33

BUSINESS ORGANIZATIONS

Generally, §§ 28.1-28.42, 29.1-29.14, 30.1-30.19, 31.1-31.54, 32.1-32.39, 33.1-33.20

Blue Sky Law, this index

Corporations, this index

Foreign Corporations, this index

Limited Liability Companies, this index

Partnerships, this index

Sale of Business, this index

BYLAWS

Condominiums, § 11.11

Corporations, § 31.13

C REORGANIZATION

Sale of business, § 30.12

CANCELLATION

Blue sky law, registration of broker-dealers, agents, and investment advisers, § 28.24

Leases of goods, § 20.60

CAPACITY

Wills, § 34.11

CAPITAL STOCK

Corporations, this index

CARRIERS

Sales, shipment, § 19.18

CERCLA

Generally, §§ 14.2, 14.3

CERTIFICATES

Foreign corporations, §§ 31.46, 31.47, 31.51

Limited partnerships, § 33.20

CERTIFIED CHECKS

Negotiable instruments, liability of acceptor, § 21.21

CERTIFIED MAIL

Deeds of trust, notice of foreclosure sale, § 9.7

CHANGE IN CIRCUMSTANCES

Wills, § 34.15

CHAPTER 7

Bankruptcy, this index

CHAPTER 11

Bankruptcy, this index

INDEX

CHAPTER 12

Bankruptcy, this index

CHAPTER 13

Bankruptcy, this index

CHARGE BACKS

Bank deposits and collections, § 22.22

CHARGES

Deeds of trust, § 8.23

CHARITABLE BEQUESTS

Wills, § 34.56

CHattel PAPER AND INSTRUMENTS

Secured transactions, § 25.23

CHILDREN AND MINORS

Deeds, § 6.11

Probate, this index

Wills, this index

CHOICE OF LAW

Leases of goods, § 20.11

Secured transactions, perfection, § 25.18

CLAIMS

Bankruptcy, this index

Guardians and conservators, § 36.21

Probate, this index

CLEAN AIR ACT

Generally, § 14.6

CLEAN WATER ACT

Generally, § 14.7

CLOSE CORPORATIONS

Generally, § 31.54

CODICILS

Generally, §§ 34.78, 34.83

COLLATERAL AGREEMENTS

Sales, § 19.41

COLLECTION

Bank Deposits and Collections, this index

Probate, personal property, § 35.19

COLLECTIVE BARGAINING

Bankruptcy, Chapter 11, § 26.47

COMMERCIAL TRANSACTIONS

Generally, §§ 19.1-19.56, 20.1-20.60, 21.1-21.38, 22.2-22.26, 23.1-23.10, 24.1-24.21,
25.1-25.35, 26.1-26.73, 27.1-27.27

Bank Deposits and Collections, this index

Bankruptcy, this index

Consumer Finance, this index

Investment Securities, this index

Leases of Goods, this index

Letters of Credit, this index

Motor Vehicle Time Sales, this index

Negotiable Instruments, this index

INDEX

COMMERCIAL TRANSACTIONS—Continued

Retail Credit Sales, this index
Sales, this index
Second Mortgages, this index
Secured Transactions, this index

COMMON DISASTER

Wills, § 34.60

COMPENSATION

Guardians and conservators, § 36.30
Probate, personal representatives, attorneys, and accountants, §§ 35.44, 35.109, 35.110

COMPROMISE AND SETTLEMENT

Guardians and conservators, §§ 36.53, 36.54
Probate, claims against estate, § 35.35

CONDEMNATION

Eminent Domain, this index

CONDOMINIUMS

Generally, §§ 11.1-11.19
Alterations by unit owners, § 11.6
Bylaws, § 11.11
Common expenses, § 11.13
Consumer protection provisions, § 11.15
Contractual liability, § 11.10
Conversion buildings, special provisions, § 11.18
Declaration, § 11.3
Development rights, § 11.4
Disclosure, § 11.15
Executive board, § 11.8
Improvements by unit owners, § 11.6
Insurance, § 11.12
Original sale certificate, § 11.16
Overreaching by declarant, protection against, § 11.9
Resale certificate, § 11.17
Special declarant rights, § 11.5
Termination, § 11.14
Title insurance, ALTA endorsement form 4, § 4.43
Tort liability, § 11.10
Transfers of declarant's interest, § 11.5
Unit owners' association, § 11.7
Upkeep, § 11.12
Warranties, § 11.19

CONFIRMATION

Bankruptcy, this index
Probate, sale of real property, §§ 35.96, 35.99

CONSENT OR APPROVAL

Guardians and conservators, § 36.39
Mechanics liens, § 16.13
Probate, sale of real property, §§ 35.96, 35.99
Sale on approval, § 19.19

CONSEQUENTIAL DAMAGES

Leases of goods, § 20.47
Sales, § 19.53

CONSERVATORS

Guardians and Conservators, this index

INDEX

CONSIDERATION

Deeds, § 6.18
Deeds of trust, § 8.9
Leases of goods, § 20.5
Option to purchase real estate, § 2.3
Sales, § 19.7

CONSOLIDATION

Corporations, § 31.42
Limited liability companies, §§ 32.35, 32.37, 32.38

CONSUMER FINANCE

Generally, §§ 27.1-27.27
Motor Vehicle Time Sales, this index
Retail Credit Sales, this index
Second Mortgages, this index
Small loans, interest on, §§ 27.2, 27.3

CONSUMER PROTECTION

Condominiums, § 11.15

CONTESTS OF WILLS

Generally, §§ 34.41, 35.13, 35.83

CONTINGENCIES

Real estate transactions, § 1.16

CONTRACTS AND AGREEMENTS

Bankruptcy, executory contracts, § 26.23
Condominiums, contractual liability, § 11.10
Consideration, this index
Frauds, Statute of, this index
Installment contracts, § 19.37
Invention development services contract, §§ 37.7-37.11
Leases of Goods, this index
Leases of Real Property, this index
Mechanics Liens, this index
Motor vehicle time sales, § 27.20
Negotiable Instruments, this index
Offer and Acceptance, this index
Output contracts, § 19.11
Probate, execution of contract of decedent, § 35.26
Real Estate Transactions, this index
Requirements contracts, § 19.11
Sales, this index
Will, contract to make, § 34.14

CONTRIBUTIONS

Limited liability companies, §§ 32.9, 32.10
Partnerships, § 33.10

CONVERSION

Bankruptcy, this index
Condominiums, § 11.18
Limited liability companies, §§ 32.35, 32.36
Negotiable instruments, § 21.31

COORDINATION

Blue sky law, registration, § 28.6

COPYRIGHTS

Generally, §§ 37.15-37.23
Assignments, §§ 37.21-37.23

INDEX

COPYRIGHTS—Continued

Exclusive rights of copyright owner, § 37.19
Forms, §§ 37.22, 37.23
Infringement, § 37.20
Obtaining copyright protection, § 37.18
Subject matter copyrightable, § 37.16
Work made for hire doctrine, § 37.17

CORPORATIONS

Generally, §§ 31.1-31.54
Administrative matters, §§ 31.52, 31.53
Amendment of articles of incorporation
 Generally, §§ 31.35-31.39
 Concurrent amendment and restatement of articles, § 31.39
 Procedure, § 31.36
 Restatement of articles, §§ 31.38, 31.39
 Voting by certain shareholders, § 31.37
Annual filings, § 31.17
Articles of incorporation
 Generally, §§ 31.3-31.12
 Amendment of articles of incorporation, above
 Capitalization and stock, § 31.6
 Directors, number of, § 31.9
 Incorporator, § 31.8
 Name of corporation, § 31.4
 Optional articles, § 31.12
 Preemptive rights, § 31.7
 Purpose and powers, § 31.11
 Registered agent and office, § 31.5
 Term of existence, § 31.10
Assets of corporation, disposition of, § 31.40
Board of directors, organizational meeting of, § 31.15
Business judgment rule, § 31.33
Bylaws, § 31.13
Capital stock
 Generally, §§ 31.18-31.30
 Articles of incorporation, § 31.6
 Common vs. preferred stock, § 31.19
 Dividends, § 31.20
 Liability of shareholders, § 31.23
 Liquidation preference, § 31.22
 Shareholders meetings, below
 Stock book, § 31.16
 Voting rights, § 31.21
Close corporations, § 31.54
Common vs. preferred stock, § 31.19
Concurrent amendment and restatement of articles of incorporation, § 31.39
Consolidation, § 31.42
Control share acquisitions, § 31.41
Corporate information available, § 31.52
Deeds, §§ 6.12, 6.17
Directors, §§ 31.9, 31.32-31.34
Dissolution, §§ 31.43, 31.44
Dividends, capital stock, § 31.20
Existence, generally, §§ 31.1-31.17
Fees paid, § 31.53
Foreign Corporations, this index
Franchise tax, annual filings, § 31.17
Incorporator, articles of incorporation, § 31.8
Indemnification of officers and directors, § 31.34

INDEX

CORPORATIONS—Continued

- Involuntary dissolution, § 31.44
- Liquidation, §§ 31.22, 31.43, 31.44
- Meeting of incorporators, § 31.14
- Merger, § 31.42
- Minute book, § 31.16
- Name of corporation, §§ 31.2, 31.4
- Notice requirements, shareholders meetings, § 31.25
- Officers, §§ 31.31, 31.33, 31.34
- Organization, generally, §§ 31.1-31.17
- Organizational meeting of board of directors, § 31.15
- Preemptive rights, articles of incorporation, § 31.7
- Registered agent and office, articles of incorporation, § 31.5
- Reservation of name, § 31.2
- Restatement of articles of incorporation, §§ 31.38, 31.39
- Seal, § 31.16
- Shareholders meetings
 - Generally, §§ 31.24-31.30
 - Determination of votes, § 31.27
 - Notice requirements, § 31.25
 - Transfer books, § 31.29
 - Vote inspectors, § 31.26
 - Voting record, § 31.30
 - Voting trusts, § 31.28
- Term of existence, articles of incorporation, § 31.10
- Transfer books, shareholders meetings, § 31.29
- Voluntary dissolution and liquidation, § 31.43
- Voting
 - Amendment of articles of incorporation, voting by certain shareholders, § 31.37
 - Capital stock, voting rights, § 31.21
 - Vote inspectors, shareholders meetings, § 31.26
 - Voting record, shareholders meetings, § 31.30
 - Voting trusts, shareholders meetings, § 31.28

