DESCRIPTION OF EXAMINATIONS

EXAMINATION SUMMARY TABLE

<table>
<thead>
<tr>
<th>Examination</th>
<th>Portion</th>
<th># of Items</th>
<th>Time Allowed</th>
</tr>
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<tbody>
<tr>
<td>Salesperson</td>
<td>Uniform (General)</td>
<td>80</td>
<td>150 Minutes</td>
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<tr>
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<td>State</td>
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<tr>
<td>Salesperson</td>
<td>Combo (both portions)</td>
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<tr>
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</tr>
<tr>
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<td>State</td>
<td>50</td>
<td>90 Minutes</td>
</tr>
<tr>
<td>Broker</td>
<td>Combo (both portions)</td>
<td>130</td>
<td>240 Minutes</td>
</tr>
<tr>
<td>Instructor</td>
<td></td>
<td>80</td>
<td>150 Minutes</td>
</tr>
</tbody>
</table>

PRETEST ITEMS

In addition to the number of examination items specified, a small number of five to ten “pretest” questions may be administered to candidates during the examinations. These questions will not be scored and the time taken to answer them will not count against examination time. The administration of such non-scored experimental questions is an essential step in developing future licensing examinations.

CONTENT OUTLINES

Use the outline as a guide for pre-examination review course material. The outlines list the topics that are on the examination and the number of questions for each topic. Do not schedule your examination until you are familiar with the topics in the outline.

SALESPERSON/BROKER EXAMINATION

UNIFORM (GENERAL) PORTION

Property Ownership (Salesperson 6 Items, Broker 5 Items)

1. Classes of Property
   a. Real versus Personal Property
   b. Defining Fixtures
2. Land Characteristics and Legal Descriptions
   a. Physical Characteristics of Land
   b. Economic Characteristics of Land
   c. Types of Legal Property Descriptions
   d. Usage of Legal Property Descriptions
3. Encumbrances
   a. Liens (Types and Priority)
   b. Easements and Licenses
   c. Encroachments
4. Types of Ownership
   a. Types of Estates
   b. Forms of Ownership
   c. Leaseholds
   d. Common Interest Properties
   e. Bundle of Rights

5. Physical Descriptions of Property
   a. Land and Building Area
   b. Basic Construction Types and Materials

Land Use Controls and Regulations (Salesperson 5 Items, Broker 5 Items)

1. Government Rights in Land
   a. Property Taxes and Special Assessments
   b. Eminent Domain, Condemnation, Escheat
   c. Police Power
2. Public Controls Based in Police Power
   a. Zoning and Master Plans
   b. Building Codes
   c. Environmental Impact Reports
   d. Regulation of special land types (floodplain, coastal, etc.)
3. Regulation of Environmental Hazards
   a. Abatement, mitigation and cleanup requirements
   b. Contamination levels and restrictions on sale or development of contaminated property
   c. Types of hazards and potential for agent or seller liability
4. Private Controls
   a. Deed Conditions or Restrictions
   b. Covenants (CC&Rs)
   c. HOA Regulations

Valuation and Market Analysis (Salesperson 8 Items, Broker 7 Items)

1. Value
   a. Market Value and Market Price
   b. Characteristics of Value
   c. Principles of Value
   d. Market Cycles and other Factors Affecting Property Value
2. Methods of Estimating Value/Appraisal Process
   a. Market or Sales Comparison Approach
   b. Replacement Cost or Summation Approach
   c. Income Approach
   d. Basic Appraisal Terminology (Replacement versus Reproduction Cost, Reconciliation, Depreciation, Kinds of Obsolescence)
3. Competitive/Comparative Market Analysis (CMA)
   a. Selecting and Adjusting Comparables
   b. Factors to Consider in a CMA
   c. Contrast CMA, Broker Opinion of Value (BOV), Appraisal
d. Price/Square Foot
e. Gross Rent and Gross Income Multipliers

