



Sizzlin' Supreme Court Cases – June 2015



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- 1. The implied warranty of workmanlike construction ensures that:**
  - A. The warranty must be specifically written into the purchase agreement or else the buyer is not protected.
  - B. Buildings must be erected in a reasonably good and workmanlike manner and they will be reasonably fit for the intended purpose.
  - C. Any person or institution that buys unimproved land can recover damages if the land is not reasonably fit for the intended purpose.
  - D. A builder must use reasonably polite table manners when constructing the building.
  
- 2. The purpose of the implied warranty of workmanlike construction is:**
  - A. To protect innocent home purchasers who do not have the skills or expertise to identify defects.
  - B. To allow judges to issue search warrants for the search of in-progress construction projects.
  - C. To protect contractor-developers from the difficulties of determining the quality of land prior to purchase.
  - D. To allow financial institutions to recover as subsequent homebuyers when they receive a deed to the property in lieu of foreclosure.
  
- 3. To prevail on a claim for breach of implied warranty of workmanlike construction:**
  - A. The buyer must be aware of the defect at the time of purchase.
  - B. The buyer must be a builder-vendor.
  - C. The buyer must have suffered damages by reason of the defective condition.
  - D. The buyer must have a reasonable means of discovering the defect at the time of purchase.
  
- 4. Under the Iowa burglary statute an "occupied structure" includes:**
  - A. An abandoned property that has evidence of transients (homeless people) who may have been dwelling within it.
  - B. Only McDonald's restaurants that the "Hamburglar" has visited.
  - C. A historic house that is dilapidated (run-down, decrepit) and soon-to-be-demolished but houses potential "valuables" like copper wiring and iron radiators.
  - D. A residential home that is occupied by a family of four but that is empty because the owners are on a week-long vacation.
  
- 5. Eminent domain is the power:**
  - A. Of the government to take private property without notice or compensation.
  - B. To take private property for public use with just compensation.
  - C. Of a private citizen to protect his property with deadly force.
  - D. To prevent others from using your company's domain name.

- 6. Which of the following does NOT have eminent domain power in Iowa:**
- A. The state of Iowa.
  - B. A joint public-private entity in which some private members do not have the power to condemn but the majority of public members do.
  - C. Any person or entity conferred the right by statute.
  - D. Telephone and telegraph companies in Iowa.
- 7. The organizers of a residential cooperative:**
- A. Must be natural citizens, not corporations.
  - B. May not own multiple units based on the one-unit-per-member rule.
  - C. Must have a direct interest in the cooperative.
  - D. Must be attorneys.
- 8. For a commercial property to be reclassified as residential for tax purposes it must:**
- A. Prove it is residential based on the actual use of the property, not the process by which it was organized.
  - B. Not be a multi-unit apartment building.
  - C. Be originally organized by a corporation.
  - D. Meet the organizational requirements under Iowa Code § 499A.1.
- 9. The exemption of small employers (those who have less than 4 employees) from discrimination suits is:**
- A. Illegal because discrimination is barred by the U.S. Constitution.
  - B. Illegal if the employee is a Title VII protected class (race, color, religion, sex, national origin).
  - C. Legal only if the small employer is a family business.
  - D. Legal and meant to shield small businesses from burdensome government regulation.
- 10. Is the enforcement of an invalid ordinance a constitutional violation?**
- A. No, as long as the Court finds it does not rise to the level of a Constitutional violation and the interest of eradicating discrimination outweighs the hardship of defending against the invalid ordinance.
  - B. No, never.
  - C. Yes, always.
  - D. Yes, as long as the ordinance in question was a discrimination ordinance.

## Answer Key

1. **B** – The implied warranty of workmanlike construction ensures that buildings must be erected in a reasonably good and workmanlike manner and that they will be reasonably fit for the intended purpose. Usually this standard of construction depends on the customary building practice in the area.
2. **A** – The purpose of the implied warranty of workmanlike construction is to protect innocent home purchasers who may not have the skills to identify defects. Generally, builders have a higher level of construction expertise than buyers. Because of this, courts place upon the builder an implied warranty that the home has been constructed well in order to prevent a builder from disadvantaging a buyer who may not realize the home is poorly constructed.
3. **C** – To prevail on a claim for breach of implied warranty of workmanlike construction the buyer must have suffered damages by reason of the defective condition. The buyer does not need to be aware or capable of discovering the condition at the time of purchase—in fact, the implied warranty exists because many construction defects do not present themselves immediately. Additionally, Iowa courts have made it clear that the implied warranty protects the typical home buyer and usually does not protect developers or financial institutions.
4. **D** – Under the Iowa burglary statute an “occupied structure” includes a residential home that is occupied by a family of four but that is empty because the owners are on a week-long vacation. A structure can be considered “occupied” regardless of whether people are actually present in the home at the time of the burglary. As long as the structure is either adapted for overnight accommodation or is “occupied” by persons for the purpose of carrying on business or storage of anything of value, it is considered an “occupied structure” and is protected by the burglary statute.
5. **B** – Eminent domain is the power to take private property for public use with just compensation. The key is that the use must be public or for the benefit of the public. Additionally, because this is a strong governmental power, just compensation is due to the citizen whose property was taken.
6. **B** – A joint public-private entity in which some private members do not have the power to condemn property but the majority of public members do does NOT have the power of eminent domain in Iowa. Only the state of Iowa and any person or entity conferred the right by statute have the power of eminent domain. In Iowa, this usually includes public utility companies who are conferred the right by the government.
7. **C** – The organizers of a residential cooperative must have a direct interest in the cooperative. This rule exists to prevent organizers who may not meet the organizational requirements from using people who have no interest in the property as organizers to get around requirements.
8. **D** – For a commercial property to be reclassified as residential for tax purposes it must meet the organizational requirements under Iowa Code § 499A.1. Some of these requirements include that there must be two or more organizers who are citizens (includes corporations) of full age and the majority of whom are citizens of the state.
9. **D** – The exemption of small employers from discrimination suits is legal and meant to shield small businesses from burdensome government regulation. Small businesses often do not have the same staff resources to protect against discrimination as large businesses. The exemption is meant to lessen the burden but is not meant to be a “get out of jail free card” for discriminatory employers.
10. **A** – The enforcement of an invalid ordinance is NOT a constitutional violation as long as the Court finds that the enforcement did not rise to the level of a constitutional violation and the interest of eradicating discrimination outweighs the hardship of defending against the invalid ordinance.