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Abandon

To give up a right or a claim without transferring it to someone else.

Abduction

Kidnapping a child or depriving another of contact with a child.

Abstract of Title

A history of the ownership rights of a piece of land.

Acceleration Clause

A provision in a credit agreement or a promissory note giving the creditor the right to declare the entire outstanding balance immediately due and payable.

Accord

An agreement to settle a dispute.

Account

A record of transactions between two parties, including money paid and owed.

Accrue

To begin to exist. For example, it is said that a claim for personal injury generally "accrues" at the time of the accident.

Accused

A person charged with a crime.

Acknowledgment

A declaration, usually made before a notary public, confirming that the signature belongs to the person who signed the document.

Acquit

To find that a criminal defendant is not guilty.

Act

A statute or other law created by the legislature.

Act of God

A natural occurrence beyond human control, such as a hurricane, tornado, or earthquake, which may provide an excuse for breach of contract.

Action

A civil proceeding brought in court.

Actionable

Means a set of circumstances which may give rise to a lawsuit.

Actual

Real damages, as opposed to theoretical. For example, medical bills are considered "actual" damages in a personal injury lawsuit.

Ad Litem

In Latin, it means "for the purposes of this suit." The term is usually used in connection with a guardian appointed to represent a minor or an incompetent adult in a particular lawsuit.

Ad Valorem

To calculate something, usually a tax, based on the value of the property.

Additur

An order entered, after a verdict, increasing the amount of damages awarded by the jury.

Ademption

The reduction or elimination of a bequest because, by the time of the testator's death, some or all of the money or property to be bequeathed had already been destroyed or distributed.

Adjourn

To postpone or end a trial or other proceeding before a court.

Adjudge

To render a judicial decision.

Adjudicate

To decide a case.

Administer

To take charge of and oversee the management of a trust or estate.

Administrative Agency

A division of the local, state, or federal government empowered to enforce a particular body of laws.

Administrative Law

A body of law relating to the operation of a particular administrative agency.

Administrator

A person appointed by a court to oversee and administer the estate of a person who died without a will.

Admissible

Evidence presented to a court in compliance with the rules of evidence.

Admission

A statement made by one person and offered at trial by the person's opponent.

Admonition

A warning or direction given by a judge to any person in the court, including the jury, witnesses, or lawyers.

Adoption

The procedure by which an adult is granted parental rights over a child who is not that adult's biological child.

Adultery

When a married person has sex with anyone other than his or her spouse.

Advance Directive

A "living will" or other instructions for health care in case a person becomes incompetent.

Advancement

When a person transfers money or property to his or her beneficiaries while he or she is still alive, with the understanding that the transfer is instead of a share of the person's estate after his or her death.

Adverse Possession

A procedure for obtaining title to real estate by occupying it in defiance of the right of the title owner.

Affiant

A person who makes an affidavit.

Affidavit

A written statement swearing that certain facts are true and correct.

Affirm

To solemnly state or declare that statements are true.

Age of Consent

Refers to the minimum age at which a person can marry without his or her parent's permission.

Age of Maturity

The age at which a person is legally recognized as an adult.

Age Discrimination

Discrimination in employment or other matters made on the basis of a person's age.

Agency

A relationship between two persons in which the agent acts on behalf of the principal.

Alien

A person who is not a citizen of the United States.

Alienate

To transfer property by sale, gift, or bequest in a will.

Alimony

Money paid by one spouse to another for support during or after divorce proceedings.

Alternative Dispute Resolution

Procedures for resolving disputes without trial, including mediation, arbitration, or conciliation.

Amend

To revise, correct, add to, or subtract from a legal document.

Amendment

The act or process of changing, editing, adding to, or subtracting from a legal document, or the portion of the document added to the original.

Amortize

To pay off a debt in regular installments, including interest and principal, over a specific period of time.

Annotation

A brief summary of legal points interpreting a particular statute.

Annuity

A regular payment made at fixed intervals for a fixed period of time or for the life of the person who receives it.

Annulment

An order or judgment that states that a marriage was never valid. An annulment wipes out a marriage and puts the parties in the position they were in prior to the marriage, as though it never happened.

Answer

A response to a petition or complaint, usually filed by a defendant.

Appeal

A higher court's review of a lower court's decision.

Appear

The act of coming before a court.

Appellant

The party who files an appeal and seeks to overturn all or a portion of a lower court's decision.

Appellee

The party seeking to keep the lower court's decision from being overturned.

Appraise

To determine the market value of real or personal property.

Arbitrary

An unreasonable act or decision.

Arbitration

A process for resolving disputes by an impartial person or panel of people.

Arraignment

A preliminary court proceeding in which a criminal defendant is formally advised of the charges against him or her and required to enter a plea of guilty or not guilty.

Articles of Incorporation

A set of documents which brings a corporation into existence.

As a Matter of Law

A conclusion or finding required by law, regardless of the facts.

"as is"

Refers to property being sold without any warranties; the buyer assumes all risk associated with the property.

Asset

Anything that has value. Examples of assets would be properties or contracts.

Assign

To transfer an interest, right, or duty to someone else.

Assignee

The person or entity to whom an interest, right, or duty has been assigned.

Assignor

A person who makes an assignment.

Assume

To take over and accept the responsibility for something, like assuming someone's debts.

Assumption of Risk

A doctrine of law under which a person may not recover damages if the person voluntarily entered into a situation knowing that the situation had a risk of danger or damage.

"at will"

Refers to any type of relationship which can be terminated without cause, by either party, at any time.

Attest

Is to sign a document as a witness to its signing.

Attorney

A licensed lawyer.