COSTS AND EXPENSES

- Guardians and conservators, § 36.30
- Wills, funeral expenses, § 34.53

COUNSEL

- Attorneys, this index

COUNTERCLAIMS

- Probate, claims against estate, § 35.33
- Quiet title, § 17.13

COVENANTS

- Deeds of trust, §§ 8.13, 8.19, 8.37

COVER

- Leases of goods, § 20.45
- Sales, § 19.51

CRIMINAL LIABILITY

- Blue Sky Law, this index

CROSSCLAIMS

- Quiet title, § 17.13

CURE

- Leases of goods, improper tender or delivery, § 20.42
- Sales, § 19.26

INDEX

CUSTODIANS

Wills, §§ 34.31, 34.67

DAMAGES

Consequential Damages, this index

Incidental Damages, this index

Leases of goods, §§ 20.46, 20.47, 20.54-20.56, 20.59

Liquidated Damages, this index

Sales, §§ 19.47, 19.49, 19.52, 19.53, 19.55

DATE

Time and Date, this index

DEATH

Bank deposits and collections, § 22.13

Partnerships, § 33.14

Probate, this index

Wills, this index

DECEIT

Fraud and Misrepresentation, this index

DEEDS

Generally, §§ 6.1-6.27

Conditions, § 6.21

Consideration, § 6.18

Corporations as parties, §§ 6.12, 6.17

Description, § 6.19

Designation of parties, § 6.10

Disabled person as grantor, § 6.11

Elements of deeds, § 6.2

Encumbrances, § 6.22

Essential elements of deeds, § 6.2

Exceptions, § 6.20

Execution of deeds, § 6.6

Explanatory statements, § 6.23

Fiduciary deeds, § 6.24

General warranty deeds, §§ 6.3, 6.25

Grantee, §§ 6.14-6.17

Grantor, §§ 6.8-6.13

Joint tenants as parties, § 6.15

Marital status of parties, § 6.9

Minor as grantor, § 6.11

Multiple grantors, § 6.10

Parties, generally, §§ 6.8-6.17

Partnerships as parties, §§ 6.13, 6.17

Probate, §§ 35.113, 35.114

Quitclaim deeds, §§ 6.5, 6.27

Recording of deeds, § 6.7

Reservations, § 6.20

Restrictions, § 6.21

Sheriff's deeds, § 6.24

Special warranty deeds, §§ 6.4, 6.26

Tenants by the entireties as parties, § 6.16

Types of deeds, § 6.1

Warranty deeds, §§ 6.3, 6.4, 6.25, 6.26

DEEDS OF TRUST

Generally, §§ 8.1-8.62, 9.1-9.17

Acceleration, §§ 8.14, 8.30, 9.2

Acknowledgment, § 8.31

Additions, § 8.38

INDEX

DEEDS OF TRUST—Continued

- Alterations, § 8.38
- Amendments, § 8.54
- Application of payments, § 8.22
- Assignments, §§ 8.42, 8.55
- Beneficiary, designation of, § 8.8
- Certified mail, notice of foreclosure sale by, § 9.7
- Charges, § 8.23
- Components, generally, §§ 8.4-8.17
- Condemnation, §§ 8.26, 8.41
- Consideration, expression of, § 8.9
- Construction deeds of trust, § 8.52
- Covenants, §§ 8.13, 8.19, 8.37
- Deed of trustee, foreclosure, § 9.10
- Default, §§ 8.14, 9.2
- Description of property, §§ 8.11, 8.19, 8.34
- Description of secured obligations, §§ 8.19, 8.35
- Designation of parties, §§ 8.6-8.8
- Drafting, generally, §§ 8.1-8.62
- Due diligence, §§ 8.58, 8.62
- Due on sale provision, § 8.28
- Encumbrances, §§ 8.12, 8.39
- Environmental liability, foreclosure, § 9.11
- Environmental warranties, agreements, and indemnity, § 8.46
- Equity, redemption in, § 9.14
- Essential and usual components, § 8.4
- Expanded deed of trust
 - Generally, §§ 8.32-8.46, 8.60
 - Assignment of liens and rents, § 8.42
 - Condemnation, § 8.41
 - Definitions, § 8.36
 - Description of mortgaged property, § 8.34
 - Description of secured obligations, § 8.35
 - Environmental warranties, agreements, and indemnity, § 8.46
 - Form, § 8.60
 - General covenants, representations, and warranties, § 8.37
 - Granting clause, § 8.34
 - Insurance, § 8.40
 - Maintenance, alterations, and additions, § 8.38
 - Parties, identification of, § 8.33
 - Preliminary matters, § 8.33
 - Remedies, § 8.44
 - Security agreement, § 8.43
 - Transfers, encumbrances, liens, and taxes, § 8.39
- Foreclosure
 - Generally, §§ 9.1-9.17
 - Certified mail, notice of sale by, § 9.7
 - Checklist, § 9.17
 - Conduct of sale, § 9.9
 - Deed of trustee, § 9.10
 - Default and acceleration, § 9.2
 - Environmental liability, § 9.11
 - Equity, redemption in, § 9.14
 - Impediments to sale, § 9.3
 - Judicial foreclosure, § 9.15
 - Junior federal tax liens, notice, § 9.8
 - Notice of sale, §§ 9.6-9.8
 - Post foreclosure issues, § 9.16
 - Preliminary matters, §§ 9.2-9.5
 - Proceeds of sale, § 9.12

INDEX

DEEDS OF TRUST—Continued

- Foreclosure—Continued
 - Publication, notice of sale by, § 9.6
 - Records search, § 9.5
 - Redemption, §§ 9.13, 9.14
 - Successor trustee, appointment of, § 9.4
- Formalities of execution, § 8.17
- Forms, §§ 8.59-8.62
- Future advance deeds of trust, § 8.49
- General covenants, representations, and warranties, § 8.37
- Granting clause, §§ 8.10, 8.19, 8.34
- Grantor, designation of, § 8.6
- Habendum, § 8.12
- Hazard insurance, § 8.24
- Identification of secured obligations, § 8.9
- Indemnity, environmental, § 8.46
- Inspection, § 8.26
- Insurance, §§ 8.21, 8.24, 8.40
- Interest, payment of, § 8.20
- Junior federal tax liens, notice, § 9.8
- Junior priority deeds of trust, § 8.47
- Late charges, § 8.20
- Lease by trustee to grantor, § 8.16
- Leasehold deeds of trust, § 8.50
- Liens, §§ 8.23, 8.39
- Maintenance, §§ 8.25, 8.38
- Mechanics liens, priority, §§ 16.18-16.21
- Modifications, § 8.54
- Notes, drafting of, § 8.57
- Notice of foreclosure sale, §§ 9.6-9.8
- Parties, §§ 8.5-8.8, 8.19, 8.33
- Preliminary matters, § 8.33
- Prepayment charges, § 8.20
- Preservation, § 8.25
- Principal, payment of, § 8.20
- Proceeds of foreclosure sale, § 9.12
- Promissory note secured by real estate, form, § 8.61
- Protection of lender's rights, § 8.26
- Publication, notice of foreclosure sale by, § 9.6
- Purchase money deeds of trust, § 8.51
- Records search, foreclosure, § 9.5
- Redemption, foreclosure, §§ 9.13, 9.14
- Reinstatement right, § 8.29
- Releases, § 8.56
- Remedies, §§ 8.14, 8.30, 8.44
- Representations, § 8.37
- Reverse mortgages, § 8.53
- Sale, power of, § 8.15
- Satisfaction, § 8.56
- Secured obligations, identification, § 8.9
- Security agreement, § 8.43
- Signatures, § 8.31
- Simple deed of trust
 - Generally, §§ 8.18-8.31, 8.59
 - Acceleration and remedies, § 8.30
 - Application of payments, § 8.22
 - Charges and liens, § 8.23
 - Covenants of title, § 8.19
 - Description of mortgaged property, § 8.19
 - Description of secured obligations, § 8.19

INDEX

DEEDS OF TRUST—Continued

Simple deed of trust—Continued

- Due on sale provision, § 8.28
- Form, § 8.59
- Granting language, § 8.19
- Hazard insurance, § 8.24
- Parties, § 8.19
- Payment of principal, interest, prepayment charges, and late charges, § 8.20
- Preservation and maintenance, § 8.25
- Protection of lender's rights, inspection, and condemnation, § 8.26
- Reinstatement right, § 8.29
- Signatures and acknowledgment, § 8.31
- Taxes and insurance, § 8.21
- Special types of deeds of trust, §§ 8.47-8.53
- Successor trustee, appointment of, § 9.4
- Supplements, § 8.54
- Taxes, §§ 8.21, 8.39
- Transfers, § 8.39
- Trustee, designation of, § 8.7
- Warranties, §§ 8.12, 8.37, 8.46
- Wrap-around deeds of trust, § 8.48

DEFENSES

- Blue Sky Law, this index
- Investment securities, § 24.7
- Mechanics liens, § 16.61
- Secured transactions, waiver, § 25.6

DELEGATION

- Sales, § 19.8

DELINQUENCY

- Retail credit sales, § 27.15

DELIVERY

- Investment securities, § 24.11
- Leases of goods, §§ 20.39, 20.42, 20.46
- Sales, §§ 19.9, 19.30

DERIVATIVE ACTIONS

- Limited liability companies, § 32.22

DESCRIPTION

- Deeds, § 6.19
- Deeds of trust, §§ 8.11, 8.19, 8.34, 8.35
- Letters of credit, § 23.3
- Mechanics liens, §§ 16.35, 16.58
- Real Estate Transactions, this index

DESTRUCTION

- Investment securities, § 24.19
- Mechanics liens, extinguishment of, § 16.43
- Negotiable instruments, § 21.34

DIRECTORS

- Corporations, §§ 31.9, 31.32-31.34

DISABLED PERSONS

- Deeds, § 6.11

DISCHARGE

- Bankruptcy, §§ 26.34, 26.73
- Guardians and conservators, §§ 36.31, 36.62

INDEX

DISCHARGE—Continued

Negotiable instruments, § 21.36
Probate, personal representative, §§ 35.45, 35.112

DISCLAIMERS

Wills, §§ 34.40, 34.63

DISCLOSURE

Condominiums, § 11.15
Invention development services contract, formation of, § 37.7