4. When Appraisal by Certified Appraiser is Required

**Financing (Salesperson 7 Items, Broker 7 Items)**

1. **General Concepts**
   a. LTV Ratios, Points, Origination Fees, Discounts, Broker Commissions
   b. Mortgage Insurance (PMI)
   c. Lender Requirements, Equity, Qualifying Buyers, Loan Application Procedures

2. **Types of Loans**
   a. Term or Straight Loans
   b. Amortized and Partially Amortized (Balloon) Loans
   c. Adjustable Rate Loans (ARMs)
   d. Conventional versus Insured
   e. Reverse mortgages; equity loans; subprime and other nonconforming loans

3. **Sources of Loan Money**
   a. Seller/Owner Financing
   b. Primary Market
   c. Secondary Market
   d. Down Payment Assistance Programs

4. **Government Programs**
   a. FHA
   b. VA

5. **Mortgages/Deeds of Trust**
   a. Mortgage Clauses (Assumption, Due-On-Sale, Alienation, Acceleration, Prepayment, Release)
   b. Lien Theory versus Title Theory
   c. Mortgage/Deed of Trust and Note as Separate Documents

6. **Financing/Credit Laws**
   a. Truth in Lending, RESPA, Equal Credit Opportunity
   b. Mortgage Loan Disclosure and Seller Financing Disclosure

7. **Mortgage Fraud, Predatory Lending Practices (Risks to Clients)**
   a. Usury and Predatory Lending Laws
   b. Appropriate Cautions to Clients Seeking Financing

**Laws of Agency (Salesperson 10 Items, Broker 11 Items)**

1. **Laws, Definitions, and Nature of Agency Relationships**
   a. Types of Agents/Agencies (Special, General, Designated, Subagent, etc.)
   b. Possible Agency Relationships in a Single Transaction
   c. Fiduciary Responsibilities

2. **Creation and Disclosure of Agency and Agency Agreements (General; Regulatory Details in State Portions)**
   a. Creation of Agency and Agency Agreements
   b. Express and Implied
   c. Disclosure of Representation
   d. Disclosure of Acting as Principal or other Conflict of Interest

3. **Responsibilities of Agent to Seller, Buyer, Landlord or Tenant as Principal**
   a. Traditional Common Law Agency Duties (“COALD”)
   b. Duties to Client/Principal (Buyer, Seller, Tenant or Landlord)
   c. Effect of Dual Agency on Agent’s Duties

4. **Responsibilities of Agent to Customers and Third Parties**
   a. Expiration
   b. Completion/Performance
   c. Termination by Operation of Law
   d. Destruction of Property/Death of Principal
   e. Termination by Acts of Parties

**Mandated Disclosures (Salesperson 7 Items, Broker 8 Items)**

1. **Property Condition Disclosure Forms**
   a. Agent’s Role in Preparation
   b. When Seller’s Disclosure Misrepresents Property Condition

2. **Warranties**
   a. Types of available warranties
   b. Coverages provided

3. **Need for Inspection and Obtaining/Verifying Information**
   a. Agent Responsibility to Verify Statements included in Marketing Information
   b. Agent Responsibility to Inquire about “Red Flag” Issues
   c. Responding to Non-Client Inquiries

4. **Material Facts Related to Property Condition or Location**
   a. Land/Soil Conditions
   b. Accuracy of Representation of Lot or Improvement Size, Encroachments or Easements affecting Use
   c. Pest Infestation, Toxic Mold and other Interior Environmental Hazards
   d. Structural Issues, including Roof, Gutters, Downspouts, Doors, Windows, Foundation
   e. Condition of Electrical and Plumbing Systems, and of Equipment or Appliances that are Fixtures
f. Location within a Natural Hazard or Specially Regulated Area, Potentially Uninsurable Property

g. Known Alterations or Additions

5. Material Facts Related to Public Controls, Statutes or Public Utilities
   a. Local Zoning and Planning Information
   b. Boundaries of School/Utility/Taxation Districts, Flight Paths
   c. Local Taxes and Special Assessments, other Liens
   d. External Environmental Hazards (lead, radon, asbestos, formaldehyde foam insulation, high-voltage power lines, waste disposal sites, underground storage tanks, soil or groundwater contamination, hazardous waste)
   e. Stigmatized/Psychologically Impacted Property, Megan's Law Issues

Contracts (Salesperson 10 Items, Broker 10 Items)

1. General Knowledge of Contract Law
   a. Requirements for Validity
   b. Types of Invalid Contracts
   c. When Contract is Considered Performed/Discharged
   d. Assignment and Novation
   e. Breach of Contract and Remedies for Breach
   f. Contract Clauses (Acceleration, etc.)

