

Index

ABANDONMENT

Leases, eviction after abandonment, § 27:1

ABSTRACTS

Titles and conveyances, § 4:8

ACCESSION

Riparian Rights, this index

ACCRETION

Riparian Rights, this index

ACKNOWLEDGMENTS

Title insurance, § 5:24

ACQUIESCENCE

Boundaries, § 31:6

ADJOINING LANDOWNERS

Generally, § 30:1 to 30:3, 32:1 to 32:3

Adverse Possession, this index

Boundaries and Fences, this index

Easements, this index

Fences. Boundaries and Fences, this index

Lateral and subjacent support, right to, § 32:1 to 32:3

Party walls, § 30:2, 30:3

Rights and duties of neighbors

 Lateral and subjacent support, § 32:2

 Party walls, § 30:2

Riparian Rights, this index

Subjacent and lateral support, right to, § 32:1 to 32:3

Termination

 Lateral and subjacent support, right to, § 32:3

 Party walls, § 30:3

ADVERSE POSSESSION

Generally, § 33:1 to 33:5

Establishment, § 33:2

Evidence, § 33:3

Failure of claim, § 33:4

Title insurance, curative acts, § 5:21

Trial, § 33:5

AFFIRMATIVE COVENANTS

Subdivisions, this index

AGREEMENTS

Contracts and Agreements, this index

ALTERNATIVE DISPUTE RESOLUTION

Generally, § 22:3

AMENDMENTS

Neighborhood improvement districts, § 17:23

AMERICANS WITH DISABILITIES ACT

Generally, § 17:36

ANTENNAS

Licenses, § 18:8

APPEAL AND REVIEW

Generally, § 26:9

Developments of Regional Impact (DRIs), § 17:12

Neighborhood improvement districts, § 17:20

Special taxing districts, § 17:3

Subdivisions, § 14:4

ART IN PUBLIC PLACES

Generally, § 17:37

ASSIGNMENTS

Foreclosure of mortgages, § 28:13

ASSUMPTION

Bankruptcy, § 26:7

ATTORNEYS' FEES

Eminent domain, § 29:4

AUTOMATIC STAYS

Bankruptcy, automatic stay, § 8:12, 26:3 to 26:5

BANKRUPTCY

Generally, § 26:2 to 26:8

Assumption, § 26:7

Automatic stays, § 8:12, 26:3 to 26:5

Executory contracts, § 26:6

Homesteads, § 8:17, 8:18

Lifting of automatic stay, § 26:4, 26:5

Shopping center leases, § 26:8

Transfers of real property, § 8:12, 8:13

Waiver of automatic stay, § 26:3

BARGAIN AND SALE DEEDS

Generally, § 3:12, 3:13

BERT HARRIS ACT

Inverse condemnation, eminent domain, § 29:8

INDEX

BOUNDARIES AND FENCES

- Generally, § 31:1 to 31:6
- Acquiescence, boundary by, § 31:6
- Agreement regarding boundary, § 31:5
- Change of location, § 31:3
- Disputes regarding boundaries, § 31:4
- Special taxing districts, § 17:7
- Surveys, this index
- Titles and Conveyances, this index

BROKERS

- Contracts of Sale, this index

BROWNFIELDS REDEVELOPMENT ACT

- Generally, § 17:28

CANCELLATION OF INSTRUMENTS

- Generally, § 23:1

CASUALTY LOSS

- Contracts of sale, § 9:10

CERTIFICATIONS

- Surveys, § 4:39

COMMERCIAL TRANSACTIONS

- Transfers of Real Property, this index

COMMISSIONS

- Contracts of sale, brokers, § 10:17

COMMON LAW

- Contracts of Sale, this index
- Easements and Rights of Way, this index
- Partition, § 36:1
- Subdivisions, dedication, § 14:8

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT

- Generally, § 17:30

CONCURRENCY

- Growth management planning, § 17:35

CONCURRENT ESTATES OR TENANCIES

- Generally, § 1:13 to 1:18
- Joint tenancy, § 1:15, 1:17
- Relations between co-tenants, § 1:18
- Survivorship, joint tenancy with, § 1:17
- Tenancy by the entirety, § 1:16
- Tenancy in common, § 1:14