DISCOVERY

Probate, § 35.24

DISHONOR

Negotiable instruments, § 21.23

DISINHERITANCE

Wills, §§ 34.24, 34.62

DISMISSAL

Bankruptcy, this index

DISSOCIATION

Limited Liability Companies, this index

DISSOLUTION

Corporations, §§ 31.43, 31.44
Limited Liability Companies, this index

DISTRIBUTION

Partnerships, § 33.11
Probate, this index
Wills, § 34.7

DIVIDENDS

Corporations, capital stock, § 31.20

DIVORCE

Wills, § 34.15

DOCTORS

Guardians and conservators, § 36.8

DOCUMENTARY DRAFTS

Bank deposits and collections, § 22.25

DOWER

Wills, provisions in lieu of dower, § 34.61

DRUG ABUSE

Guardians and conservators, § 36.37

DUE DILIGENCE

Deeds of trust, §§ 8.58, 8.62
Sale of business, § 29.9

DUE ON SALE PROVISION

Deeds of trust, § 8.28

EASEMENTS

Title insurance, ALTA endorsement form 9, § 4.50

ELECTIONS

Probate, election of spouse to take against will, §§ 35.53, 35.115, 35.116

INDEX

ELIGIBILITY

Bankruptcy, this index

EMERGENCIES

Guardians and conservators, § 36.11

EMINENT DOMAIN

Deeds of trust, §§ 8.26, 8.41

Leases of real property, § 10.14

ENCUMBRANCES

Liens and Encumbrances, this index

ENDORSEMENTS

Title Insurance, this index

ENVIRONMENTAL LAW

Generally, §§ 14.1-14.14

Abandoned sites, § 14.12

Brownfields, § 14.14

CERCLA, §§ 14.2, 14.3

Clean Air Act, § 14.6

Clean Water Act, § 14.7

Deeds of trust, §§ 8.46, 9.11

Federal law, §§ 14.2-14.8

Hazardous Waste Management Law, § 14.11

Leases of real property, § 10.10

Lender liability, § 14.13

RCRA, § 14.5

Solid waste disposal, § 14.10

State Environmental Improvement and Energy Resources Authority, § 14.9

Superfund Recycling Equity Act, § 14.4

Title insurance, ALTA endorsement form 8.1, § 4.49

Uncontrolled sites, § 14.12

EQUITY

Deeds of trust, redemption, § 9.14

Mechanics Liens, this index

Quiet title, § 17.3

ESCROW

Blue sky law, registration, § 28.11

Real estate transactions, closings of, §§ 7.9, 7.18

ESTATES

Generally, §§ 34.1-34.84, 35.1-35.122, 36.1-36.62

Guardians and Conservators, this index

Probate, this index

Wills, this index

ESTOPPEL

Mechanics liens, filing with circuit clerk, § 16.42

EXCEPTIONS

Deeds, § 6.20

EXCLUSIVE DEALINGS

Sales, § 19.11

EXECUTION

Deeds, § 6.6

Mechanics liens, § 16.74

Wills, this index

INDEX

EXECUTORY CONTRACTS

Bankruptcy, § 26.23

EXEMPTIONS

Ad valorem taxes, § 18.4

Bankruptcy, § 26.11

Blue sky law, §§ 28.14-28.16

Probate, §§ 35.55, 35.117, 35.118

Wills, § 34.25

EXONERATION

Wills, § 34.21

EXPENSES

Costs and Expenses, this index

EXTENSIONS

Leases of real property, § 10.18

FAMILY ALLOWANCE

Probate, §§ 35.119, 35.120

FARM PRODUCTS

Secured transactions, § 25.21

FICTITIOUS PAYEES

Negotiable instruments, § 21.29

FIDUCIARY DEEDS

Generally, § 6.24

FILING

Bankruptcy, §§ 26.28, 26.48

Mechanics Liens, this index

Secured Transactions, this index

Wills, § 35.9

FIRM OFFERS

Leases of goods, consideration, § 20.5

Sales, consideration, § 19.7

FIRPTA CERTIFICATE

Real estate transactions, closing of, § 7.14

FITNESS FOR PARTICULAR PURPOSE

Leases of goods, implied warranty, § 20.24

FIXTURES

Leases of goods, § 20.19

Leases of real property, § 10.21

Secured transactions, § 25.27

FORECLOSURE

Deeds of Trust, this index

FOREIGN CORPORATIONS

Generally, §§ 31.45-31.51

Amended certificate of authority, § 31.47

Certificate of authority, §§ 31.46, 31.47, 31.51

Requirements, § 31.48

Revocation of certificate of authority, § 31.51

Service of process, § 31.49

Withdrawal, § 31.50

INDEX

FOREIGN LIMITED LIABILITY COMPANIES

Registration, § 32.39

FORGERY

Bank deposits and collections, § 22.16

Negotiable instruments, § 21.31

FORWARD TRIANGULAR REORGANIZATION

Sale of business, § 30.13

FRANCHISE TAX

Corporations, annual filings, § 31.17

FRAUD AND MISREPRESENTATION

Leases of goods, § 20.60

Mechanics liens, § 16.23

FRAUDS, STATUTE OF

Leases of goods, § 20.7

Sales, § 19.4

FRAUDULENT TRANSFERS

Bankruptcy, § 26.20

FUNERAL EXPENSES

Wills, § 34.53

FUTURE ADVANCES

Secured transactions, § 25.16

GARNISHMENT

Bank deposits and collections, priorities in customer's account, §§ 22.19-22.21

GENERATION SKIPPING TRANSFER TAX

Wills, §§ 34.48, 34.49

GIFT TAX

Wills, § 34.47

GOOD FAITH

Negotiable instruments, holder in due course, § 21.13

GROUNDWATER

Generally, § 15.5

GUARDIANS AD LITEM

Quiet title, § 17.15

GUARDIANS AND CONSERVATORS

Generally, §§ 36.1-36.62

Actions against protectee, § 36.23

Adjudication, § 36.10

Alcohol abuse and civil detention, § 36.37

Annual report, § 36.55

Annual review of status, § 36.26

Annual settlement, § 36.27

Application for guardianship or conservatorship, § 36.4

Appointment, petition for, §§ 36.38-36.40

Appraisement, § 36.19

Attorney, court appointed, § 36.7

Bond of conservator, §§ 36.15, 36.51

Claims, § 36.21

Collection of estate, § 36.20

Compensation of guardians and conservators, § 36.30

Consent of respondent, § 36.39

INDEX

GUARDIANS AND CONSERVATORS—Continued

Conveyance of property, § 36.22
Definitions, § 36.2
Delegation of powers by parent, temporary, § 36.33
Detained person, petition for appointment of conservator for, § 36.50
Disappeared person, petition for appointment of conservator for, § 36.50
Discharge, §§ 36.31, 36.62
Drug abuse and civil detention, § 36.37
Emergencies, § 36.11
Expenses of guardians and conservators, § 36.30
Final settlement, §§ 36.29, 36.59, 36.60
Findings, § 36.10
Foreign guardian or conservator, § 36.32
Hearing on petition, § 36.9
Individual liability of conservator, § 36.24
Inventory, § 36.19
Judgments, §§ 36.42-36.44
Jurisdiction, § 36.3
Letters of guardianship or conservatorship
 Generally, §§ 36.13, 36.45-36.49
 Disabled person, § 36.46
 Incapacitated person, § 36.45
 Minors, § 36.49
 Partially disabled person, § 36.48
 Partially incapacitated person, § 36.47
Limited guardian or conservator, § 36.14
Mental health or mental retardation clinic, petition to admit ward to, § 36.52
Notice
 Letters of guardianship or conservatorship, above
 Petition for guardian or conservator, § 36.6
Orders, § 36.10
Partial incapacity and partial disability, judgment, §§ 36.43, 36.44
Petition for appointment, §§ 36.38-36.40, 36.50
Physician, examination by, § 36.8
Powers and duties of guardians and conservators, §§ 36.16, 36.17
Powers of court, § 36.18
Preservation of estate, § 36.20
Psychologist, examination by, § 36.8
Qualifications for guardian or conservator, § 36.12
Ratification of expenditures for protectee, §§ 36.53, 36.54
Receipts, §§ 36.31, 36.61
Removal of guardian or conservator, § 36.25
Settlement, §§ 36.53, 36.54
Single guardianship or conservatorship for two or more persons, § 36.5
Successor guardian or conservator, appointment of, § 36.25
Temporary delegation of powers by parent, § 36.33
Termination of guardianship or conservatorship, §§ 36.28, 36.57, 36.58
Total incapacity and total disability, judgment, § 36.42
Transfers to minors, § 36.36
Uniform Veterans' Guardianship Law, § 36.35
Venue, § 36.3
Wills, this index

HABENDUM

Deeds of trust, § 8.12

HAZARD INSURANCE

Deeds of trust, § 8.24

HAZARDOUS WASTE MANAGEMENT LAW

Generally, § 14.11

INDEX

HEARINGS

Guardians and conservators, § 36.9
Probate, claims against estate, § 35.34

HEIRSHIP

Probate, this index
Title, § 5.8

HOLDER IN DUE COURSE

Bank deposits and collections, § 22.6
Negotiable Instruments, this index
Secured transactions, § 25.24

HOMEOWNERS ASSOCIATIONS

Subdivisions, §§ 13.6, 13.9

HOMESTEAD ALLOWANCE

Probate, §§ 35.57, 35.121, 35.122
Wills, § 34.27

HUD SETTLEMENT STATEMENT

Real estate transactions, closing of, § 7.15

HUSBAND AND WIFE

Spouses, this index

IDENTITY AND IDENTIFICATION

Leases of goods, §§ 20.28, 20.30, 20.50
Sales, §§ 19.23, 19.38, 19.44
Title, § 5.9

ILLEGITIMATE CHILDREN

Wills, § 34.10

IMPAIRMENT

Bankruptcy, Chapter 11, § 26.50

IMPLIED WARRANTIES

Leases of goods, § 20.24
Sales, § 19.14

IMPOSTORS

Negotiable instruments, § 21.29

IMPOUNDMENT

Blue sky law, registration, § 28.11

IMPRACTICABILITY

Sales, § 19.40

IMPROVEMENTS

Condominiums, § 11.6
Leases of real property, § 10.21

IN TERROREM CLAUSE

Wills, §§ 34.41, 34.71

INCIDENTAL DAMAGES

Leases of goods, §§ 20.47, 20.56
Sales, §§ 19.49, 19.53

INCOME TAXES

Bankruptcy, Chapter 12, § 26.72
Limited liability companies, § 32.3
Probate, §§ 35.65, 35.66

INDEX

INDEMNITY AND INDEMNIFICATION

Corporations, officers and directors, § 31.34
Deeds of trust, § 8.46
Limited liability companies, § 32.13

INDEPENDENT ADMINISTRATION

Probate, §§ 35.8, 35.81
Wills, §§ 34.36, 34.64

INDORSEMENTS

Investment securities, §§ 24.12, 24.13, 24.18

INFANTS

Children and Minors, this index

INFRINGEMENT

Copyrights, § 37.20
Leases of goods, warranty, § 20.23
Sales, warranties, § 19.12

INHERITANCE TAX

Probate, § 35.64

INJUNCTIONS

Blue sky law, § 28.30

INSOLVENCY

Bankruptcy, this index
Leases of goods, § 20.48
Sales, § 19.42

INSPECTION

Deeds of trust, § 8.26
Real estate transactions, § 1.14
Sales, § 19.29

INSTALLMENT CONTRACTS

Sales, § 19.37

INSURANCE

Condominiums, § 11.12
Deeds of trust, §§ 8.21, 8.24, 8.40
Leases of goods, § 20.28
Leases of real property, § 10.13
Motor vehicle time sales, § 27.21
Title Insurance, this index

INTELLECTUAL PROPERTY

Generally, §§ 37.1-37.23
Copyrights, this index
Patents and Inventions, this index
Trade Secrets, this index
Trademarks and Service Marks, this index

INTENT

Wills, § 34.44

INTEREST

Deeds of trust, § 8.20
Mechanics liens, § 16.72

INTERFERENCE

Leases of goods, warranty, § 20.23

INDEX

INTESTATE SUCCESSION

Probate, § 35.52

Wills, § 34.9

INVENTIONS

Patents and Inventions, this index

INVENTORY

Guardians and conservators, § 36.19

Probate, §§ 35.18, 35.88

INVESTIGATIONS

Blue sky law, § 28.30

INVESTMENT SECURITIES

Generally, §§ 24.1-24.21

Adverse claims, notice of, § 24.10

Assurance-guarantee of signature and indorsement, § 24.18

Continued perfection of security interests, § 24.21

Defenses of issuer, § 24.7

Definitions, § 24.2

Delivery, § 24.11

Destroyed securities, § 24.19

Effectiveness of indorsement, instruction, or entitlement order, § 24.13

Indorsement, §§ 24.12, 24.13, 24.18

Intermediary, duties of, § 24.8

Issuer, § 24.3

Lost securities, § 24.19

Notice of adverse claims, § 24.10

Overissue, § 24.5

Registration of transfer, §§ 24.15, 24.16

Restrictions on transfer, § 24.4

Rights acquired by purchaser, § 24.9

Signature of authenticating trustee, registrar, or transfer agent, §§ 24.6, 24.18

Stolen securities, § 24.19

Terms of security, § 24.4

Third parties, liability for transfer, § 24.17

Transfer restrictions, § 24.4

Validity of security, § 24.5

Warranties, § 24.14

INVESTMENTS

Probate, § 35.21

Secured transactions, conflicting security interests, § 25.28

Securities. Investment Securities, this index

INVOLUNTARY DISSOLUTION

Corporations, § 31.44

JOINT TENANTS

Deeds, § 6.15

JUDGMENTS

Guardians and conservators, §§ 36.42-36.44

Mechanics liens, §§ 16.71-16.74

Quiet title, §§ 17.17, 17.24

JURISDICTION

Bankruptcy, §§ 26.4, 26.5

Guardians and conservators, § 36.3

Probate, §§ 35.2, 35.58

Quiet title, § 17.7

INDEX

JUST AND TRUE ACCOUNT

Mechanics liens, filing with circuit clerk, §§ 16.30-16.32

LAPSE

Wills, bequests, § 34.20

LATE CHARGES

Deeds of trust, § 8.20

LAWYERS

Attorneys, this index

LEASES OF GOODS

Generally, §§ 20.1-20.60
Acceptance, §§ 20.6, 20.43, 20.44
Accessions, rights when goods become, § 20.20
Anticipatory repudiation, § 20.32
Assurance of performance, § 20.31
Cancellation, effect of, § 20.60
Casualty to identified goods, § 20.30
Choice of law, § 20.11
Conflict, warranties, § 20.26
Consequential damages, § 20.47
Consideration, § 20.5
Construction, rules of, § 20.12
Cover, § 20.45
Creditors, special rights of, § 20.18
Cumulation of warranties, § 20.26
Cure by lessor or supplier of improper tender or delivery, § 20.42
Damages, §§ 20.46, 20.47, 20.54-20.56, 20.59
Delivery, improper, §§ 20.39, 20.42, 20.46
Disposition of goods, § 20.53
Enforceability of contract, § 20.13
Exclusion of warranties, § 20.25
Excused performance, § 20.34
Finance leases, §§ 20.21, 20.35
Firm offers, consideration, § 20.5
Fitness for particular purpose, implied warranty, § 20.24
Fixtures, rights when goods become, § 20.19
Formation of lease contract, generally, § 20.4
Fraud, effect of, § 20.60
Frauds, statute of, § 20.7
Identification of goods, §§ 20.28, 20.30, 20.50
Implied warranties of merchantability and fitness for particular purpose, § 20.24
Incidental damages, §§ 20.47, 20.56
Infringement, warranty, § 20.23
Insecurity, § 20.31
Insolvency of lessor, right to goods on, § 20.48
Insurable interest, § 20.28
Interference, warranty, § 20.23
Irrevocable promises under finance leases, § 20.35
Limitation of actions, § 20.37
Liquidated damages, § 20.59
Loss, risk of, § 20.29
Merchantability, implied warranty, § 20.24
Merchants and consumer leases, § 20.3
Modification, §§ 20.10, 20.25
Offer and acceptance, § 20.6
Other laws, application of, § 20.2
Parol evidence, § 20.8
Possession of goods, § 20.51

INDEX

LEASES OF GOODS—Continued

- Priority of interests, generally, § 20.17
- Rejection, damages for, § 20.54
- Remedies of lessee
 - Generally, §§ 20.36-20.48
 - Acceptance of goods, §§ 20.43, 20.44
 - Cover, § 20.45
 - Cure by lessor or supplier or improper tender or delivery, § 20.42
 - Damages, §§ 20.46, 20.47, 20.59
 - Default, generally, §§ 20.37, 20.38
 - Delivery, improper, §§ 20.39, 20.42, 20.46
 - Incidental and consequential damages, § 20.47
 - Insolvency of lessor, right to goods on, § 20.48
 - Liquidated damages, § 20.59
 - Nondelivery, repudiation, default, and breach of warranty, damages for, § 20.46
 - Revocation of acceptance of goods, § 20.44
 - Rightfully rejected goods, duties of lessee as to, § 20.41
 - Specific performance or replevin, § 20.48
 - Statute of limitations, § 20.37
 - Third parties, standing to sue for injury to goods by, § 20.58
 - Waiver of lessee's obligations, § 20.40
- Remedies of lessor
 - Generally, §§ 20.49-20.57
 - Damages, §§ 20.54-20.56, 20.59
 - Disposition of goods, § 20.53
 - Identification of goods, § 20.50
 - Incidental damages, § 20.56
 - Liquidated damages, § 20.59
 - Nonacceptance or rejection, damages for, § 20.54
 - Possession of goods, § 20.51
 - Rent, action for, § 20.55
 - Residual interest, right to, § 20.57
 - Stopping of delivery, § 20.52
 - Third parties, standing to sue for injury to goods by, § 20.58
- Rent, action for, § 20.55
- Replevin, § 20.48
- Rescission, §§ 20.10, 20.60
- Residual interest, right to, § 20.57
- Revocation of acceptance of goods, § 20.44
- Risk of loss, § 20.29
- Sale or sublease, § 20.16
- Specific performance, § 20.48
- Statute of frauds, § 20.7
- Statute of limitations, § 20.37
- Stopping of delivery, § 20.52
- Subsequent lease, § 20.15
- Substituted performance, § 20.33
- Termination, effect of, § 20.60
- Third parties, standing to sue for injury to goods by, § 20.58
- Third party beneficiaries, warranties, § 20.27
- Transfer of interests, § 20.14
- Unconscionability, § 20.9
- Waiver, §§ 20.10, 20.40
- Warranties
 - Generally, §§ 20.22-20.27
 - Cumulation and conflict, § 20.26
 - Damages, § 20.46
 - Exclusion or modification, § 20.25
 - Express warranties, § 20.22
 - Implied warranties of merchantability and fitness for particular purpose, § 20.24