2. Listing Agreements
   a. General Requirements for Valid Listing
   b. Exclusive Listings
   c. Non-Exclusive Listings

3. Management Agreements [Broker Only]

4. Buyer Broker Agreements/Tenant Representation Agreements

5. Offers/Purchase Agreements
   a. General Requirements
   b. When Offer becomes Binding (Notification)
   c. Contingencies
   d. Time is of the Essence

6. Counteroffers/Multiple Counteroffers
   a. Counteroffer Cancels Original Offer
   b. Priority of Multiple Counteroffers

7. Lease and Lease-Purchase Agreements

8. Options and Right of First Refusal

9. Rescission and Cancellation Agreements

Transfer of Title (Salesperson 4 Items, Broker 6 Items)

1. Title Insurance
   a. What is Insured Against
   b. Title Searches/Title Abstracts/Chain of Title
   c. Cloud on Title/Suit to Quiet Title

2. Conveyances After Death
   a. Types of Wills
   b. Testate vs. Intestate Succession

3. Deeds
   a. Purpose of Deed, when Title Passes
   b. Types of Deeds (General Warranty, Special Warranty, Quitclaim) and when used
   c. Essential Elements of Deeds
   d. Importance of Recording

4. Escrow or Closing
   a. Responsibilities of Escrow Agent
   b. Prorated Items
   c. Closing Statements/HUD-1
   d. Estimating Closing Costs

5. Foreclosure, Short Sales

6. Tax Aspects of Transferring Title to Real Property

7. Special Processes [Broker Only]

Practice of Real Estate (Salesperson 12 Items, Broker 11 Items)

1. Trust Accounts (General; Regulatory Details in State Portions)
   a. Purpose and Definition of Trust Accounts
   b. Responsibility for Trust Monies
   c. Commingling/Conversion
   d. Monies held in Trust Accounts

2. Fair Housing Laws
   a. Protected Classes
   b. Covered Transactions
   c. Specific Laws and their Effects
   d. Exceptions
   e. Compliance
   f. Types of Violations and Enforcement
   g. Fair Housing Issues in Advertising

3. Advertising
   a. Incorrect “Factual” Statements versus “Puffing”
   b. Uninformed Misrepresentation versus Deliberate Misrepresentation (Fraud)
   c. Truth in Advertising

4. Agent Supervision
   b. Responsibility to Train and Supervise
   c. Independent Contractors
   d. Employees

5. Commissions and Fees
   a. Procuring Cause/Protection Clauses
   b. Referrals and Finder Fees
6. General Ethics
   a. Practicing within Area of Competence
   b. Avoiding Unauthorized Practice of Law

7. Technology

8. Antitrust Laws
   a. Antitrust Laws and Purpose
   b. Antitrust Violations in Real Estate

Real Estate Calculations (Salesperson 7 Items, Broker 5 Items)

1. General Math Concepts
   a. Addition, Subtraction, Multiplication, and Division
   b. Percentages/Decimals/ Fractions
   c. Areas, including Acreage

2. Property Tax Calculations (not Prorations)

3. Lending Calculations
   a. Loan-to-Value Ratios
   b. Discount Points
   c. Equity
   d. Qualifying Buyers

4. Calculations for Transactions
   a. Prorations (Utilities, Rent, Property Taxes, Insurance, etc.)
   b. Commissions and Commission Splits
   c. Seller’s Proceeds of Sale
   d. Total Money Needed by Buyer at Closing
   e. Transfer Tax/Conveyance Tax/Revenue Stamps

