

Week 1

Eigendom van onroerende zaken, beperkte genotsrechten en overdracht onder voorbehoud van een beperkt recht.

Hoorcollege 12 november

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Werkgroepen Week van 15 november 2021
n:

Onderwerpen

- Eigendom van onroerende zaken
- Beperkte rechten in het algemeen en genotsrechten in het bijzonder
- Overdracht onder voorbehoud van een beperkt recht

Literatuur

- Pitlo/Reehuis & Heisterkamp
 - Hoofdstuk 1: **Roeren/onroerend (nr. 10 t/m 14, 26 en 27)**
 - Hoofdstuk 6: **Levering van registergoederen (nr. 186 t/m 187)**
 - Hoofdstuk 10: Eigendom van onroerende zaken (nr. 535 t/m 548)
 - Hoofdstuk 12: Kenmerken/vestiging en tenietgaan van beperkte rechten in het algemeen (nr. 588 t/m 610); Erfpacht (nr. 641-644, 653), Opstal (nr. 666 t/m 671), Vruchtgebruik (nr. 678 t/m 688) en erfdienstbaarheid (611-640)
 - T. van der Linden, 'Natrekking moet worden begrepen als een noodzakelijk kwaad', *NTBR* 2020/16, afl. 5. (zelf opzoeken)

Rechtspraak

- HR 15 november 1991, NJ 1993/316 (Dépex/Curatoren)
- HR 31 oktober 1997, ECLI:NL:HR:1997:ZC2478, NJ 1998/97 (Portacabin)
- HR 15 januari 2010, ECLI:NL:HR:2010:BK9136, BNB 2010/80 (Woonark)
- HR 24 december 2010, ECLI:NL:HR:2010:BO3644, BNB 2011/83 (Havenkranen)
- HR 27 september 2013, ECLI:NL:HR:2013:CA0813, BNB 2013/248 (Warmtekrachtkoppelinginstallatie)

Leeswijzer

Hoofdstuk 12 kan goed met de wet in de hand gelezen worden. Pitlo neemt de lezer als het ware als een gids mee door de verschillende artikelen van de genotsrechten, maar het systematisch zwaartepunt ligt bij de bespreking van

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E Durkheim



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