INDEX

LEASES OF GOODS—Continued

Warranties—Continued

Interference and infringement, § 20.23

Third party beneficiaries, § 20.27

LEASES OF REAL PROPERTY

Generally, §§ 10.1-10.26

Assignment, § 10.12

Attornment, § 10.16

Bankruptcy, §§ 10.25, 26.23, 26.24

Casualties, § 10.13

Checklist, § 10.26

Deeds of trust, §§ 8.16, 8.50

Default, § 10.15

Economic terms, § 10.4

Eminent domain, § 10.14

Environmental considerations, § 10.10

Extensions, § 10.18

Fixtures, § 10.21

Improvements, § 10.21

Insurance, § 10.13

Laws, compliance with, § 10.17

Maintenance, § 10.11

Mortgages, § 10.16

Non-disturbance, § 10.16

Notice clause, § 10.20

Options to purchase, § 10.22

Parties, § 10.3

Premises, § 10.5

Quiet enjoyment, § 10.9

Recording, § 10.19

Recovery of possession, § 10.24

Remedies of landlord, § 10.23

Renewals, § 10.18

Rent, § 10.4

Repair, § 10.11

Services, § 10.8

Subleases, § 10.12

Subordination, § 10.16

Subrogation, § 10.13

Term, § 10.6

Title Insurance, this index

Use, § 10.7

LETTERS

Guardians and Conservators, this index

Letters of Credit, this index

Sale of business, letter of intent, § 29.12

LETTERS OF CREDIT

Generally, §§ 23.1-23.10

Assignment, § 23.10

Defined, § 23.2

Description of transaction, § 23.3

Establishment of letter of credit, § 23.6

Modification, § 23.6

Obligations of issuer, § 23.8

Requirements for valid letter of credit, § 23.5

Revocation, § 23.6

Terms, § 23.5

Transfer, § 23.10

INDEX

LETTERS OF CREDIT—Continued

Uniform customs and practice for documentary credits, § 23.4

Warranties, § 23.9

Wrongful dishonor by issuer, § 23.7

LIENS AND ENCUMBRANCES

Deeds, § 6.22

Deeds of trust, §§ 8.12, 8.23, 8.39

LIMITATION OF ACTIONS

Statutes of Limitation, this index

LIMITED LIABILITY COMPANIES

Generally, §§ 32.1-32.39

Allocation of profits and losses, § 32.24

Amendment of articles of organization, § 32.7

Articles of organization, §§ 32.5, 32.7

Assignment of interest, § 32.27

Business or purpose, § 32.8

Capital structure, §§ 32.9, 32.10

Care, duty of, § 32.20

Classes of members, § 32.23

Consolidations, §§ 32.35, 32.37, 32.38

Continuation of business after withdrawal by member, § 32.31

Contributions, §§ 32.9, 32.10

Conversions, §§ 32.35, 32.36

Definitions, § 32.2

Derivative actions, § 32.22

Designation of managers, § 32.15

Dissociation from company

Generally, §§ 32.27-32.31

Assignment of interest, § 32.27

Continuation of business after withdrawal by member, § 32.31

Events of withdrawal, §§ 32.28, 32.30

Occurrence of event of withdrawal, effect of, § 32.30

Withdrawal, §§ 32.28-32.31

Dissolution

Generally, §§ 32.32-32.34

Date or events specified in articles of organization, § 32.33

Withdrawal, event of, § 32.34

Enforceability of contributions, § 32.10

Foreign limited liability companies, registration of, § 32.39

Form of contributions, § 32.9

Formation, §§ 32.4-32.8

Governance provisions. Managers and management, below

Income taxes, § 32.3

Indemnification of members and managers, § 32.13

Liabilities of members and managers, §§ 32.11-32.13

Loyalty, duty of, § 32.21

Managers and management

Generally, §§ 32.14-32.22

Authority of managers and members, § 32.19

Care, duty of, § 32.20

Decisions, requirements for, § 32.17

Derivative actions, § 32.22

Designation of managers, § 32.15

Indemnification, § 32.13

Liabilities, §§ 32.11-32.13

Loyalty, duty of, § 32.21

Manner of acting, § 32.18

Parties to proceedings, § 32.12

INDEX

LIMITED LIABILITY COMPANIES—Continued

Managers and management—Continued

Replacement of managers, § 32.16

Members

Generally, §§ 32.23-32.26

Allocation of profits and losses, § 32.24

Classes, § 32.23

Indemnification, § 32.13

Liabilities, §§ 32.11-32.13

Limitations on distributions, § 32.26

Parties to proceedings, § 32.12

Sharing of distributions, § 32.25

Mergers, §§ 32.35, 32.37, 32.38

Operating agreement, § 32.6

Parties to proceedings, § 32.12

Purpose or business, § 32.8

Registration of foreign limited liability companies, § 32.39

Replacement of managers, § 32.16

Sharing of distributions, § 32.25

Withdrawal, §§ 32.28-32.31, 32.34

LIMITED PARTNERSHIPS

Partnerships, this index

LIQUIDATED DAMAGES

Leases of goods, § 20.59

Sales, § 19.55

LIQUIDATION

Corporations, §§ 31.22, 31.43, 31.44

LIS PENDENS

Quiet title, § 17.16

LIST OF COLLATERAL

Secured transactions, § 25.15

LIVING WILLS

Generally, § 34.42

LOSS, RISK OF

Leases of goods, § 20.29

Real estate transactions, § 1.12

Sales, § 19.27

LOST ITEMS

Investment securities, § 24.19

Negotiable instruments, § 21.34

Quiet title, § 17.20

LOYALTY

Limited liability companies, § 32.21

MANAGERS AND MANAGEMENT

Limited Liability Companies, this index

MARKETABLE TITLE

Generally, § 5.4

MECHANICS LIENS

Generally, §§ 16.1-16.78

Accrual of indebtedness, filing of liens with circuit clerk, § 16.27

Additions, priority, § 16.21

After acquired property, priority, § 16.20

INDEX

MECHANICS LIENS—Continued

- Agreement of owner, § 16.13
- Amendments to lien, filing of liens with circuit clerk, § 16.41
- Amendments to petition, § 16.50
- Amount of land subject to lien, § 16.10
- Assignment of lien, filing of liens with circuit clerk, § 16.40
- Associate circuit judges, proceedings before, § 16.70
- Commencement of action, § 16.49
- Consent of owner, § 16.13
- Contiguous lots, § 16.11
- Contracts, parties to, § 16.52
- Deeds of trust, priority, §§ 16.18-16.21
- Defenses, enforcement, § 16.61
- Delay in prosecution, § 16.62
- Description of property, §§ 16.35, 16.58
- Destruction of improvement, extinguishment of lien, § 16.43
- Enforcement
 - Generally, §§ 16.46-16.70
 - Amendments to petition, § 16.50
 - Associate circuit judges, proceedings before, § 16.70
 - Commencement of action, § 16.49
 - Contracts, parties to, § 16.52
 - Defenses, § 16.61
 - Delay in prosecution, § 16.62
 - Description of property, petitions, § 16.58
 - Equitable actions, below
 - Facts stated in petition, § 16.59
 - Interested parties, § 16.54
 - Necessary parties, §§ 16.51-16.54
 - Owners as necessary parties, § 16.53
 - Parties, §§ 16.51-16.54
 - Petitions, §§ 16.57-16.60, 16.77
 - Prayer for relief, petitions, § 16.60
 - Running of period to sue, § 16.48
 - Service of process, § 16.55
 - Time to commence suit, §§ 16.47-16.49
 - Venue, § 16.63
- Equitable actions
 - Generally, §§ 16.64-16.69
 - Exclusive remedy and stay of other actions, § 16.68
 - Nature and purpose, § 16.65
 - Parties, § 16.67
 - Prosecution, § 16.69
 - Time to sue, § 16.66
- Equitable judgments, § 16.73
- Equitable owners, § 16.5
- Estoppel, filing of liens with circuit clerk, § 16.42
- Exclusive remedy and stay of other actions, equitable actions, § 16.68
- Execution and enforcement of judgments, § 16.74
- Extinguishment of lien, filing of liens with circuit clerk, §§ 16.43-16.44
- Filing of liens with circuit clerk
 - Generally, §§ 16.26-16.45
 - Accrual of indebtedness, § 16.27
 - Amendments to lien, § 16.41
 - Assignment of lien, § 16.40
 - Contents of lien statement, §§ 16.29-16.37
 - Dates on which work or materials were provided, § 16.37
 - Description of property, § 16.35
 - Destruction of improvement, extinguishment of lien, § 16.43
 - Errors in lien statement, § 16.33

INDEX

MECHANICS LIENS—Continued

Filing of liens with circuit clerk—Continued
 Estoppel, § 16.42
 Excessive charges, § 16.36
 Extinguishment of lien, §§ 16.43-16.44
 Just and true account, §§ 16.30-16.32
 Original contractor, just and true account, § 16.31
 Owner and contractor, naming in lien, § 16.34
 Payment of debt, extinguishment of lien, § 16.45
 Place to file lien statement, § 16.28
 Separate contracts, § 16.38
 Subcontractors, just and true account, § 16.32
 Transfers of property, extinguishment of lien, § 16.44
 Verification of lien, § 16.39
Forms, §§ 16.75-16.77
Fraud, § 16.23
Further information, § 16.78
Government property, § 16.9
Interest on judgment, § 16.72
Interested parties, enforcement, § 16.54
Interests subject to lien
 Generally, §§ 16.3-16.8
 Equitable owners, § 16.5
 Lessees, § 16.7
 Owners or proprietors, §§ 16.4-16.8
 Tenants by the entirety, § 16.6
Judgments, §§ 16.71-16.74
Just and true account, filing of liens with circuit clerk, §§ 16.30-16.32
Lessees, § 16.7
Materials, special rules, § 16.14
Nature, § 16.1
Necessary parties, enforcement, §§ 16.51-16.54
Notice of claim, § 16.75
Original contractor, lien by, § 16.24
Owners or proprietors, §§ 16.4-16.8, 16.53
Partial release when lien is on multiple lots, § 16.12
Parties, §§ 16.2, 16.51-16.54, 16.67
Payment of debt, extinguishment of lien, § 16.45
Petitions for enforcement, §§ 16.57-16.60, 16.77
Place to file lien statement, § 16.28
Prayer for relief, petitions for enforcement, § 16.60
Priority
 Generally, §§ 16.15-16.21
 After acquired property, deeds of trust, § 16.20
 Deeds of trust, §§ 16.18-16.21
 Priority between mechanic's lien and other claimants, §§ 16.17-16.21
 Priority between mechanic's liens, § 16.16
 Purchase money deeds of trust, § 16.19
 Repairs and additions, deeds of trust, § 16.21
 Time of attachment, § 16.15
Purchase money deeds of trust, priority, § 16.19
Purpose, § 16.1
Repairs, priority, § 16.21
Residential property, § 16.22
Service of process, enforcement, § 16.55
Subcontractors, §§ 16.25, 16.32
Tenants by the entirety, § 16.6
Time and date
 Attachment, priority, § 16.15
 Enforcement, commencement of suit for, §§ 16.47-16.49