CONDEMNATION

- Eminent Domain, this index

CONDITIONAL USES

Zoning, § 15:10

CONDITIONS SUBSEQUENT

Defeasible estates, § 1:9 to 1:11

CONDOMINIUMS AND COOPERATIVES

Generally, § 12:1 to 12:17

Complaint form, § 12:16

Condominiums, generally, § 12:2 to 12:5

Cooperatives, generally, § 12:6 to 12:9

Creation

Condominiums, § 12:3

Cooperatives, § 12:7

Homeowners' associations, § 12:11

Destruction of interest

Condominiums, § 12:5

Cooperatives, § 12:9

Homeowners' associations, § 12:13

Discovery form, § 12:17

Foreclosure, § 12:14

Homeowners' associations

Generally, § 12:10 to 12:13

Creation, § 12:11

Destruction of interest, § 12:13

Rights and duties, § 12:12

Rights and duties

Condominiums, § 12:4

Cooperatives, § 12:8

Homeowners' associations, § 12:12

Sales contract litigation, § 12:15

Title insurance, curative acts, § 5:22

CONSTRUCTION AGREEMENTS AND CONSTRUCTION LIENS

Generally, § 38:1, 38:2, 39:1 to 39:3

Complaint to foreclose construction lien, § 39:3

Ejectment, § 38:2

Final payment affidavit, § 39:2

CONTINGENT REMAINDERS

Generally, § 2:8, 2:9

CONTRACT ZONING

Generally, § 15:8

CONTRACTS AND AGREEMENTS

Boundaries, § 31:5

Easements and Rights of Way, this index

Liens and encumbrances, § 4:23

Sale. Contracts of sale, this index

INDEX

CONTRACTS AND AGREEMENTS—Cont'd

Title insurance, curative acts, § 5:19

CONTRACTS OF SALE

Generally, § 9:1 to 9:11, 10:1 to 10:18

Breach of contract, litigation, § 24:8

Brokers

Generally, § 10:14 to 10:17

Commissions, § 10:17

Common law rights, § 10:15

Perfection of rights, § 10:16

Checklist for performance under agreement, § 9:3

Commissions, brokers, § 10:17

Common law rights

Generally, § 10:8 to 10:10

Brokers, § 10:15

Creditors, § 10:9

Third party beneficiaries, § 10:10

Condominiums and cooperatives, litigation, § 12:15

Creditors

Generally, § 10:6

Common law rights, § 10:9

Perfection of rights, § 10:12

Desired elements, § 9:2

Destruction of expectancies, § 10:3

Disclosure requirements, § 10:18

Election of remedies, litigation, § 24:3

Essential elements, § 9:1, 9:3

Expectancies

Generally, § 10:1 to 10:3

Creation, § 10:1

Destruction of interest, § 10:3

Rights and duties, § 10:2

First refusal rights, § 9:8

Forms, § 9:4, App. A

Frauds, statute of, § 8:3, 24:1

Fraudulent misrepresentation, litigation, § 24:11

Ground leases, § 9:9

“Lease to own” contracts, § 9:7

Litigation regarding contracts

Generally, § 24:1 to 24:13

Breach of contract, § 24:8

Election of remedies, § 24:3

Frauds, statute of, § 24:1

Fraudulent misrepresentation, § 24:11

Johnson v. Davis claims, § 24:10

Modification of contract, § 24:4

Negligent construction, § 24:13

CONTRACTS OF SALE—Cont'd

- Litigation regarding contracts—Cont'd
 - Negligent misrepresentation, § 24:12
 - Partial performance, § 24:2
 - Related causes of action, § 24:7
 - Specific performance, § 24:9
 - “Time of essence” clauses, § 24:5
 - Venue, § 24:6
- Modification of contract, litigation, § 24:4
- Negligent construction, litigation, § 24:13
- Negligent misrepresentation, litigation, § 24:12
- Option contracts, § 9:5, 9:6
- Partial performance, litigation, § 24:2
- Perfection of rights
 - Generally, § 10:11 to 10:13
 - Brokers, § 10:16
 - Creditors, § 10:12
 - Third party beneficiaries, § 10:13
- Risk of loss, § 9:10
- Seller disclosure obligations, § 9:11
- Special considerations, § 9:5 et seq.
- Specific performance, litigation, § 24:9
- Statutory disclosure requirements, § 10:18
- Third party beneficiaries
 - Generally, § 10:7
 - Common law rights, § 10:10
 - Perfection of rights, § 10:13
- Third party rights, generally, § 10:4 et seq.
- “Time of essence” clauses, litigation, § 24:5
- Venue, § 24:6

CONVEYANCES

- Titles and Conveyances, this index

COOPERATIVES

- Condominiums and Cooperatives, this index

CORPORATIONS

- Deeds, this index

COVENANTS

- Liens and encumbrances, § 4:26

CREDITORS

- Contracts of Sale, this index
- Homesteads, § 8:16

CURTESY

- Generally, § 1:6

INDEX

DAMAGES

- Eminent domain, severance damages, § 29:3
- Permanency of damages, § 22:7

DECLARATIONS

- Homesteads, § 8:15

DEDICATION

- Subdivisions, common law, § 14:8
- Title insurance, § 5:11

DEEDS

- Generally, § 3:1 to 3:56
- Bargain and sale deeds, § 3:12, 3:13
- Corporations
 - Generally, § 3:42 to 3:44
 - Holding title, § 3:43
 - Hypothecating and transferring title, § 3:44
- Delivery and recording, § 3:6
- Destruction or termination of interest
 - Fee simple absolute, § 3:25
 - Joint tenancies, § 3:37
 - Joint tenancy with right of survivorship, § 3:29
 - Tenancies by the entireties, § 3:33
 - Tenancies in common, § 3:41
- Elements necessary for effective deed
 - Generally, § 3:1 to 3:6
 - Delivery and recording, § 3:6
 - Items being transferred, § 3:4
 - Operative words of transfer, § 3:5
 - Party capable of holding and transferring title, § 3:3
 - Writing, § 3:2
- Fee simple absolute
 - Generally, § 3:22 to 3:25
 - Creation, § 3:23
 - Rights and duties of owner, § 3:24
 - Termination of interest, § 3:25
- Fiduciaries and guardians
 - Generally, § 3:54 to 3:56
 - Holding title, § 3:55
 - Hypothecating and transferring title, § 3:56
- Guardians. Fiduciaries and guardians, above
- Holding title
 - Corporations, § 3:43
 - Fiduciaries and guardians, § 3:55
 - Individuals as grantees, § 3:20
 - Land trusts, “true” trusts and REITs, § 3:52
 - Limited liability entities, § 3:46
 - Unincorporated groups and associations, § 3:49

DEEDS—Cont'd

- Hypothecating and transferring title
 - Corporations, § 3:44
 - Fiduciaries and guardians, § 3:56
 - Individuals as grantees, § 3:21
 - Land trusts, “true” trusts and REITs, § 3:53
 - Limited liability entities, § 3:47
 - Unincorporated groups and associations, § 3:50
- Individuals as grantees
 - Generally, § 3:19 to 3:41
 - Fee simple absolute, above
 - Holding title, § 3:20
 - Hypothecating and transferring title, § 3:21
 - Joint tenancies, below
 - Joint tenancy with right of survivorship, below
 - Tenancies by the entirety, below
 - Tenancies in common, below
- Joint tenancies
 - Generally, § 3:34 to 3:37
 - Creation, § 3:35
 - Destruction of interest, § 3:37
 - Rights and duties, § 3:36
 - Survivorship. Joint tenancy with right of survivorship, below
- Joint tenancy with right of survivorship
 - Generally, § 3:26 to 3:29
 - Creation, § 3:27
 - Destruction of interest, § 3:29
 - Rights and duties, § 3:28
- “Lady Bird” deeds, § 3:16, 3:17
- Land trusts, “true” trusts and REITs
 - Generally, § 3:51 to 3:53
 - Holding title, § 3:52
 - Hypothecating and transferring title, § 3:53
- Limited liability entities
 - Generally, § 3:45 to 3:47
 - Holding title, § 3:46
 - Hypothecating and transferring title, § 3:47
- Operative words of transfer, § 3:5
- Party capable of holding and transferring title, § 3:3
- Quitclaim deeds, § 3:14, 3:15
- Recording and delivery, § 3:6
- REITs. Land trusts, “true” trusts and REITs, above
- Special warranty deed, § 3:10, 3:11
- Tenancies by the entirety
 - Generally, § 3:30 to 3:33
 - Creation, § 3:31
 - Destruction of interest, § 3:33