5. Calculations for Valuation
   a. Comparative Market Analyses (CMA)
   b. Net Operating Income
   c. Depreciation
   d. Capitalization Rate
   e. Gross Rent and Gross Income Multipliers (GIM, GRM)

6. Mortgage Calculations
   a. Down Payment/Amount to be Financed
   b. Amortization
   c. Interest Rates
   d. Interest Amounts
   e. Monthly Installment Payments

Specialty Areas (Salesperson 4 Items, Broker 5 Items)

1. Property Management and Landlord/Tenant
2. Common Interest Ownership Properties
3. Subdivisions
4. Commercial, Industrial, and Income Property

STATE PORTION

Ascertaining and Disclosing Material Facts (Salesperson 8, Broker 7)

1. Bureau of Conveyances/Land Court
   a. Documents and indexes
   b. Conveyance tax

2. Tax Office
   a. Tax maps
   b. Real property taxes and assessments
   c. Other state taxes (e.g., HARPTA, GET)

3. Inspections

4. Statutory disclosures
   a. Seller Disclosure Law
   b. Leasehold disclosures
   c. Planned Community Associations
   d. Distressed Property and Short Sales

5. Environmental conditions
6. Hawaii land history and property rights

Types of Ownership (Salesperson 6, Broker 5)

1. Condominiums
2. Cooperatives
3. Time sharing plans
4. Land trust
5. Planned Unit Development

Property Management (Salesperson 3, Broker 3)

1. Residential Landlord-Tenant Code
2. Commercial real estate management (Broker only)

Land Utilization (Salesperson 2, Broker 2)

1. Planning, land use, and zoning (county ordinance)
   a. County building and planning
2. Restrictive covenants
3. State land use classification
4. Special Management Areas

Title and Conveyances (Salesperson 4, Broker 4)

1. Estates and interests
2. Tenancy
3. Liens
4. Leaseholds
5. Recording systems
6. Boundary issues
7. Foreclosure
Contracts and Addenda (Salesperson 6, Broker 8)
1. Hawaii sales contracts
2. Hawaii listing contracts
3. Other Hawaii standard forms

Financing (Salesperson 4, Broker 4)
1. Seller Financing (e.g., Agreement of Sale, PMM)
2. Hawaii-Specific Institutional Financing
3. Usury laws

Escrow Process and Closing Statements (Salesperson 3, Broker 5)
1. Escrow responsibilities
2. Closing Responsibilities
3. Closing Statements

Professional Practices and Conduct (Salesperson 14, Broker 12)
1. Office management/supervision
   a. Independent contractor vs. employee
   b. Policies and procedures
2. Trust accounts and handling of funds
3. Advertising
4. Licensing laws and rules
   a. Real estate brokers and salespersons
   b. Professional and Vocational Licensing Act
5. Grounds for disciplinary action
   a. Illegal conduct
      i) discrimination in real property transactions
   b. Unethical conduct
      i) Standards of Practice
      ii) Standard of Care
6. Agency Relationships and Disclosure of Agency

INSTRUCTOR EXAMINATION
GENERAL REAL ESTATE PRINCIPLES AND PRACTICES

Property Ownership - 3 items
1. Classes of Property
   a. Real versus Personal Property
   b. Defining Fixtures
2. Land Characteristics and Legal Descriptions
   a. Physical Characteristics of Land
   b. Economic Characteristics of Land
   c. Types of Legal Property Descriptions
   d. Usage of Legal Property Descriptions

3. Encumbrances
   a. Liens (Types and Priority)
   b. Easements and Licenses
   c. Encroachments

4. Types of Ownership
   a. Types of Estates
   b. Forms of Ownership
   c. Leaseholds
   d. Common Interest Properties
   e. Bundle of Rights