INDEX

MECHANICS LIENS—Continued

Time and date—Continued

Equitable actions, § 16.66

Transfers of property, extinguishment of lien, § 16.44

Types of property subject to lien, §§ 16.9-16.12

Venue, enforcement, § 16.63

Verification of lien, filing of liens with circuit clerk, § 16.39

MEMBERS

Limited Liability Companies, this index

MERCHANTABILITY

Leases of goods, implied warranty, § 20.24

MERGER

Corporations, § 31.42

Limited liability companies, §§ 32.35, 32.37, 32.38

Sale of Business, this index

METES AND BOUNDS

Real estate transactions, § 3.3

MINERALS

Title insurance, ALTA endorsement form 9, § 4.50

MINORS

Children and Minors, this index

MINUTE BOOK

Corporations, § 31.16

MISREPRESENTATION

Fraud and Misrepresentation, this index

MODIFICATIONS

Bank deposits and collections, altered checks, § 22.17

Condominiums, § 11.6

Deeds of trust, §§ 8.38, 8.54

Leases of goods, §§ 20.10, 20.25

Letters of credit, § 23.6

Negotiable instruments, § 21.32

Sales, warranties, § 19.15

MORTGAGES

Leases of real property, § 10.16

Second Mortgages, this index

Variable rate mortgages, title insurance, §§ 4.45-4.47

MOTOR VEHICLE TIME SALES

Generally, §§ 27.18-27.27

Applicability, § 27.19

Assignments, § 27.25

Calculation of time price differential and other authorized charges, § 27.22

Contracts, § 27.20

Definitions, § 27.18

Insurance restriction, § 27.21

Prepayment refund, § 27.23

Refinance, § 27.24

Sales finance company, § 27.26

MOTOR VEHICLES

Probate transfers and distributions, § 35.48

Time sales. Motor Vehicle Time Sales, this index

INDEX

NAMES

Corporations, §§ 31.2, 31.4

Partnerships, § 33.8

NEGOTIABLE INSTRUMENTS

Generally, §§ 21.1-21.38

Acceptor, liability of, § 21.21

Accommodation party, liability of, § 21.24

Accord and satisfaction, § 21.37

Altered instruments, § 21.32

Burden of establishing status as holder in due course, § 21.16

Certified checks, liability of acceptor, § 21.21

Consumer transactions and FTC rule, § 21.18

Contractual liability of parties on instrument

Generally, §§ 21.19-21.25

Acceptor, liability of, § 21.21

Accommodation party, liability of, § 21.24

Certified checks, liability of acceptor, § 21.21

Drawer, liability of, § 21.22

Endorser, liability of, § 21.23

Guarantor, liability of, § 21.25

Maker, liability of, § 21.20

Presentment, dishonor, and restrictive endorsements, § 21.23

Conversion of instrument, § 21.31

Destroyed instruments, § 21.34

Discharge, § 21.36

Dishonor, § 21.23

Drawer, liability of, § 21.22

Endorser, liability of, § 21.23

Fictitious payees, § 21.29

For value, holder in due course, § 21.12

Forged endorsements, § 21.31

Good faith, holder in due course, § 21.13

Guarantor, liability of, § 21.25

Holder in due course

Generally, §§ 21.2-21.14

Burden of establishing status, § 21.16

Defined, §§ 21.3-21.14

For value, § 21.12

Good faith, § 21.13

Holder, defined, § 21.11

Negotiable instrument, defined, §§ 21.4-21.10

No other undertaking or instruction, § 21.7

Notice of dishonor, defenses, or claims, § 21.14

Payable on demand or at definite time, § 21.9

Payable to order or bearer, § 21.10

Signature, § 21.5

Sum certain, § 21.8

Unconditional promise or order, § 21.6

Validity of claims or defenses, § 21.17

Impostors, § 21.29

Incomplete instruments, § 21.33

Joint payees and rules of construction, § 21.28

Limitation of actions, § 21.38

Lost instruments, § 21.34

Maker, liability of, § 21.20

Mistaken payment or acceptance, § 21.35

Notice of dishonor, defenses, or claims, § 21.14

Payable on demand or at definite time, holder in due course, § 21.9

Payable to order or bearer, holder in due course, § 21.10

INDEX

NEGOTIABLE INSTRUMENTS—Continued

Presentment, § 21.23
Restrictive endorsements, § 21.23
Shelter rule, § 21.15
Signatures, §§ 21.5, 21.30
Statute of limitations, § 21.38
Stolen instruments, § 21.34
Sum certain, holder in due course, § 21.8
Unconditional promise or order, holder in due course, § 21.6
Underlying obligation, liability on, § 21.26
Warranties, liability based on, § 21.27

NONCONFORMING USES

Zoning, § 12.7

NONRESIDENTS

Probate, this index

NOTICE

Blue sky law, registration, § 28.5
Corporations, shareholders meetings, § 31.25
Deeds of trust, foreclosure sale, §§ 9.6-9.8
Guardians and Conservators, this index
Investment securities, adverse claims, § 24.10
Leases of real property, § 10.20
Mechanics liens, § 16.75
Negotiable instruments, dishonor, defenses, or claims, § 21.14
Probate, §§ 35.17, 35.42

OATH

Probate, § 35.69

OBJECTIONS

Bankruptcy discharge, Chapter 7, § 26.41
Title insurance, § 4.15

OFFER AND ACCEPTANCE

Leases of goods, §§ 20.6, 20.43, 20.44
Sales, §§ 19.6, 19.33, 19.34, 19.52

OFFICERS

Corporations, §§ 31.31, 31.33, 31.34

OFFSETS

Probate claims against estate, § 35.33

OMITTED SPOUSES AND CHILDREN

Probate, § 35.54

ONE YEAR, SUPPORT FOR

Probate, § 35.56
Wills, § 34.26

OPERATING AGREEMENT

Limited liability companies, § 32.6

OPTION TO PURCHASE REAL ESTATE

Generally, §§ 2.1-2.8
Assigns, covenant binding, § 2.6
Basic provisions, § 2.1
Consideration, § 2.3
Form of option, § 2.8
Heirs, covenant binding, § 2.6
Leases, § 10.22

INDEX

OPTION TO PURCHASE REAL ESTATE—Continued

Length of time to exercise option, § 2.4
Manner of exercising option, § 2.5
Parties, designation of, § 2.2

OUTPUT CONTRACTS

Sales, § 19.11

OVERREACHING

Condominiums, § 11.9

PAROL EVIDENCE

Leases of goods, § 20.8
Sales, § 19.5

PARTIES

Deeds, this index
Deeds of trust, §§ 8.5-8.8, 8.19, 8.33
Leases of real property, § 10.3
Limited liability companies, § 32.12
Mechanics liens, §§ 16.2, 16.51-16.54, 16.67
Option to purchase real estate, § 2.2
Quiet title, § 17.10
Real estate transactions, § 1.2

PARTNERSHIPS

Generally, §§ 33.1-33.20
Accounting, § 33.13
Allocations, § 33.11
Banking, § 33.13
Certificate of limited partnership, § 33.20
Checklists for organization of partnerships, §§ 33.3, 33.4
Contributions, § 33.10
Death of partner, effect of, § 33.14
Deeds, §§ 6.13, 6.17
Distributions, § 33.11
Drafting partnership agreement, § 33.6
General partnership, organization of, § 33.3
Limitations on partners, § 33.15
Limited partnerships
 Certificate of limited partnership, § 33.20
 Checklist for organization, § 33.4
 Formalities for formation, § 33.17
 Partnership agreement, § 33.19
 Registered limited liability limited partnerships, § 33.5
Management, § 33.12
Name of business, § 33.8
Partnership agreement, §§ 33.2, 33.18, 33.19
Place of business, § 33.8
Probate, § 35.25
Purpose of business, § 33.9
Recitals, § 33.7
Registered limited liability limited partnerships, § 33.5
Registered limited liability partnerships, § 33.5
Withdrawal of partner, effect of, § 33.14

PATENTS AND INVENTIONS

Generally, §§ 37.6-37.11
Bonds, § 37.11
Disclosures required before formation of invention development services contract, § 37.7
Enforcement of invention development services contract, § 37.10
Invention development services contract, §§ 37.7-37.11

INDEX

PATENTS AND INVENTIONS—Continued

Security deposits, § 37.11
Statutory obligations of developer, § 37.9

PAYMENT

Mechanics liens, extinguishment of, § 16.45
Prepayment, this index
Real estate transactions, § 1.6
Sales, § 19.9

PENALTIES

Retail credit sales, § 27.17
Second mortgages, § 27.8

PERFECTION

Secured Transactions, this index

PERFORMANCE

Sales, § 19.9

PERMISSION

Consent or Approval, this index

PERSONAL REPRESENTATIVES

Probate, this index
Wills, §§ 34.37, 34.65, 34.66

PHYSICIANS

Guardians and conservators, § 36.8

PLANNED UNIT DEVELOPMENT

Title insurance, ALTA endorsement form 5, § 4.44

PLATS

Subdivisions, § 13.3

POSTDATED CHECKS

Bank deposits and collections, § 22.14

POUR OVER PROVISION

Wills, § 34.30

POWER OF APPOINTMENT

Wills, § 34.29

PRAYER FOR RELIEF

Mechanics liens, petitions for enforcement, § 16.60

PREEMPTIVE RIGHTS

Corporations, articles of incorporation, § 31.7

PREFERENCES

Bankruptcy, § 26.19
Wills, § 34.57

PREPAYMENT

Deeds of trust, § 8.20
Motor vehicle time sales, § 27.23
Retail credit sales, § 27.14
Second mortgages, § 27.6

PRESENTMENT

Negotiable instruments, § 21.23
Probate, § 35.82

INDEX

PRESERVATION

Deeds of trust, § 8.25

PRESUMPTIONS

Wills, independent advice, §§ 34.38, 34.70

PRICE

Real estate transactions, §§ 1.5, 1.6

Sales, §§ 19.9, 19.48

PRIORITIES

Bank Deposits and Collections, this index

Bankruptcy, § 26.31

Leases of goods, § 20.17

Mechanics Liens, this index

Secured Transactions, this index

PROBATE

Generally, §§ 35.1-35.122

Accountants, compensation of, § 35.44

Annual settlements, §§ 35.37, 35.101

Application for letters, §§ 35.14, 35.84, 35.85

Appraisement, § 35.18

Approval of sale of real property, §§ 35.96, 35.99

Assistance by state agency, repayment of, § 35.28

Attorneys, compensation of, § 35.44

Bond of personal representative, §§ 35.16, 35.87

Business, carrying on of, § 35.25

Children and minors

Omitted children, § 35.54

Refusal of letters to unmarried minor children, §§ 35.4, 35.72, 35.73

Transfers to minors, § 35.51

Claims against estate

Generally, §§ 35.27-35.36, 35.100

Assistance by state agency, repayment of, § 35.28

Classification of claims, § 35.31

Compromise of claims, § 35.35

Form of claims, § 35.29

Hearings, § 35.34

Offsets and counterclaims, § 35.33

Payment of claims, § 35.32

Personal representative, claims of, § 35.36

Statute of limitations, § 35.30

Classification of claims against estate, § 35.31

Collection of personal property, § 35.19

Compensation of personal representatives, attorneys, and accountants, §§ 35.44, 35.109, 35.110

Complete settlement, petition for, §§ 35.41, 35.107

Compromise of claims against estate, § 35.35

Confirmation of sale of real property, §§ 35.96, 35.99

Contest of will, §§ 35.13, 35.83

Contract of decedent, execution of, § 35.26

Counterclaims, claims against estate, § 35.33

Creditor, refusal of letters to, §§ 35.5, 35.74, 35.75

Deeds, §§ 35.113, 35.114

Discharge of personal representative, §§ 35.45, 35.112

Discovery of assets, § 35.24

Distributions of assets. Transfers and distributions of assets, below

Domiciliary foreign personal representatives, powers of, § 35.60

Election of spouse to take against will, §§ 35.53, 35.115, 35.116

Estate tax, §§ 35.62, 35.63

INDEX

PROBATE—Continued

- Exempt property, §§ 35.55, 35.117, 35.118
- Family allowance, §§ 35.119, 35.120
- Federal taxes, §§ 35.62, 35.65
- Filing of will, § 35.9
- Final distribution, § 35.43
- Final settlement
 - Generally, §§ 35.39, 35.101, 35.104-35.106
 - Decree of approval, §§ 35.105, 35.106
 - Petition for approval, § 35.104
- Form of claims against estate, § 35.29
- Forms, court provided, § 35.68
- Hearings, claims against estate, § 35.34
- Heirship, determination of
 - Generally, §§ 35.7, 35.77-35.80
 - Decree, § 35.80
 - Notice of hearing on petition, § 35.79
 - Order for hearing on petition, § 35.78
 - Petition, § 35.77
- Homestead allowance, §§ 35.57, 35.121, 35.122
- Income tax, §§ 35.65, 35.66
- Independent administration, §§ 35.8, 35.81
- Inheritance tax, § 35.64
- Intestate succession, § 35.52
- Inventory, §§ 35.18, 35.88
- Investment of personal property, § 35.21
- Jurisdiction, §§ 35.2, 35.58
- Minors. Children and minors, above
- Motor vehicles, transfers and distributions of, § 35.48
- Nonresidents
 - Generally, §§ 35.58-35.61
 - Domiciliary foreign personal representatives, powers of, § 35.60
 - Jurisdiction, § 35.58
 - Original proceeding, administration as, § 35.59
 - Real property only, recording court papers, § 35.61
- Notice, §§ 35.17, 35.42
- Oath, § 35.69
- Offsets, claims against estate, § 35.33
- Omitted spouses and children, § 35.54
- One year, support for, § 35.56
- Partial distributions, §§ 35.38, 35.102, 35.103
- Partnership estates, § 35.25
- Payment of claims against estate, § 35.32
- Personal representatives
 - Claims of personal representatives, § 35.36
 - Compensation of personal representatives, § 35.44
 - Discharge, § 35.45
- Presentment of instrument for probate, petition, § 35.82
- Probate of will, § 35.10
- Publication of notice, § 35.17
- Real property, transfers and distributions of, § 35.50
- Receipt of distributee, § 35.111
- Recording of will that disposes of real property, § 35.12
- Refusal of letters
 - Generally, §§ 35.4, 35.5, 35.70-35.75
 - Creditor, §§ 35.5, 35.74, 35.75
 - Surviving spouse, §§ 35.4, 35.70, 35.71
 - Unmarried minor child, §§ 35.4, 35.72, 35.73
- Removal of personal representative, § 35.15
- Report of sale of real property, §§ 35.95, 35.98