INDEX

DEEDS—Cont'd

- Tenancies by the entireties—Cont'd
 - Rights and duties, § 3:32
- Tenancies in common
 - Generally, § 3:38 to 3:41
 - Creation, § 3:39
 - Destruction of interest, § 3:41
 - Rights and duties, § 3:40
- Termination of interest. Destruction or termination of interest, above
- Transfer of title. Hypothecating and transferring title, above
- “True” trusts. Land trusts, “true” trusts and REITs, above
- Trusts. Land trusts, “true” trusts and REITs, above
- Types of deeds, § 3:7 et seq.
- Unincorporated groups and associations
 - Generally, § 3:48 to 3:50
 - Holding title, § 3:49
 - Hypothecating and transferring title, § 3:50
- Warranty deeds
 - Generally, § 3:8 to 3:11
 - Individual, general warranty deed by, § 3:9
 - Special warranty deed, § 3:10, 3:11
- Writing, § 3:2

DEFAULT JUDGMENTS

- Foreclosure of mortgages, § 28:7

DEFEASIBLE ESTATES

- Generally, § 1:7 to 1:12
- Conditions subsequent, § 1:9 to 1:11
- Determinable estates, § 1:8
- Executory limitation, § 1:12
- Fee simple upon condition subsequent, § 1:10

DEFICIENCIES

- Foreclosure of mortgages, § 28:10

DELIVERY

- Deeds, § 3:6

DESCRIPTION

- Surveys, § 4:37

DESTRUCTION OR TERMINATION OF RIGHTS OR INTERESTS

- Condominiums and Cooperatives, this index
- Contingent remainders, § 2:9
- Contracts of sale, § 10:3
- Deeds, this index
- Easements and Rights of Way, this index
- Equitable interests, § 1:22
- Leases, this index
- Licenses, § 18:10

DESTRUCTION OR TERMINATION OF RIGHTS OR INTERESTS

—Cont'd

- Mineral rights, § 18:15
- Profits, § 18:4
- Riparian Rights, this index
- Subdivisions, this index

DETERMINABLE ESTATES

- Defeasible estates, § 1:8

DEVELOPMENT OF REAL ESTATE

- Condominiums and Cooperatives, this index
- Developments of Regional Impact (DRIs), this index
- Environmental Laws, this index
- Government Regulation, this index
- Neighborhood Improvement Districts, this index
- Special Taxing Districts, this index
- Subdivisions, this index
- Zoning, this index

DEVELOPMENTS OF REGIONAL IMPACT (DRIS)

- Generally, § 17:9 to 17:16
- Approval or denial, grounds for, § 17:11
- Consequences, § 17:14
- Creation, § 17:10
- Deviations, § 17:15
- Judicial review, § 17:12
- Results of grant of application, § 17:13
- Special issues, § 17:16

DEVIATION

- Developments of Regional Impact (DRIs), § 17:15

DISCLOSURE REQUIREMENTS

- Contracts of sale, § 10:18

DISCOVERY

- Condominiums and cooperatives, § 12:17
- Foreclosure of mortgages, § 28:6

DISPARAGEMENT OF TITLE

- Generally, § 40:3

DOCUMENTARY TAX

- Transfers of real property, § 8:32

DOWER

- Generally, § 1:6

EASEMENTS AND RIGHTS OF WAY

- Generally, § 19:1 to 19:19, 34:1 to 34:3
- Agreement, easements by
 - Generally, § 19:2 to 19:5

INDEX

EASEMENTS AND RIGHTS OF WAY—Cont'd

- Agreement, easements by—Cont'd
 - Creation, § **19:3**
 - Destruction of interest, § **19:5**
 - Rights and duties, § **19:4**
- Common law ways of necessity
 - Generally, § **19:10 to 19:13**
 - Creation, § **19:11**
 - Destruction of interest, § **19:13**
 - Rights and duties, § **19:12**
- Destruction of interest
 - Agreement, easements by, § **19:5**
 - Common law ways of necessity, § **19:13**
 - Implication, easements by, § **19:9**
 - Prescription, easement by, § **34:3**
 - Statutory ways of necessity, § **19:17**
- Implication, easements by
 - Generally, § **19:6 to 19:9**
 - Creation, § **19:7**
 - Destruction of interest, § **19:9**
 - Rights and duties, § **19:8**
- Prescription, easement by
 - Generally, § **34:1 to 34:3**
 - Destruction of interest, § **34:3**
 - Rights and duties of adjoining owners, § **34:2**
- Statutory ways of necessity
 - Generally, § **19:14 to 19:19**
 - Common law easements, codification of, § **19:18**
 - Creation, § **19:15**
 - Destruction of interest, § **19:17**
 - Rights and duties, § **19:16**

EJECTMENT

- Construction agreements and construction liens, § **38:2**

ELECTION OF REMEDIES

- Contracts of sale, litigation, § **24:3**

EMINENT DOMAIN

- Generally, § **29:1 to 29:9**
- Attorneys' fees, § **29:4**
- Business damages, § **29:3**
- Exactions, § **29:9**
- Inverse condemnation
 - Generally, § **29:5 to 29:8**
 - Bert Harris Act, § **29:8**
 - Complete takings, § **29:7**
 - Temporary takings, § **29:6**
- Inverse condemnation Bert Harris Act, § **29:8**

EMINENT DOMAIN—Cont'd

- Quick take, § 29:2
- Severance damages, § 29:3

ENCUMBRANCES

- Liens and Encumbrances, this index

ENTRY, RIGHTS OF

- Generally, § 2:5

ENVIRONMENTAL LAWS

- Generally, § 17:25 to 17:31
- Brownfields Redevelopment Act, § 17:28
- Comprehensive Environmental Response, Compensation and Liability Act, § 17:30
- Federal laws, § 17:29 to 17:31
- Florida Air and Water Pollution Control Act, § 17:26
- Pollution Discharge Prevention and Control Act, § 17:27
- Resource Conservation and Recovery Act, § 17:31
- Resource Recovery and Management Act, § 17:25
- State laws, § 17:25 to 17:28
- Transfers of real property, § 8:10, 8:11