5. Physical Descriptions of Property
   a. Land and Building Area
   b. Construction Types and Materials

Land Use Controls and Regulations - 4 items
1. Government Rights in Land
   a. Property Taxes and Special Assessments
   b. Eminent Domain, Condemnation, Escheat
   c. Police Power
2. Public Controls Based in Police Power
   a. Zoning and Master Plans
   b. Building Codes
   c. Environmental Impact Reports
   d. Regulation of special land types (floodplain, coastal, etc.)
3. Regulation of Environmental Hazards
   a. Abatement, mitigation and cleanup requirements
   b. Contamination levels and restrictions on sale or development of contaminated property
   c. Types of hazards and potential for agent or seller liability.
4. Private Controls
   a. Deed Conditions or Restrictions
   b. Covenants (CC&Rs)
   c. HOA Regulations

Valuation and Market Analysis - 6 items
1. Value
   a. Market Value and Market Price
   b. Characteristics of Value
   c. Principles of Value
   d. Market Cycles and other Factors Affecting Property Value
2. Methods of Estimating Value/Appraisal Process
   a. Market or Sales Comparison Approach
   b. Replacement Cost or Summation Approach
   c. Income Approach
d. Basic Appraisal Terminology (Replacement versus Reproduction Cost, Reconciliation, Depreciation, Kinds of Obsolescence)

3. Competitive Market Analysis
   a. Selecting and Adjusting Comparables
   b. Rules of Thumb
   c. Contrast CMA, BOV, Appraisal
   d. Price/Square Foot
   e. Gross Rent and Gross Income Multipliers

4. When Appraisal by Certified Appraiser is Required

   Financing - 7 items
   1. General Concepts
      a. LTV Ratios, Points, Origination Fees, Discounts, Broker Commissions
      b. Mortgage Insurance (PMI)
      c. Lender Requirements, Equity, Qualifying Buyers, Loan Application Procedures
   2. Types of Loans
      a. Term or Straight Loans
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   3. Sources of Loan Money
      a. Seller/Owner Financing
      b. Primary Market
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      d. Down Payment Assistance Programs
   4. Government Programs
      a. FHA
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   5. Mortgages/Deeds of Trust
      a. Mortgage Clauses (Assumption, Due-On-Sale, Alienation, Acceleration, Prepayment, Release)
      b. Lien Theory versus Title Theory
      c. Mortgage/Deed of Trust and Note as Separate Documents
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      a. Truth in Lending, RESPA, Equal Credit Opportunity
      b. Mortgage Loan Disclosure and Seller Financing Disclosure
   7. Mortgage Fraud, Predatory Lending Practices (Risks to Clients)
      a. Usury and Predatory Lending Laws
      b. Appropriate Cautions to Clients Seeking Financing

   Mandated Disclosures - 7 items
   1. Property Condition Disclosure Forms
      a. Agent’s Role in Preparation
      b. When Seller’s Disclosure Misrepresents Property Condition
   2. Warranties
      a. Types of available warranties
      b. Coverages provided
   3. Need for Inspection and Obtaining/Verifying Information
      a. Agent Responsibility to Verify Statements included in Marketing Information
      b. Agent Responsibility to Inquire about “Red Flag” Issues
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   4. Material Facts Related to Property Condition or Location
      a. Land/Soil Conditions
      b. Accuracy of Representation of Lot or Improvement Size, Encroachments or Easements affecting Use
      c. Pest Infestation, Toxic Mold and other Interior Environmental Hazards
      d. Structural Issues, including Roof, Gutters, Downspouts, Doors, Windows, Foundation
      e. Condition of Electrical and Plumbing Systems, and of Equipment or Appliances that are Fixtures
      f. Location with in Natural Hazard or Specially Regulated Area, Potentially Uninsurable Property
   g. Known Alterations or Additions

   Laws of Agency - 11 items
   1. Laws, Definitions, and Nature of Agency Relationships
      a. Types of Agents/Agencies (Special, General, Designated, Subagent, etc.)
   2. Creation and Disclosure of Agency and Agency Agreements (General; Regulatory Details in State Portions)
      a. Creation of Agency and Agency Agreements
      b. Express and Implied
      c. Disclosure of Representation
      d. Disclosure of Acting as Principal or other Conflict of Interest
   3. Responsibilities of Agent to Seller, Buyer, Landlord or Tenant as Principal
      a. Traditional Common Law Agency Duties (“COALD”)
      b. Duties to Client/Principal (Buyer, Seller, Tenant or Landlord)
      c. Effect of Dual Agency on Agent’s Duties
   4. Responsibilities of Agent to Customers and Third Parties
   5. Termination of Agency
      a. Expiration
      b. Completion/Performance
      c. Termination by force of law
      d. Destruction of Property/Death of Principal
      e. Mutual Agreement