INDEX

PROBATE—Continued

- Resident agent, designation of, § 35.86
- Sale of personal property, §§ 35.20, 35.89, 35.90
- Sale of real property
 - Generally, §§ 35.23, 35.91-35.99
 - Approval and confirmation of sale, §§ 35.96, 35.99
 - Notice of hearing on petition, § 35.93
 - Notice of public sale, § 35.97
 - Order for hearing on petition, § 35.92
 - Order to sell, § 35.94
 - Petition for order to sell, § 35.91
 - Private sale, §§ 35.95, 35.96
 - Public sale, §§ 35.97-35.99
 - Report of sale, §§ 35.95, 35.98
- Securities, transfers and distributions of, § 35.47
- Selection of procedure, § 35.3
- Signature, § 35.69
- Small estates, §§ 35.6, 35.76
- Spouse, refusal of letters to, §§ 35.4, 35.70, 35.71
- State taxes, §§ 35.63, 35.64, 35.66
- Statements of account, §§ 35.37, 35.40
- Statute of limitations, claims against estate, § 35.30
- Taking charge of real property, § 35.22
- Taxation
 - Generally, §§ 35.62-35.67
 - Estate tax, §§ 35.62, 35.63
 - Federal taxes, §§ 35.62, 35.65
 - Income tax, §§ 35.65, 35.66
 - Inheritance tax, § 35.64
 - State taxes, §§ 35.63, 35.64, 35.66
- Testate or intestate administration, § 35.8
- Testimony of witnesses, § 35.11
- Transfers and distributions of assets
 - Generally, §§ 35.46-35.51
 - Minors, transfers to, § 35.51
 - Motor vehicles, § 35.48
 - Other personal property, § 35.49
 - Real property, § 35.50
 - Securities, § 35.47
- Unmarried minor children, refusal of letters to, §§ 35.4, 35.72, 35.73
- Venue, § 35.2
- Waiver, §§ 35.42, 35.108
- Witnesses, testimony of, § 35.11

PROMISSORY NOTES

- Negotiable Instruments, this index

PRORATIONS

- Real estate transactions, §§ 1.10, 7.6, 7.7

PROSPECTUS

- Blue sky law, registration, § 28.9

PSYCHOLOGISTS

- Guardians and conservators, § 36.8

PUBLICATION

- Deeds of trust, notice of foreclosure sale, § 9.6
- Probate, notice, § 35.17
- Quiet title, § 17.23

INDEX

PURCHASE MONEY

Deeds of trust, § 8.51
Secured transactions, priorities, § 25.26

QUALIFICATION

Blue sky law, registration, § 28.7
Guardians and conservators, § 36.12

QUIET ENJOYMENT

Leases of real property, § 10.9

QUIET TITLE

Generally, §§ 17.1-17.24
Answer, § 17.12
Appeal and review, § 17.18
Checklist, § 17.22
Cloud on title, § 17.4
Counterclaims, § 17.13
Crossclaims, § 17.13
Entry of judgment, § 17.24
Equitable or legal action, § 17.3
Forms, §§ 17.21-17.24
Guardians ad litem, § 17.15
Judgment, §§ 17.17, 17.24
Jurisdiction, § 17.7
Legal or equitable action, § 17.3
Limitation, statutory action to establish title by, § 17.19
Limitation of actions, § 17.9
Lis pendens, § 17.16
Lost record, proceeding to establish, § 17.20
Parties, § 17.10
Petitions, §§ 17.11, 17.21
Proceedings, generally, §§ 17.6-17.18
Publication, order of, § 17.23
Relief, generally, §§ 17.6-17.18
Service, § 17.14
Statutes of limitation, § 17.9
Statutory provisions, §§ 17.2, 17.19
Time to sue, § 17.9
Title of plaintiff, § 17.5
Venue, § 17.8

QUITCLAIM DEEDS

Generally, §§ 6.5, 6.27

RATES

Second mortgages, § 27.5

RATIFICATION

Guardians and conservators, expenditures for protectee, §§ 36.53, 36.54

RCRA

Generally, § 14.5

REAL ESTATE TRANSACTIONS

Generally, §§ 1.1-1.25, 2.1-2.8, 3.1-3.5, 4.1-4.52, 5.1-5.14, 6.1-6.27, 7.1-7.20, 8.1-8.62,
9.1-9.17, 10.1-10.26, 11.1-11.19, 12.1-12.11, 13.1-13.9, 14.1-14.14, 15.1-15.7,
16.1-16.78, 17.1-17.24, 18.1-18.9
Abstract of title, § 1.8
Ad Valorem Taxes, this index
Adjustments, § 1.10
Assignment of contract, § 1.19

INDEX

REAL ESTATE TRANSACTIONS—Continued

- Attorneys, closing of transaction, §§ 7.3, 7.4
- Authority to sell or purchase real estate, § 1.3
- Brokers, § 1.20
- Checklist, § 1.24
- Closing of transaction
 - Generally, §§ 1.7, 7.1-7.20
 - Attorneys, role of, §§ 7.3, 7.4
 - Checklists, §§ 7.1, 7.13
 - Closing memorandum, §§ 7.10, 7.20
 - Closing statement, §§ 7.5, 7.16, 7.17
 - Escrow closings, §§ 7.9, 7.18
 - FIRPTA certificate, § 7.14
 - HUD settlement statement, § 7.15
 - Non-escrow closings, § 7.8
 - Parties and their objectives, § 7.2
 - Prorations, §§ 7.6, 7.7
 - Settlement service responsibilities, statement of, § 7.19
 - Taxes, proration of, § 7.6
 - Time of the essence, § 7.12
- Condominiums, this index
- Contingencies, contractual, § 1.16
- Conveyance, mode of, § 1.11
- Correction of errors, descriptions of land, § 3.5
- Deeds, this index
- Deeds of Trust, this index
- Default, § 1.17
- Descriptions of land
 - Generally, §§ 3.1-3.5
 - Correction of errors, § 3.5
 - Government survey system, § 3.2
 - Metes and bounds, § 3.3
 - Recorded plats, § 3.4
- Environmental Law, this index
- Escrow closings, §§ 7.9, 7.18
- FIRPTA certificate, closing of transaction, § 7.14
- Form of contract, § 1.25
- Government survey system, § 3.2
- HUD settlement statement, closing of transaction, § 7.15
- Inspections, § 1.14
- Insurance. Title Insurance, this index
- Leases of Real Property, this index
- Liens. Mechanics Liens, this index
- Loss, risk of, § 1.12
- Mechanics Liens, this index
- Metes and bounds, § 3.3
- Mode of conveyance, § 1.11
- Mortgages, this index
- Option to Purchase Real Estate, this index
- Parties to contract, § 1.2
- Payment, terms of, § 1.6
- Possession, § 1.8
- Price of purchase, §§ 1.5, 1.6
- Property being sold, § 1.4
- Prorations, §§ 1.10, 7.6, 7.7
- Purchase and sale of real estate, generally, §§ 1.1-1.25
- Purchase price, §§ 1.5, 1.6
- Quiet Title, this index
- Recorded plats, § 3.4
- Recording of contract, § 1.23

INDEX

REAL ESTATE TRANSACTIONS—Continued

Representations of buyer and seller, § 1.15
Risk of loss, § 1.12
Settlement service responsibilities statement, closing of transaction, § 7.19
Subdivisions, this index
Survey, § 1.13
Survival clause, § 1.18
Taxes
 Ad Valorem Taxes, this index
 Proration, § 7.6
Time of the essence, §§ 1.21, 7.12
Title, this index
Title Insurance, this index
Trust, deeds of. Deeds of Trust, this index
Type of title, § 1.11
Warranties of buyer and seller, § 1.15
Water, this index
Zoning, this index

RECEIPTS

Guardians and conservators, §§ 36.31, 36.61
Probate, § 35.111

RECORDS AND RECORDING

Deeds, § 6.7
Deeds of trust, records search, § 9.5
Leases of real property, § 10.19
Real estate transactions, § 1.23

REDEMPTION

Bankruptcy, Chapter 7, § 26.40
Deeds of trust, foreclosure of, §§ 9.13, 9.14
Secured transactions, § 25.34

REFUNDS

Bank deposits and collections, § 22.22

REGISTERED LIMITED LIABILITY LIMITED PARTNERSHIPS

Generally, § 33.5

REGISTERED LIMITED LIABILITY PARTNERSHIPS

Generally, § 33.5

REGISTRATION

Blue Sky Law, this index
Corporations, registered agent and office, § 31.5
Foreign limited liability companies, § 32.39
Investment securities, §§ 24.15, 24.16
Trademarks and service marks, §§ 37.2-37.5

REINSTATEMENT

Deeds of trust, § 8.29

REJECTION

Sales, §§ 19.32, 19.50

RELEASES

Deeds of trust, § 8.56

RELIGIOUS BEQUESTS

Wills, § 34.56

REMEDIES

Deeds of trust, §§ 8.14, 8.30, 8.44

INDEX

REMEDIES—Continued

Leases of Goods, this index

Sales, this index

REMOVAL

Guardians and conservators, § 36.25

RENEWAL

Leases of real property, § 10.18

Trademarks and service marks, § 37.3

RENUNCIATION

Wills, § 34.40

REORGANIZATIONS

Sale of Business, this index

REPAIR

Leases of real property, § 10.11

Mechanics liens, priority, § 16.21

REPLACEMENT

Limited liability companies, managers of, § 32.16

REPLEVIN

Leases of goods, § 20.48

Sales, § 19.54

REPORTS

Probate, sale of real property, §§ 35.95, 35.98

Water usage, reporting of, § 15.7

REPOSSESSION

Secured transactions, motor vehicles and trailers, § 25.35

REPUDIATION

Anticipatory Repudiation, this index

Sales, § 19.52

REQUIREMENTS CONTRACTS

Sales, § 19.11

RESCISSION

Leases of goods, §§ 20.10, 20.60

RESERVATIONS

Corporate name, § 31.2

Deeds, § 6.20

RESIDUAL INTEREST

Leases of goods, § 20.57

RESIDUARY CLAUSE

Wills, § 34.59

RETAIL CREDIT SALES

Generally, §§ 27.9-27.17

Applicability, § 27.10

Assignments, § 27.13

Default, § 27.15

Definitions, § 27.9

Delinquency, § 27.15

Fees, prohibition of, § 27.12

Penalties, § 27.17

Prepayment, § 27.14

INDEX

RETAIL CREDIT SALES—Continued

Time charges, § 27.11

RETIREMENT BENEFITS

Bankruptcy, Chapter 11, § 26.47

REVERSE MORTGAGES

Generally, § 8.53

REVERSE TRIANGULAR MERGER

Sale of business, § 30.14

REVIEW

Appeal and Review, this index

REVOCATION

Blue sky law, registration of broker-dealers, agents, and investment advisers, § 28.24