EQUITABLE INTERESTS

- Generally, § 1:19 to 1:22
- Creation, § 1:20
- Rights and duties, § 1:21
- Termination of interest, § 1:22

EROSION

- Riparian Rights, this index

ESTOPPEL

- Leases, this index
- Transfers of real property, estoppel certificates, § 8:37

ETHICS

- Foreclosure of mortgages, § 28:4

EUCLIDEAN ZONING

- Generally, § 15:2

EVICITION

- Leases, § 27:4

EVIDENCE

- Adverse possession, § 33:3

EXECUTORY CONTRACTS

- Bankruptcy, § 26:6

EXECUTORY INTERESTS

- Generally, § 2:10

INDEX

EXPECTANCIES

Contracts of Sale, this index

FEDERAL TRUTH IN LENDING ACT

Transfers of real property, § 8:8

FEE SIMPLE ABSOLUTE

Generally, § 1:3

Deeds, this index

FEE SIMPLE UPON CONDITION SUBSEQUENT

Defeasible estates, § 1:10

FEE TAIL

Generally, § 1:5

FENCES

Boundaries and Fences, this index

FIDUCIARIES

Deeds, this index

FILLED IN LANDS

Riparian Rights, this index

FINAL PAYMENT

Construction agreements and construction liens, affidavit, § 39:2

FINANCING

Generally, § 11:1 to 11:6

Deed, agreements for, § 11:4, 28:2

Forms of financing, § 11:1

Installment contracts, § 11:4

Mortgages, § 11:2

Opinions on financing, § 11:5, 11:6

Sale-leaseback agreements, § 11:3

FIRST REFUSAL RIGHTS

Contracts of sale, § 9:8

FIXTURES

Generally, § 20:1 to 20:4

Creation, § 20:2

Destruction of interest, § 20:4

Rights and duties of parties, § 20:3

FLORIDA AIR AND WATER POLLUTION CONTROL ACT

Generally, § 17:26

FORBEARANCE AGREEMENTS

Foreclosure of mortgages, § 28:15

FORCIBLE ENTRY

Leases, § 27:3

FORECLOSURE

- Condominiums and cooperatives, § 12:14
- Construction lien, complaint to foreclose, § 39:3
- Mortgages. Foreclosure of Mortgages, this index

FORECLOSURE OF MORTGAGES

- Generally, § 28:1 to 28:17
- Assignment of judgment and promissory notes, § 28:13
- Commercial mortgages, § 28:3
- Complaint for foreclosure and judgment, § 28:12
- Deed, agreements for, § 11:4, 28:2
- Deed in lieu of workout agreement, § 28:16
- Default judgments, § 28:7
- Deficiencies and judgments, § 28:10
- Discovery, § 28:6
- Ethical considerations, § 28:4
- Forbearance agreements, § 28:15
- Judgments and deficiencies, § 28:10
- Post-judgment issues, § 28:11
- Pre-suit issues, § 28:5
- Receivers, § 28:9
- Sale, foreclosure sale, § 28:11
- Summary judgment, § 28:7
- Trial, § 28:8
- Workout agreements, § 28:14, 28:16
- Writs of possession, § 28:17

FRAUDS, STATUTE OF

- Contracts of sale, § 8:3, 24:1
- Leases, § 8:4
- Transfers of Real Property, this index

FRAUDULENT MISREPRESENTATION

- Contracts of sale, litigation, § 24:11

FUTURE ESTATES

- Generally, § 2:1 to 2:17
- Contingent remainders, § 2:8, 2:9
- Destruction of contingent remainder, § 2:9
- Entry, rights of, § 2:5
- Executory interests, § 2:10
- Open, remainders subject to, § 2:7
- Perpetuities, rule against, § 2:15
- Possibility of reverter, § 2:4
- Present uses, § 2:11
- Protection of future estates. Restriction and protection of future estates, below
- Restraints on alienation, § 2:16
- Restriction and protection of future estates
 - Generally, § 2:12 to 2:17