   Laws of Agency
5. Material Facts Related to Public Controls, Statutes or Public Utilities
   a. Local Zoning and Planning Information
   b. Boundaries of School/Utility/Taxation Districts, Flight Paths
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Contracts - 8 items
1. General Knowledge of Contract Law
   a. Requirements for Validity
   b. Types of Invalid Contracts
   c. When Contract is Considered Performed/Discharged
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   a. Counteroffer Cancels Original Offer
   b. Priority of Multiple Counteroffers
7. Lease and Lease-Purchase Agreements
8. Options and Right of First Refusal
9. Rescission and Cancellation Agreements

Transfer of Title - 4 items
1. Title Insurance
   a. What is Insured Against
   b. Title Searches/Title Abstracts/Chain of Title
   c. Cloud on Title/Suit to Quiet Title
2. Conveyances After Death
   a. Types of Wills
3. Deeds
   a. Purpose of Deed, when Title Passes
   b. Types of Deeds (General Warranty, Special Warranty, Quitclaim) and when Used
   c. Essential Elements of Deeds
   d. Importance of Recording
4. Escrow or Closing
   a. Responsibilities of Escrow Agent
   b. Prorated Items
   c. Closing Statements/HUD-1
   d. Estimating Closing Costs
5. Foreclosure, Short Sales
6. Tax Aspects of Transferring Title to Real Property
7. Special Processes

Practice of Real Estate - 11 items
1. Trust Accounts (General; Regulatory Details in State Portions)
   a. Purpose and Definition of Trust Accounts
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   b. Covered Transactions
   c. Specific Laws and their Effects
   d. Exceptions
   e. Compliance
   f. Types of Violations and Enforcement
   g. Fair Housing Issues in Advertising
3. Advertising
   a. Incorrect “Factual” Statements versus “Puffing”
   b. Uninformed Misrepresentation versus Deliberate Misrepresentation (Fraud)
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4. Agent Supervision
   b. Responsibility to Train and Supervise
   c. Independent Contractors
   d. Employees
5. Commissions and Fees
   a. Procuring Cause/Protection Clauses
   b. Referrals and Finder Fees
6. General Ethics
   a. Practicing within Area of Competence
   b. Avoiding Unauthorized Practice of Law
7. Issues in Use of Technology (electronic signatures, document delivery, internet advertising)

8. Antitrust Laws
   a. Antitrust Laws and Purpose
   b. Antitrust Violations in Real Estate

Real Estate Calculations - 4 items

1. General Math Concepts
   a. Addition, Subtraction, Multiplication, and Division
   b. Percentages/Decimals/Fractions
   c. Areas, including Acreage

2. Property Tax Calculations (not Prorations)

3. Lending Calculations
   a. Loan-to-Value Ratios
   b. Discount Points
   c. Equity
   d. Qualifying Buyers

4. Calculations for Transactions
   a. Prorations (Utilities, Rent, Property Taxes, Insurance, etc.)
   b. Commissions and Commission Splits
   c. Seller’s Proceeds of Sale
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   a. Comparative Market Analyses (CMA)
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   d. Capitalization Rate
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6. Mortgage Calculations
   a. Down Payment/Amount to be Financed
   b. Amortization
   c. Interest Rates
   d. Interest Amounts
   e. Monthly Installment Payments

Specialty Areas - 5 items

1. Property Management and Landlord/Tenant
2. Common Interest Ownership Properties
3. Subdivisions
4. Commercial, Industrial, and Income Property

INSTRUCTIONAL METHODOLOGY

Instructional Methods and Techniques (10 Items)
1. General Adult Education Principles
2. Class Management
3. Instructional Techniques
4. Evaluation of Learning