Foreign corporations, certificate of authority, § 31.51

Leases of goods, acceptance of goods, § 20.44

Letters of credit, § 23.6

Sales, acceptance, § 19.34

Wills, §§ 34.13, 34.52

RIPARIAN MATTERS

Water, this index

RISK OF LOSS

Loss, Risk of, this index

SALE OF BUSINESS

A reorganization, § 30.10

Generally, §§ 29.1-29.14, 30.1-30.19

Asset transactions, §§ 29.6, 29.13, 30.6

B reorganization, § 30.11

C reorganization, § 30.12

Closing procedures, § 29.11

Definitive agreement, § 29.10

Due diligence, § 29.9

Financing considerations, § 30.19

Forms of business organization, § 29.2

Forward triangular reorganization, § 30.13

Initial considerations, § 29.3

Letter of intent, § 29.12

Mergers and reorganizations

A reorganization, § 30.10

Generally, §§ 29.8, 29.14, 30.8-30.17

B reorganization, § 30.11

C reorganization, § 30.12

Forward triangular reorganization, § 30.13

Judicial limitations, § 30.15

Parties, treatment of, § 30.16

Reverse triangular merger, § 30.14

Tax considerations, §§ 30.8-30.17

Taxable mergers, § 30.17

Tax-free reorganization, §§ 30.9-30.16

Net operating losses, uses of, § 30.18

Reorganizations. Mergers and reorganizations, above

Reverse triangular merger, § 30.14

Stock sales, §§ 29.7, 29.12, 30.7

Structuring, §§ 29.4, 29.5

Tax considerations

Generally, §§ 30.1-30.19

INDEX

SALE OF BUSINESS—Continued

Tax considerations—Continued

- Asset sale, § 30.6
- Historical perspective, § 30.5
- Mergers and reorganizations, above
- Stock sale, § 30.7
- Structuring, §§ 29.5, 30.2, 30.3

SALES

- Generally, §§ 19.1-19.56
- Acceptance, §§ 19.6, 19.33, 19.34, 19.52
- Anticipatory repudiation, § 19.36
- Approval, sale on, § 19.19
- Assignments, § 19.8
- Assurance of performance, § 19.35
- Auction sales, § 19.19
- Beneficiaries of warranties, § 19.17
- Business. Sale of Business, this index
- Carrier, shipment by, § 19.18
- Casualty to identified goods, § 19.38
- Collateral agreements, § 19.41
- Commercial impracticability, § 19.40
- Conflicts between warranties, § 19.16
- Consequential damages, § 19.53
- Consideration, § 19.7
- Cover, § 19.51
- Creditors' rights to sold goods, § 19.21
- Cumulation of warranties, § 19.16
- Cure by seller, § 19.26
- Damages, §§ 19.47, 19.49, 19.52, 19.53, 19.55
- Delegation, § 19.8
- Delivery, §§ 19.9, 19.30
- Exclusion of warranties, § 19.15
- Exclusive dealings contracts, § 19.11
- Firm offers, consideration, § 19.7
- Formation of contract for sale, § 19.3
- Frauds, statute of, § 19.4
- Identification, §§ 19.23, 19.38, 19.44
- Implied warranties, § 19.14
- Impracticability, commercial, § 19.40
- Incidental damages, §§ 19.49, 19.53
- Infringement, warranty, § 19.12
- Insolvency of buyer, § 19.42
- Inspection right, § 19.29
- Installment contracts, § 19.37
- Insurable interest, § 19.23
- Limitation of actions, § 19.56
- Limitations on damages, § 19.55
- Liquidated damages, § 19.55
- Loss, risk of, § 19.27
- Merchants, § 19.2
- Modification of warranties, § 19.15
- Motor Vehicle Time Sales, this index
- Obligations, § 19.9
- Offer and acceptance, § 19.6
- Output contracts, § 19.11
- Parol evidence, § 19.5
- Payment, § 19.9
- Performance, § 19.9
- Preservation of evidence of goods in dispute, § 19.31

INDEX

SALES—Continued

- Price, §§ 19.9, 19.48
- Probate, this index
- Protection of purchasers, § 19.22
- Rejection of goods, §§ 19.32, 19.50
- Remedies of buyer
 - Generally, §§ 19.50-19.53
 - Cover, § 19.51
 - Damages, §§ 19.52, 19.53, 19.55
 - Incidental and consequential damages, § 19.53
 - Liquidated damages and limitations on damages, § 19.55
 - Nondelivery, repudiation, or accepted nonconforming goods, damages for, § 19.52
 - Rejected goods, security interest in, § 19.50
 - Specific performance and replevin, § 19.54
- Remedies of seller
 - Generally, §§ 19.43-19.49
 - Damages, §§ 19.47, 19.49, 19.55
 - Identification of goods, § 19.44
 - Incidental damages, § 19.49
 - Liquidated damages and limitations on damages, § 19.55
 - Price, action for, § 19.48
 - Resale of goods, § 19.46
 - Specific performance and replevin, § 19.54
 - Withholding or stopping of delivery, § 19.45
- Replevin, § 19.54
- Repudiation, damages for, § 19.52
- Requirements contracts, § 19.11
- Resale of goods, § 19.46
- Reservation, shipment under, § 19.25
- Retail Credit Sales, this index
- Revocation of acceptance, § 19.34
- Risk of loss, § 19.27
- Sale of Business, this index
- Sale or return, § 19.19
- Specific performance, § 19.54
- Statute of frauds, § 19.4
- Statute of limitations, § 19.56
- Stopping of delivery, § 19.45
- Substituted performance, § 19.39
- Tender, §§ 19.24, 19.28
- Title, §§ 19.12, 19.20
- Unconscionability, § 19.10
- Warranties
 - Generally, §§ 19.12-19.17
 - Beneficiaries, § 19.17
 - Cumulation and conflict, § 19.16
 - Exclusion or modification, § 19.15
 - Express warranties, § 19.13
 - Implied warranties, § 19.14
 - Title and infringement, § 19.12
- Withholding of delivery, § 19.45

SEAL

- Corporations, § 31.16

SECOND MORTGAGES

- Generally, §§ 27.4-27.8
- Additional charges, authorized, § 27.7
- Definitions, § 27.4
- Penalties, § 27.8

INDEX

SECOND MORTGAGES—Continued

Prepayment, § 27.6

Rates, § 27.5

Terms, § 27.5

SECURED TRANSACTIONS

Generally, §§ 25.1-25.35

Accessions, security interests in, § 25.27

After-acquired property, § 25.16

Bankruptcy, § 26.30

Bona fide purchase of security, priorities, § 25.24

Chattel paper and instruments, purchasers of, § 25.23

Choice of law governing perfection, § 25.18

Collateral, use by debtor, § 25.5

Consumer goods, purchasers of, § 25.22

Content of financing statements, § 25.9

Creation of security interest, § 25.4

Deeds of trust, § 8.9

Default, rights on

Generally, §§ 25.30-25.35

Disposition of collateral and proceeds, § 25.32

Redemption by debtor, § 25.34

Repossession of motor vehicles and trailers, § 25.35

Retention of collateral in satisfaction of debt, § 25.33

Secured parties, § 25.31

Defenses of debtor, waiver, § 25.6

Definitions, §§ 25.2, 25.3

Disposition of collateral and proceeds, § 25.32

Duration of filing, § 25.13

Exclusions from perfection methods, § 25.8

Farm products, purchasers of, § 25.21

Filing

Duration, § 25.13

Mechanics, § 25.11

Places of filing, § 25.10

Uniform fees, § 25.12

Fixtures, security interests in, § 25.27

Form of financing statements, § 25.9

Future advances, § 25.16

Holder in due course of negotiable instrument, § 25.24

Holder of negotiable document of title, § 25.24

Investment property, conflicting security interests in same, § 25.28

Liability for failure to furnish termination statement, § 25.14

List of collateral, requests for, § 25.15

Multiple state transactions, choice of law governing perfection, § 25.18

Perfection of security interests, generally, §§ 25.7, 25.8

Places of filing, § 25.10

Priorities

Generally, §§ 25.19-25.29

Bona fide purchase of security, § 25.24

Chattel paper and instruments, purchasers of, § 25.23

Consumer goods, purchasers of, § 25.22

Farm products, purchasers of, § 25.21

Fixtures, accessions, and products, security interests in, § 25.27

Goods not constituting farm products, purchasers of, § 25.20

Holder in due course of negotiable instrument, § 25.24

Holder of negotiable document of title, § 25.24

Investment property, conflicting security interests in same, § 25.28

Perfected security interests, competing, § 25.25

Purchase money priorities, § 25.26

INDEX

SECURED TRANSACTIONS—Continued

Priorities—Continued

- Statutory liens, § 25.29
- Unperfected security interests, § 25.19
- Proceeds, lender's rights in, § 25.17
- Products, security interests in, § 25.27
- Purchase money priorities, § 25.26
- Redemption by debtor, § 25.34
- Repossession of motor vehicles and trailers, § 25.35
- Requests for statement of account or list of collateral, § 25.15
- Retention of collateral in satisfaction of debt, § 25.33
- Security agreement, § 25.4
- Statement of account, requests for, § 25.15
- Termination, § 25.14
- Uniform fees for filing, § 25.12
- Unperfected security interests, priorities, § 25.19
- Waiver of defenses by debtor, § 25.6

SECURITIES

- Blue Sky Law, this index
- Investment Securities, this index
- Probate, transfers and distributions, § 35.47

SECURITY DEPOSITS

- Patents and inventions, § 37.11

SERVICE MARKS

- Trademarks and Service Marks, this index

SERVICE OF PROCESS

- Foreign corporations, § 31.49

SETTLEMENT

- Compromise and Settlement, this index

SHAREHOLDERS

- Corporations, this index

SHELTER RULE

- Negotiable instruments, § 21.15

SHERIFF'S DEEDS

- Generally, § 6.24

SIGNATURE

- Deeds of trust, § 8.31
- Investment securities, authenticating trustee, registrar, or transfer agent, §§ 24.6, 24.18
- Negotiable instruments, §§ 21.5, 21.30
- Probate, § 35.69
- Wills, § 34.72

SIMULTANEOUS DEATH

- Wills, § 34.23

SMALL ESTATES

- Probate, §§ 35.6, 35.76

SMALL LOANS

- Consumer finance, §§ 27.2, 27.3

SOLID WASTE DISPOSAL

- Environmental law, § 14.10

INDEX

SPECIAL USE PERMITS

Zoning, § 12.8

SPECIAL WARRANTY DEEDS

Generally, §§ 6.4, 6.26

SPECIFIC PERFORMANCE

Leases of goods, § 20.48

Sales, § 19.54

SPOT ZONING

Generally, § 12.9

SPOUSES

Probate, refusal of letters, §§ 35.4, 35.70, 35.71

Tenants by the Entirety, this index

Wills, this index

STALE CHECKS

Bank deposits and collections, § 22.15

STATE ENVIRONMENTAL IMPROVEMENT AND ENERGY RESOURCES AUTHORITY

Generally, § 14.9

STATE TAX COMMISSION

Ad valorem taxes, § 18.8

STATUTE OF FRAUDS

Frauds, Statute of, this index

STATUTES OF LIMITATION

Bank deposits and collections, § 22.26

Leases of goods, § 20.37

Negotiable instruments, § 21.38

Probate, claims against estate, § 35.30

Quiet title, § 17.9

Sales, § 19.56

STAYS

Bankruptcy, Chapter 12, § 26.69

STIPULATIONS

Title insurance, § 4.8

STOCK

Corporations, this index

Sale of business, §§ 29.7, 29.12, 30.7

STOLEN ITEMS

Investment securities, § 24.19

Negotiable instruments, § 21.34

STOP PAYMENTS

Bank deposits and collections, §§ 22.12, 22.19-22.21

STOPPING OF DELIVERY

Sales, § 19.45

STRONG-ARM CLAUSE

Bankruptcy, § 26.17

SUBCONTRACTORS

Mechanics liens, §§ 16.25, 16.32

SUBDIVISIONS

Generally, §§ 13.1-13.9

INDEX

SUBDIVISIONS—Continued

Covenants, generally, § 13.4
Declaration of restrictions, §§ 13.5, 13.8
Homeowners associations, §§ 13.6, 13.9
Plats, § 13.3
Regulation, § 13.2

SUBLEASES

Real property, § 10.12

SUBORDINATION

Leases of real property, § 10.16

SUBPOENAS

Blue sky law, § 28.30

SUBROGATION

Leases of real property, § 10.13

SUBSTITUTED PERFORMANCE

Leases of goods, § 20.33
Sales, § 19.39

SUPERFUND RECYCLING EQUITY ACT

Generally, § 14.4

SURFACE WATER

Generally, § 15.6

SURVEY

Real estate transactions, § 1.13

SURVIVAL CLAUSE

Real estate transactions, § 1.18

SURVIVORSHIP

Title, § 5.7

SUSPENSION

Blue sky law, registration of broker-dealers, agents, and investment advisers, § 28.24

TAXATION

Ad Valorem Taxes, this index
Deeds of trust, §§ 8.21, 8.39
Income Taxes, this index
Probate, this index
Real Estate Transactions, this index
Sale of Business, this index
Wills, this index

TENANTS BY THE ENTIRETY

Deeds, § 6.16
Mechanics liens, § 16.6

TENDER

Sales, §§ 19.24, 19.28

TERMINATION

Condominiums, § 11.14
Guardians and conservators, §§ 36.28, 36.57, 36.58
Leases of goods, § 20.60
Secured transactions, § 25.14