INDEX

FUTURE ESTATES—Cont'd

Restriction and protection of future estates—Cont'd

Perpetuities, rule against, § 2:15

Restraints on alienation, § 2:16

Shelley's case, rule in, § 2:13

Waste, § 2:17

Worthier title doctrine, § 2:14

Reversions, § 2:3

Shelley's case, rule in, § 2:13

Vested remainders, § 2:6, 2:7

Waste, § 2:17

Worthier title doctrine, § 2:14

GAS RIGHTS

Title insurance, § 5:12

GOVERNMENT REGULATION

Generally, § 16:1 to 16:3, 17:1 to 17:37

Americans with Disabilities Act, § 17:36

Art in Public Places, § 17:37

Concurrency, growth management planning, § 17:35

Developments of Regional Impact (DRIs), this index

Eminent Domain, this index

Environmental Laws, this index

Growth management planning, § 17:32 to 17:35

Local legislative bodies, § 16:2

Local planning agencies, § 16:3

Neighborhood Improvement Districts, this index

Special Taxing Districts, this index

Statutes, § 16:1

Transfers of real property, § 8:6 to 8:9

Use of property, § 17:37

Water permitting, § 17:33, 17:34

GROUND LEASES

Contracts of sale, § 9:9

GROWTH MANAGEMENT PLANNING

Generally, § 17:32 to 17:35

GUARDIANS

Deeds, this index

HOMEOWNERS' ASSOCIATIONS

Condominiums and Cooperatives, this index

HOMESTEADS

Generally, § 8:14 to 8:20

Bankruptcy, § 8:17, 8:18

Creditors, § 8:16

Declaration of domicile, § 8:15

HOMESTEADS—Cont'd

Personal property exemption, relationship to, § 8:20

Process for claim, § 8:19

HOSPITALITY INDUSTRY

Transfers of real property, § 8:25

HOTELS

Transfers of real property, § 8:26

HYPOTHECATION OF TITLE

Deeds, this index

IMPLICATION

Easements and Rights of Way, this index

INJUNCTIONS

Generally, § 22:4 to 22:6

INSTALLMENT CONTRACTS

Generally, § 11:4

INSURANCE

Title Insurance, this index

INTANGIBLE TAX

Transfers of real property, § 8:33

INTERLOPING INSTRUMENTS

Liens and encumbrances, § 4:24

INTERSTATE LAND SALES FULL DISCLOSURE ACT

Transfers of real property, § 8:7

INVERSE CONDEMNATION

Eminent Domain, this index

JOINT TENANCY

Generally, § 1:15, 1:17

Deeds, this index

Survivorship, joint tenancy with, § 1:17

JUDGMENTS

Foreclosure of mortgages, § 28:10

Title insurance, limitation on enforcement, § 5:18

“LADY BIRD” DEEDS

Generally, § 3:16, 3:17

LAND TRUSTS

Deeds, this index

LANDLORD AND TENANT

Leases, this index

INDEX

LATERAL SUPPORT

Adjoining landowners, § 32:1 to 32:3

“LEASE TO OWN” CONTRACTS

Generally, § 9:7

LEASES

Generally, § 20:1 to 20:4, 21:1 to 21:21

Abandonment by tenant, eviction after, § 27:1

Bankruptcy, shopping centers, § 26:8

Creation, § 20:2

Destruction of interest

Generally, § 20:4

Estoppel, tenancy by, § 21:21

Periodic tenancies, § 21:9

Sufferance, tenancy at, § 21:17

Will, tenancy at, § 21:13

Years, tenancy for, § 21:5

Duties and rights of parties, § 20:3

Estoppel, tenancy by

Generally, § 21:18 to 21:21

Creation, § 21:19

Destruction of interest, § 21:21

Rights and duties, § 21:20

Eviction proceedings, § 27:4

Forcible entry, § 27:3

Frauds, statute of, § 8:4

Lien of landlord, § 27:5

Litigation

Generally, § 27:1 to 27:5

Eviction proceedings, § 27:4

Forcible entry, § 27:3

Lien of landlord, § 27:5

Self-help evictions or eviction after tenant abandonment, § 27:1

Unlawful detainer, § 27:2

Periodic tenancies

Generally, § 21:6 to 21:9

Creation, § 21:7

Destruction of interest, § 21:9

Rights and duties, § 21:8

Rights and duties of parties, § 20:3

Self-help evictions, § 27:1

Sufferance, tenancy at

Generally, § 21:14 to 21:17

Creation, § 21:15

Destruction of interest, § 21:17

Rights and duties, § 21:16

Unlawful detainer, § 27:2

LEASES—Cont'd

- Will, tenancy at
 - Generally, § 21:10 to 21:13
 - Creation, § 21:11
 - Destruction of interest, § 21:13
 - Rights and duties, § 21:12
- Years, tenancy for
 - Generally, § 21:1 to 21:5
 - Creation, § 21:3
 - Destruction of interest, § 21:5
 - Form, § 21:2
 - Rights and duties, § 21:4

LICENSES

- Generally, § 18:5 to 18:10
- Antenna license, form, § 18:8
- Creation, § 18:6
- Destruction of rights, § 18:10
- Duties and rights, § 18:7 to 18:9
- Parking space license, form, § 18:9
- Rights and duties, § 18:7 to 18:9

LIENS AND ENCUMBRANCES

- Generally, § 4:20 to 4:27, 37:1
- Construction Agreements and Construction Liens, this index
- Contracts, § 4:23
- Covenants, § 4:26
- Landlord's liens, § 27:5
- Litigation regarding possession and title, § 25:4
- Mechanic's liens. Construction Agreements and Construction Liens, this index
- Mortgages, § 4:22
- Restrictions and reverters, § 4:26
- Taxes, § 4:25
- Wild or interloping instruments, § 4:24
- Zoning, § 4:27

LIFE ESTATES

- Generally, § 1:4, 1:6

LIKE KIND EXCHANGES

- Transfers of real property, § 8:24

LIMITATION OF ACTIONS

- Title insurance, tolling of limitations, § 5:23

LIMITED LIABILITY ENTITIES

- Deeds, this index

LIS PENDENS

- Generally, § 22:5

INDEX

LITIGATION

- Generally, § 22:1 to 22:7, 23:1, 23:2
- Alternative dispute resolution, § 22:3
- Appeals, § 26:9
- Bankruptcy, this index
- Cancellation of instruments, § 23:1
- Contracts of Sale, this index
- Foreclosure of Mortgages, this index
- Injunctions, § 22:4 to 22:6
- Leases, this index
- Liens and Encumbrances, this index
- Lis pendens, § 22:5
- Notice, § 22:2, 22:4 to 22:6
- Partition, this index
- Permanency of damages, § 22:7
- Post-trial matters, § 26:1 to 26:9
- Pre-suit requirements
 - Generally, § 22:1 to 22:7
 - Alternative dispute resolution, § 22:3
 - Injunctions, § 22:4 to 22:6
 - Lis pendens, § 22:5
 - Notice, § 22:2, 22:4 to 22:6
 - Permanency of damages, § 22:7
- Re-establishment of instruments, § 23:2
- Reformation of instruments, § 23:1
- Titles and Conveyances, this index
- Torts, this index

LITTORAL RIGHTS

- Title insurance, § 5:8

MARINAS

- Transfers of real property, § 8:26

MARITAL LIFE ESTATES

- Generally, § 1:6

MARKETABLE RECORD TITLE ACT

- Titles and Conveyances, this index

MINERAL RIGHTS

- Generally, § 18:11 to 18:16
- Access, § 18:16
- Creation, § 18:12, 18:13
- Destruction of interest, § 18:15
- Rights and duties of parties, § 18:14
- Title insurance, § 5:12

