



Topic 17: Title with Leases, International Sales, and Real Estate

Eric E. Johnson

ericejohnson.com



Konomark
Most rights sharable

Titles with Leases

- Generally similar in effect to sales.
- The analog to warranty of title is less favorable to the transferee.
 - The warranty is that no one - on account of an act or omission of the lessor - has a claim in the goods that will interfere with the lessee's enjoyment.

Titles with International Sales

- CISG Article 41 provides that the seller warrants good title to the goods.
- CISG Article 4 provides that the CISG abstains from saying anything about who has better title if there's a third party in the mix. That's left up to national law.

Title with Real Estate

- There's an implied warranty of title, in general, with real estate.
- An exception is sales using the "quitclaim deed," which transfers only what title the seller has.
- Title in real estate is, in general, recorded (usually with the county), which makes questions of title to land different than title issues with sales of goods.
- Recordation of title to land tends to avoid the title problems that come up with sales of moveable goods.