THIRD PARTY BENEFICIARIES

Leases of goods, warranties, § 20.27

INDEX

TIME AND DATE

Bank deposits and collections, settlement, § 22.5
Mechanics Liens, this index
Real estate transactions, time of the essence, §§ 1.21, 7.12
Statutes of Limitation, this index

TITLE

Generally, §§ 4.1-4.52, 5.1-5.14
Affidavit, § 5.5
Correction deed, § 5.13
Curing defects in titles, generally, §§ 5.1-5.14
Deed recitals, § 5.12
Heirship, § 5.8
Identity, § 5.9
Insurance. Title Insurance, this index
Marital status, § 5.10
Marketable title, § 5.4
Possession, § 5.6
Recitals in deed, § 5.12
Sales, §§ 19.12, 19.20
Standards for title examinations, §§ 5.2, 5.3, 5.14
Survivorship, § 5.7
Title examination standards, §§ 5.2, 5.3, 5.14
Title Insurance, this index
Water, § 15.4

TITLE INSURANCE

Generally, §§ 1.8, 4.1-4.52
Anatomy of policy, § 4.5
Closing of transaction, § 4.15
Commitment for title insurance, §§ 4.12, 4.13
Conditions, § 4.8
Condominium, ALTA endorsement form 4, § 4.43
Creditors' rights endorsement, §§ 4.51, 4.52
Defined, § 4.2
Easements, ALTA endorsement form 9, § 4.50
Endorsements, generally, §§ 4.14, 4.39-4.52
Environmental protection lien, ALTA endorsement form 8.1, § 4.49
Examination of commitment, § 4.13
Exclusions from coverage, § 4.7
Insuring provisions, § 4.6
Leasehold loan policy
 1975 ALTA leasehold loan policy, §§ 4.31, 4.32
 1987 ALTA leasehold loan policy, § 4.33
 1990 ALTA leasehold loan policy, § 4.34
 1992 ALTA leasehold loan policy, § 4.35
 Generally, §§ 4.31-4.35
 Creditors' rights endorsement, § 4.52
Leasehold owner's policy
 1975 ALTA leasehold owner's policy, §§ 4.26, 4.27
 1987 ALTA leasehold owner's policy, § 4.28
 1990 ALTA leasehold owner's policy, § 4.29
 1992 ALTA leasehold owner's policy, § 4.30
 Generally, §§ 4.26-4.30
 Creditors' rights endorsement, § 4.51
Loan policy
 1970 ALTA loan policy, §§ 4.21, 4.22
 1987 ALTA loan policy, § 4.23
 1990 ALTA loan policy, § 4.24
 1992 ALTA loan policy, § 4.25

INDEX

TITLE INSURANCE—Continued

Loan policy—Continued

1990 short form residential loan policy, § 4.38

Generally, §§ 4.21-4.25

Creditors' rights endorsement, § 4.52

Leasehold loan policy, above

Manufactured housing unit, ALTA endorsement form 7, § 4.48

Minerals, ALTA endorsement form 9, § 4.50

Negative amortization of variable rate mortgage, ALTA endorsement forms 6.2, § 4.47

Objections to title, § 4.15

Owner's policy

1970 ALTA owner's form B policy, §§ 4.16, 4.17

1987 ALTA owner's form B policy, § 4.18

1990 ALTA owner's form B policy, § 4.19

1992 ALTA owner's policy, § 4.19

Generally, §§ 4.16-4.20

Creditors' rights endorsement, § 4.51

Leasehold owner's policy, above

Planned unit development, ALTA endorsement form 5, § 4.44

Policy forms, generally, §§ 4.3, 4.4, 4.16-4.52

Residential policy

1979 residential policy, § 4.36

1987 residential policy, § 4.37

1990 short form residential loan policy, § 4.38

Generally, §§ 4.11, 4.36-4.38

Restrictions, ALTA endorsement form 9, § 4.50

Schedule A, § 4.9

Schedule B, § 4.10

Stipulations, § 4.8

Street assessments, ALTA endorsement form 1, § 4.39

Truth-in-lending, ALTA endorsement form 2, § 4.40

Using title insurance in transaction, generally, §§ 4.12-4.52

Variable rate mortgage, ALTA endorsement forms 6, 6.1, 6.2, §§ 4.45-4.47

Versions of policy forms, § 4.4

Zoning, ALTA endorsement forms 3, 3.1, §§ 4.41, 4.42

TORTS

Condominiums, § 11.10

TRADE SECRETS

Generally, §§ 37.12-37.14

Misappropriation of trade secrets, procedure, § 37.14

TRADEMARKS AND SERVICE MARKS

Generally, §§ 37.1-37.5

Application, § 37.3

Duration of registration, § 37.5

Enforcement of registration, § 37.4

Registration, §§ 37.2-37.5

Renewal, § 37.3

TRUSTS AND TRUSTEES

Deeds of Trust, this index

Wills, §§ 34.30, 34.39, 34.82

TRUTH-IN-LENDING

Title insurance, ALTA endorsement form 2, § 4.40

TURNOVER

Bankruptcy, § 26.13

INDEX

UNCONSCIONABILITY

Leases of goods, § 20.9

Sales, § 19.10

UNDERTAKINGS

Bonds and Undertakings, this index

UNIFORM COMMERCIAL CODE

Commercial Transactions, this index

UNIFORM VETERANS' GUARDIANSHIP LAW

Generally, § 36.35

UPKEEP

Condominiums, § 11.12

VARIABLE RATE MORTGAGES

Title insurance, ALTA endorsement forms 6, 6.1, 6.2, §§ 4.45-4.47

VARIANCES

Zoning, § 12.6

VEHICLES

Motor Vehicles, this index

VENUE

Bankruptcy, § 26.6

Guardians and conservators, § 36.3

Mechanics liens, § 16.63

Probate, § 35.2

Quiet title, § 17.8

VERIFICATION

Mechanics liens, filing with circuit clerk, § 16.39

VOLUNTARY DISSOLUTION

Corporations, § 31.43

VOTING

Bankruptcy plan of reorganization, Chapter 11, § 26.52

Corporations, this index

WAIVER

Leases of goods, §§ 20.10, 20.40

Probate, §§ 35.42, 35.108

Secured transactions, defenses, § 25.6

WARRANTIES

Bank deposits and collections, § 22.24

Condominiums, § 11.19

Deeds, §§ 6.3, 6.4, 6.25, 6.26

Deeds of trust, §§ 8.12, 8.37, 8.46

Implied Warranties, this index

Investment securities, § 24.14

Leases of Goods, this index

Letters of credit, § 23.9

Negotiable instruments, § 21.27

Real estate transactions, § 1.15

Sales, this index

WATER

Generally, §§ 15.1-15.7

Boundaries, § 15.4

Groundwater, § 15.5

INDEX

WATER—Continued

Reporting of water usage, § 15.7
Riparian ownership, § 15.2
Riparian rights, § 15.3
Surface water, § 15.6
Title, § 15.4

WIFE AND HUSBAND

Spouses, this index

WILLS

Generally, §§ 34.1-34.84
Abatement, §§ 34.19, 34.58
Additions to trusts, § 34.30
Adopted persons, § 34.10
Allocation of taxes, § 34.49
Anatomical gifts, § 34.43
Antenuptial agreements, execution of wills, §§ 34.79, 34.84
Applicable law, generally, §§ 34.8-34.44
Appointment of personal representatives, § 34.66
Attestation, §§ 34.12, 34.73
Beneficiaries, § 34.5
Birth of child after will, § 34.17
Capacity to make will, § 34.11
Cash bequests, § 34.55
Ceremony of execution, § 34.76
Change in circumstances, § 34.15
Charitable bequests, § 34.56
Children and minors
 Adopted persons, § 34.10
 Birth after will, § 34.17
 Exempt property, § 34.25
 Guardian, appointment of, § 34.33
 Illegitimate children, § 34.10
 One year, support for, § 34.26
Codicils, §§ 34.78, 34.83
Common disaster, § 34.60
Conservators, § 34.67
Contests, in *terrorem* clause, § 34.41
Contract to make will, § 34.14
Custodians, §§ 34.31, 34.67
Debts, § 34.53
Definitions, § 34.69
Disclaimers, §§ 34.40, 34.63
Disinheritance, §§ 34.24, 34.62
Distribution, plan of, § 34.7
Divorce, § 34.15
Dower, provisions in lieu of, § 34.61
Drafting of wills, considerations in, § 34.4
Estate tax, §§ 34.46, 34.49
Execution of wills
 Generally, §§ 34.12, 34.75-34.79
 Antenuptial agreements, §§ 34.79, 34.84
 Ceremony of execution, § 34.76
 Codicils, §§ 34.78, 34.83
 Instructions to testator, §§ 34.77, 34.80
Exempt property of surviving spouse and children, § 34.25
Exoneration of encumbrance on property, § 34.21
Family of testator, § 34.5
Form of will, § 34.12

INDEX

WILLS—Continued

- Forms, §§ 34.80-34.84
- Funeral expenses, § 34.53
- Generation skipping transfer tax, §§ 34.48, 34.49
- Gift tax, § 34.47
- Guardians
 - Generally, § 34.67
 - Incapacitated legatees, nomination of guardian for, § 34.34
 - Maker of will, nomination of guardian for, § 34.35
 - Minor children, appointment of guardian for, § 34.33
- Homestead allowance, § 34.27
- Illegitimate children, § 34.10
- In terrorem clause, §§ 34.41, 34.71
- Independent administration, §§ 34.36, 34.64
- Independent advice, presumption of, §§ 34.38, 34.70
- Instructions to testator, §§ 34.77, 34.80
- Intent of testator, interpretation of, § 34.44
- Interpretation of testator's intent, § 34.44
- Intestate succession, § 34.9
- Introductory clause, § 34.51
- Lapse of bequests, § 34.20
- Life prolonging measures, declaration regarding, § 34.42
- Living wills, § 34.42
- Marriage after will, § 34.16
- Minors. Children and minors, above
- Necessity for will, § 34.2
- Needs of testator, §§ 34.2-34.7
- One year, support for, § 34.26
- Organization of document, generally, §§ 34.50-34.74
- Outline of provisions, § 34.50
- Personal representatives, §§ 34.37, 34.65, 34.66
- Plan of distribution, § 34.7
- Pour over provision, § 34.30
- Power of appointment, exercise of, § 34.29
- Powers of personal representatives, § 34.65
- Preference of legacies, § 34.57
- Presumption of independent advice, §§ 34.38, 34.70
- Property of testator, § 34.6
- Property subject to will, § 34.3
- Publishing clause, § 34.51
- Religious bequests, § 34.56
- Renunciation, § 34.40
- Residuary clause, § 34.59
- Revocation, §§ 34.13, 34.52
- Satisfaction of bequest during life, § 34.18
- Self-proving will affidavit, § 34.74
- Signature, § 34.72
- Simple will where entire estate is left to one beneficiary, § 34.81
- Simultaneous death, § 34.23
- Specific legacies, § 34.54
- Spouses
 - Divorce, § 34.15
 - Dower, provisions in lieu of, § 34.61
 - Exempt property, § 34.25
 - Marriage after will, § 34.16
 - One year, support for, § 34.26
 - Right to take under will and to receive allowances, § 34.28
 - Simultaneous death, § 34.23
 - Statutory share, § 34.24
 - Survivorship by 120 hours, § 34.22

INDEX

WILLS—Continued

- Successor custodian, designation of, § 34.32
- Support for one year, § 34.26
- Survivorship by 120 hours, § 34.22
- Taxation
 - Generally, §§ 34.45-34.49, 34.68
 - Allocation of taxes, § 34.49
 - Estate tax, §§ 34.46, 34.49
 - Generation skipping transfer tax, §§ 34.48, 34.49
 - Gift tax, § 34.47
- Trusts, §§ 34.30, 34.39, 34.82

WITHDRAWAL

- Blue sky law, registration of broker-dealers, agents, and investment advisers, § 28.24
- Foreign corporations, § 31.50
- Limited liability companies, §§ 32.28-32.31, 32.34
- Partnerships, § 33.14

WRAP-AROUND DEEDS OF TRUST

- Generally, § 8.48

WRONGFUL DISHONOR

- Bank deposits and collections, § 22.23
- Letters of credit, § 23.7

ZONING

- Generally, §§ 12.1-12.11
- Amendments, § 12.10
- Authority, § 12.2
- Defined, § 12.1
- Exceptions, § 12.5
- New techniques, § 12.4
- Nonconforming uses, § 12.7
- Practice and procedure, § 12.10
- Special use permits, § 12.8
- Spot zoning, § 12.9
- Title insurance, ALTA endorsement forms 3, 3.1, §§ 4.41, 4.42
- Traditional classifications, § 12.4
- Validity, § 12.3
- Variance, § 12.6