MOBILE HOMES

- Title insurance, § 5:13

MOBILE HOMES—Cont'd

Transfers of real property, § 8:23

MODIFICATION OF CONTRACT

Contracts of sale, litigation, § 24:4

MONUMENTS

Surveys, boundaries, § 4:42, 4:43

MORTGAGES

Generally, § 4:22, 11:2

Foreclosure of Mortgages, this index

Liens and encumbrances, § 4:22

Title Insurance, this index

MUNIMENTS OF TITLE

Generally, § 4:18

NEGATIVE COVENANTS

Subdivisions, this index

NEGLIGENT CONSTRUCTION

Contracts of sale, litigation, § 24:13

NEGLIGENT MISREPRESENTATION

Contracts of sale, litigation, § 24:12

NEIGHBORHOOD IMPROVEMENT DISTRICTS

Generally, § 17:17 to 17:24

Amendment of plans, § 17:23

Approval or denial, grounds for, § 17:19

Creation, § 17:18

Judicial review, § 17:20

Results of creation, § 17:21

Special issues, § 17:24

Violations and consequences, § 17:22

NEIGHBORS

Adjoining Landowners, this index

NONCONFORMING USES

Zoning, § 15:9

NOTICE

Litigation, § 22:2, 22:4 to 22:6

Transfers of real property, recording act, § 8:35

NUISANCE

Generally, § 40:2

OIL RIGHTS

Title insurance, § 5:12

OPTION CONTRACTS

Generally, § 9:5, 9:6

INDEX

OVERFLOWED LANDS

Title insurance, § 5:7

PARKING SPACES

Licenses, § 18:9

PARTIAL PERFORMANCE

Contracts of sale, litigation, § 24:2

PARTITION

Generally, § 36:1 to 36:3

Common law origins vs. statutory existence, § 36:1

Complaint to quiet title, § 36:3

Quiet title, § 36:2, 36:3

PARTY WALLS

Adjoining landowners, § 30:2, 30:3

PERFECTION OF RIGHTS

Contracts of Sale, this index

PERIODIC TENANCIES

Leases, this index

PERPETUITIES, RULE AGAINST

Generally, § 2:15

PLANNED UNIT DEVELOPMENTS (PUDS)

Zoning, § 15:7

POLICE POWER

Zoning, § 15:3

POLLUTION DISCHARGE PREVENTION AND CONTROL ACT

Generally, § 17:27

POSSIBILITY OF REVERTER

Reverters, this index

PRESCRIPTION

Adverse Possession, this index

Easements and Rights of Way, this index

PRIORITIES

Surveys, boundaries, § 4:41

Transfers of real property, § 8:34 to 8:36

PROFITS

Generally, § 18:1 to 18:4

Creation, § 18:2

Destruction of interest, § 18:4

Rights and duties of parties, § 18:3

PUBLIC RECORDS

Titles and conveyances, § 4:9

QUICK TAKE

Eminent domain, § 29:2

QUIET TITLE

Partition, § 36:2, 36:3

QUITCLAIM DEEDS

Generally, § 3:14, 3:15

REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974

Generally, § 8:9

RECEIVERS

Foreclosure of mortgages, § 28:9

RECORDS AND RECORDING

Deeds, § 3:6

Transfers of real property, § 8:34 to 8:36

REFORMATION OF INSTRUMENTS

Generally, § 23:1

REITs

Deeds, this index

RELICION

Title insurance, § 5:9

RESOURCE CONSERVATION AND RECOVERY ACT

Generally, § 17:31

RESOURCE RECOVERY AND MANAGEMENT ACT

Generally, § 17:25

RESTAURANTS

Transfers of real property, § 8:26

RESTRAINTS ON ALIENATION

Generally, § 2:16

RESTRICTIVE COVENANTS

Subdivisions, this index

REVERSIONS

Generally, § 2:3

REVERTERS

Generally, § 2:4

Liens and encumbrances, § 4:26

Title insurance, § 5:16

REVIEW

Appeal and Review, this index

RIGHTS OF WAY

Easements and Rights of Way, this index

INDEX

RIPARIAN RIGHTS

- Generally, § 35:1 to 35:8
- Accession. Accretion, accession and erosion, below
- Accretion, accession and erosion
 - Title insurance, § 5:9
- Accretion, avulsion, and erosion
 - Generally, § 35:2 to 35:4
 - Destruction, § 35:4
 - Origin, § 35:2
 - Title to property affected, § 35:3
- Destruction or termination of rights
 - Accretion, avulsion and erosion, § 35:4
 - Filled in lands, § 35:8
- Erosion. Accretion, avulsion and erosion, above
- Filled in lands
 - Generally, § 35:5 to 35:8
 - Creation of rights, § 35:6
 - Rights and duties, § 35:7
 - Termination of rights, § 35:8
- Termination of rights. Destruction or termination of rights, above
- Title insurance, § 5:8
- Title to property affected by accretion, avulsion, and erosion, § 35:3

RISK OF LOSS

- Contracts of sale, § 9:10

SALE OF REAL PROPERTY

- Transfers of Real Property, this index

SALE-LEASEBACK AGREEMENTS

- Generally, § 11:3

SELF-HELP EVICTIONS

- Leases, § 27:1

SEVERANCE DAMAGES

- Eminent domain, § 29:3

SHELLEY'S CASE, RULE IN

- Generally, § 2:13

SHOPPING CENTERS

- Bankruptcy, leases, § 26:8

SLANDER OF TITLE

- Generally, § 40:3

SPECIAL TAXING DISTRICTS

- Generally, § 17:1 to 17:8
- Boundaries, § 17:7
- Creation, § 17:2
- Dependent and independent districts, § 17:4

SPECIAL TAXING DISTRICTS—Cont'd

- Judicial review, § 17:3
- Power to tax, § 17:5
- Special issues, § 17:8
- Violations and consequences, § 17:6

SPECIAL USES

- Zoning, § 15:10

SPECIAL WARRANTY DEEDS

- Generally, § 3:10, 3:11

SPECIFIC PERFORMANCE

- Contracts of sale, litigation, § 24:9

SPOT ZONING

- Generally, § 15:6

STATUTE OF FRAUDS

- Frauds, Statute of, this index

STATUTE OF LIMITATIONS

- Title insurance, tolling of limitations, § 5:23

STAYS

- Bankruptcy, automatic stay, § 8:12, 26:3 to 26:5

SUBDIVISIONS

- Generally, § 13:1 to 13:3, 14:1 to 14:14
- Affirmative covenants
 - Generally, § 13:3, 14:12 to 14:14
 - Destruction of interest, § 14:14
 - Rights and duties, § 14:13
- Approval or denial, grounds for, § 14:3
- Boundaries, platted and subdivided lands, § 4:32
- Common law dedication, § 14:8
- Creation, § 14:2
- Dedication, common law, § 14:8
- Denial or approval, grounds for, § 14:3
- Destruction of interest
 - Affirmative covenants, § 14:14
 - Negative covenants, § 14:11
- Judicial review, § 14:4
- Negative covenants
 - Generally, § 13:2, 14:9 to 14:11
 - Destruction of interest, § 14:11
 - Rights and duties, § 14:10
- Platted and subdivided lands, boundaries, § 4:32
- Re-platting and vacation, § 14:7
- Restrictive covenants. Negative covenants, above
- Results of subdividing, § 14:5
- Vacation and re-platting, § 14:7

INDEX

SUBDIVISIONS—Cont'd

Violations and consequences, § 14:6

SUBJACENT SUPPORT

Adjoining landowners, § 32:1 to 32:3

SUFFERANCE

Leases, this index

SUMMARY JUDGMENT

Foreclosure of mortgages, § 28:7

SURVEYS

Generally, § 4:33 to 4:43

Additional desired requirements, § 4:35, 4:36

Boundaries

Generally, § 4:40 to 4:43

Monuments, § 4:42, 4:43

Movement of natural monuments, § 4:43

Priority of calls, § 4:41

Certifications to owner and third parties, § 4:39

Description of items on survey, § 4:37

Legal description, sufficiency of, § 4:38

Minimum technical requirements, § 4:34

Monuments, boundaries, § 4:42, 4:43

Movement of natural monuments, boundaries, § 4:43

Priority of calls, boundaries, § 4:41

Surveyor's certification, § 4:36

Torts, surveyor's rights, § 40:5

SWAMP LANDS

Title insurance, § 5:7

TAXATION

Liens and encumbrances, § 4:25

Special Taxing Districts, this index

Title insurance, tax titles, § 5:10, 5:15

Transfers of real property, § 8:30 to 8:33

1031 EXCHANGES

Generally, § 8:24

TENANCY BY THE ENTIRETIES

Generally, § 1:16

Deeds, this index

TENANCY IN COMMON

Generally, § 1:14

Deeds, this index

TERMINATION

Destruction or Termination of Rights or Interests, this index

THIRD PARTIES

Contracts of Sale, this index

THIRD PARTY BENEFICIARIES

Contracts of Sale, this index

“TIME OF ESSENCE” CLAUSES

Contracts of sale, litigation, § 24:5

TITLE INSURANCE

Generally, § 5:1 to 5:24

Accession, § 5:9

Accretion, § 5:9

Acknowledgments and witnesses, § 5:24

Adverse possession, curative acts, § 5:21

Attorneys' Title Insurance Fund Forms, § App. B

Condominiums and cooperatives, curative acts, § 5:22

Continuation of coverages, owners title insurance, § 6:3

Contracts, curative acts, § 5:19

Conveyances, curative acts, § 5:20

Coverages, § 5:3, 5:4, 6:2, 6:3, 7:1

Curative acts

Generally, § 5:14 to 5:24

Adverse possession, § 5:21

Condominiums and cooperatives, § 5:22

Contracts, § 5:19

Conveyances, § 5:20

Judgments, limitation on enforcement of, § 5:18

Mortgages, limitation on enforcement of, § 5:17

Reverters and restrictions, § 5:16

Tax titles, § 5:15

Tolling of limitations, § 5:23

Witnesses and acknowledgments, § 5:24

Dedication, title by, § 5:11

Erosion, § 5:9

Gas rights, § 5:12

Judgments, limitation on enforcement of, § 5:18

Littoral rights, § 5:8

Mineral rights, § 5:12

Mobile homes, § 5:13

Mortgages

Limitation on enforcement, § 5:17

Title insurance of mortgagee, § 7:1

Obtaining coverage, § 5:2

Oil rights, § 5:12

Overflowed lands, § 5:7

Owners title insurance

Generally, § 6:1 to 6:4

Continuation of coverages, § 6:3

INDEX

TITLE INSURANCE—Cont'd

Owners title insurance—Cont'd

Coverages, § **6:2, 6:3**

Removal of “standard exceptions,” § **6:4**

Reliction, § **5:9**

Removal of “standard exceptions,” owners title insurance, § **6:4**

Reverters and restrictions, § **5:16**

Riparian rights, § **5:8**

Risks covered or not covered, § **5:3, 5:4**

Special issues, § **5:5 et seq.**

Swamp lands, § **5:7**

Tax titles, § **5:10, 5:15**

Tolling of limitations, curative acts, § **5:23**

Water, interests affected by, § **5:6**

Witnesses and acknowledgments, § **5:24**

TITLES AND CONVEYANCES

Generally, § **1:1 to 1:22, 4:1 to 4:44**

Abstracts, § **4:8**

Accretion, property affected by, § **35:3**

Avulsion, property affected by, § **35:3**

Boundaries

Generally, § **4:28 to 4:32**

Grant lands, § **4:30**

Platted and subdivided lands, § **4:32**

Sources of title, § **4:4**

Sources of title affecting boundaries, § **4:29**

Sovereign lands, § **4:31**

Concurrent Estates or Tenancies, this index

Curtesy, § **1:6**

Deeds, this index

Defeasible Estates, this index

Determination of title, § **4:1**

Dower, § **1:6**

Encumbrances. Liens and Encumbrances, this index

Equitable Interests, this index

Erosion, property affected by, § **35:3**

Examination of title record

Generally, § **4:15 to 4:19**

Defects in title or commitment, § **4:17**

Formal components of instruments, § **4:19**

Grantor, grantee and other indices, § **4:16**

Muniments of title, § **4:18**

Fee simple absolute, § **1:3**

Fee tail, § **1:5**

Forms for title, § **App. A**

Future Estates, this index

Grant lands, boundaries, § **4:30**

TITLES AND CONVEYANCES—Cont'd

- History, § 1:1
- Insurance. Title Insurance, this index
- Law, operation of, § 4:5
- Liens and Encumbrances, this index
- Life estates, § 1:4, 1:6
- Litigation regarding possession and title
 - Generally, § 25:1 to 25:5
 - Encumbrances, § 25:4
 - Fee limitations, § 25:3
 - Preservation of property during litigation, § 25:5
- Marital life estates, § 1:6
- Marketable Record Title Act
 - Generally, § 4:10 to 4:14
 - Interests eliminated by Act, § 4:12
 - Interests not eliminated by Act, § 4:13, 4:14
 - Operation of Act, § 4:11
- Muniments of title, § 4:18
- Platted and subdivided lands, boundaries, § 4:32
- Present estates, generally, § 1:1 to 1:22
- Preservation of property during litigation, § 25:5
- Public records, § 4:9
- Quiet title actions, § 4:44
- Sources of analysis
 - Generally, § 4:6 to 4:9
 - Abstracts, § 4:8
 - Public records, § 4:9
 - Title commitments, § 4:7
- Sources of title
 - Generally, § 4:2 to 4:5
 - Boundaries, changing, § 4:4
 - Law, operation of, § 4:5
 - Sovereign, title from, § 4:3
- Sovereign, title from, § 4:3
- Sovereign lands, boundaries, § 4:31
- Subdivided and platted lands, boundaries, § 4:32
- Surveys, this index

TOLLING OF LIMITATIONS

- Title insurance, curative acts, § 5:23

TORTS

- Generally, § 40:1 to 40:5
- Disparagement of title, § 40:3
- Financing agreements, enforcement of, § 40:4
- Lender liability, enforcement of financing agreements, § 40:4
- Nuisance, § 40:2
- Slander of title, § 40:3

INDEX

TORTS—Cont'd

Surveyor's rights, § 40:5

Trespass, § 40:1

TRANSFERS OF REAL PROPERTY

Generally, § 8:1 to 8:37

Agreements for transfer, § 8:1

Automatic stay, bankruptcy, § 8:12

Bankruptcy, effect of, § 8:12, 8:13

Business entities, § 8:27 to 8:29

Commercial transactions

 Generally, § 8:21 to 8:29

 Business entities, § 8:27 to 8:29

 Hospitality industry, § 8:25

 Hotels, restaurants, and marinas, § 8:26

 Like kind and 1031 exchanges, § 8:24

 Mobile home parks, § 8:23

 Special commercial contract considerations, § 8:22

 Tenant estoppel request, § 8:28

Contracts of Sale, this index

Deeds, this index

Documentary tax, § 8:32

Environmental issues, § 8:10, 8:11

Estoppel certificates, § 8:37

Federal taxes, § 8:30

Federal Truth in Lending Act, § 8:8

Foreclosure sale, § 28:11

Forms of notice, § 8:36

Frauds, statute of

 Generally, § 8:2 to 8:5

 Lease agreements, § 8:4

 Miscellaneous agreements, § 8:5

 Sale agreements, § 8:3

Governmental regulations, § 8:6 to 8:9

Homesteads, this index

Hospitality industry, § 8:25

Hotels, § 8:26

Incidents of transfer

 Generally, § 8:30 to 8:37

 Estoppel certificates, § 8:37

 Federal taxes, § 8:30

 Florida documentary tax, § 8:32

 Florida intangible tax, § 8:33

 Forms of notice, § 8:36

 Notice provisions of recording act, § 8:35

 Recording and priorities, § 8:34 to 8:36

 State taxes, § 8:31 to 8:33

TRANSFERS OF REAL PROPERTY—Cont'd

Incidents of transfer

Notice provisions of Recording Act, § 8:35

Recording and priorities, § 8:34 to 8:36

State taxes, § 8:31 to 8:33

Intangible tax, § 8:33

Interstate Land Sales Full Disclosure Act, § 8:7

Like kind and 1031 exchanges, § 8:24

Marinas, § 8:26

Mobile home parks, § 8:23

Notice provisions of recording act, § 8:35

Post-bankruptcy petition transfers, § 8:13

Priorities and recording, § 8:34 to 8:36

Real Estate Settlement Procedures Act of 1974, § 8:9

Recording and priorities, § 8:34 to 8:36

Restaurants, § 8:26

State taxes, § 8:31 to 8:33

1031 and like kind exchanges, § 8:24

Tenant estoppel request, § 8:28

Uniform Land Sales Practice Act, § 8:6

TRESPASS

Generally, § 40:1

TRUSTS

Deeds, this index

TRUTH IN LENDING ACT

Transfers of real property, § 8:8

UNIFORM LAND SALES PRACTICE ACT

Generally, § 8:6

UNINCORPORATED GROUPS AND ASSOCIATIONS

Deeds, this index

UNLAWFUL DETAINER

Leases, § 27:2

VARIANCES

Zoning, § 15:11

VENUE

Contracts of sale, § 24:6

VESTED REMAINDERS

Generally, § 2:6, 2:7

WAIVER

Bankruptcy, automatic stay, § 26:3

WARRANTY DEEDS

Deeds, this index

INDEX

WASTE

Generally, § 2:17

WATER

Permits, § 17:33, 17:34
Riparian Rights, this index
Title insurance, § 5:6

WILD INSTRUMENTS

Liens and encumbrances, § 4:24

WILL, TENANCY AT

Leases, this index

WITNESSES

Title insurance, § 5:24

WORKOUT AGREEMENTS

Foreclosure of mortgages, § 28:14, 28:16

WORTHIER TITLE DOCTRINE

Generally, § 2:14

WRITING

Deeds, § 3:2

WRITS OF POSSESSION

Foreclosure of mortgages, § 28:17

YEARS, TENANCY FOR

Leases, this index

ZONING

Generally, § 15:1 to 15:11
Conditional uses, § 15:10
Contract zoning, § 15:8
Euclidean zoning, § 15:2
Liens and encumbrances, § 4:27
Map amendments, § 15:5
Nonconforming uses, § 15:9
Original zoning, § 15:4
Planned unit developments (PUDs), § 15:7
Police power, § 15:3
Rezoning, § 15:5
Sources of zoning power, § 15:1, 15:3
Special uses, § 15:10
Spot zoning, § 15:6
Types of zoning, § 15:4 et seq.
Variances, § 15:11