Attorney-Client Privilege

A doctrine which protects communications between an attorney and his or her client.

Attorney General

The chief legal officer of the government of the United States or a particular state.

Authenticate

Means to offer evidence to show that a particular document is in fact the actual document.

Authority

Legal power to act.

Bail

Money or property pledged to secure the appearance of an accused criminal at his or her trial.

Bailiff

A court officer charged with maintaining order and security in a courtroom.

Bailment

Refers to an arrangement between two persons in which one person gives his or her personal property to the other, trusting that the other will care for the property.

Bait and Switch

When a retailer attracts customers by advertising low prices on certain items and then, when the customers arrive to purchase the advertised goods, entices the customers to higher priced goods.

Bankruptcy

Refers to a proceeding under the United States Bankruptcy Code in which a person or company which is unable to pay its current debts has those debts adjusted or reorganized in order to obtain relief from creditors.

Bar

Refers to the members of the legal profession; all the lawyers in a particular area.

Barratry

Is the practice of encouraging legal action by attorneys or people working for attorneys to unlawfully solicit clients, especially following airline crashes or other big accidents.

Barrister

Is what a trial lawyer is called in England.

Battery

Means harmful or offensive touching of another person without that person's consent.

Bearer

A person currently in possession of negotiable instruments, like checks.

Bench

Refers to the judge's chair and desk in a courtroom.

Beneficiary

Is a person to whom insurance benefits are paid or a person on whose behalf and for whose benefit a trust is established and trust payments are made.

Bequeath

To give or transfer property in a Will.

Bequest

The specific gift or transfer of property in a Will.

Bill of Sale

A legal document transferring ownership rights from seller to buyer in the purchase of personal property.

Binder

A document granting temporary insurance coverage to a person who has applied for insurance during the time necessary to determine if the application will be accepted or rejected by the company.

Blue Sky Laws

The laws of an individual state regulating securities.

Board of Directors

Is the governing body of a corporation elected by the shareholders and empowered to act on behalf of the corporation.

Boiler Plate

Is standardized legal language included in documents such as Wills, deeds, pleadings, and the like.

Bona Fide

An act or event by a person acting in good faith.

Bond

Is a type of security representing debt of a corporation or governmental entity for money borrowed from the public; the owner of a bond does not obtain an ownership interest in the corporation or governmental entity in question but does become a creditor for the face amount of the bond.

Brain Death

Refers to the termination of all brain activities and functioning; brain death is increasingly used as the legal standard for death although the definition varies from state to state.

Breach

Is a violation of a legal duty.

Brief

Is a legal argument presented to a court.

Broker

Is a person who, for a commission, brings together buyers and sellers and acts as a middleman in a transaction.

Burden

Is a restriction placed upon an owner's use of real property, sometimes resulting from an easement or a covenant.

Business Judgment Rule

Is the a rule of law protecting corporate officers from liability for acts which prove to be detrimental to the corporation so long as the officers or directors acted in good faith, had the authority to make the decisions in question, and had a reasonable basis for the decisions made.

Buyer in the Ordinary Course of Business

A purchaser of a product who buys it in a normal method from a person ordinarily in the business of selling such products in good faith, and without any knowledge that the purchase may violate another's rights.

By-Law

Is a set of rules adopted by an association, corporation, or other entity to govern itself.

Court Calendar

Is a list of hearings or cases scheduled for argument or trial on a particular day or over a particular period of time, sometimes referred to as a docket.

Capacity

Means the legal ability to perform an act.

Capital

Is money and property owned and used by a business or individual in the production of more wealth.

Case Law

Refers to the rules of law created by judicial decisions and appealed cases rather than created by enactments of the legislature.

Cause of Action

Is a set of facts or circumstances which, if supported by the evidence, will support the legal recovery asserted.

Chain of Title

Is a history or sequence of ownership in real property.

Chambers

The judge's office.

Chapter 7, 11, or 13

Refers to various provisions of the United States Bankruptcy Code serving different purposes for different types of debtors.

Charter

Is a formal grant of rights or privileges from a government body.

Chattel

Is an item of tangible personal property.

Citation

Is a formal written notice requiring a person to appear and answer charges in a lawsuit.

Civil

Refers to all aspects of the law other than criminal laws.

Claim

The act of asserting a right or entitlement.

Claimant

Is a person or entity which brings or asserts a claim.

Class Action

Refers to a single lawsuit in which a number of similarly situated plaintiffs are grouped in order to assert the same or similar claims against the same defendant or defendants.

Closing

Refers to the completion of a transaction, especially in real estate, at which formal documents of title are signed and exchanged.

Cloud on Title

Is a claim asserted against real property which casts a doubt or questions the validity of the title of the current owner.

Codicil

Is an addition to, or amendment of, an existing Will.

Cohabitation

When a man and a woman live together in a relationship similar to marriage without married status.

Collateral

Is property that secures payment of a debt.

Common Law

Is the system of law which has developed over time through the court system and not based upon acts of the legislature.

Generally speaking, common law refers to the development of judge-made law in England and Great Britain, large portions of which were imported to the Original Thirteen Colonies and most of the rest of the United States.

Common Law Marriage

Generally speaking, is a form of marriage created when a man and a woman live together without a formal, ceremonial marriage, but call one another "husband and wife." The requirements for common law marriage vary from state to state.

Community Property

Refers to ownership of property between a married couple in which one half of the income of each spouse belongs to the other spouse automatically.

Competent

Means sufficient mental capacity and age to make binding decisions about a legal matter.

Complaint

Is the initial pleading in a civil case.

Consent

Means agreement or permission.

Consumer

Is a person or entity which purchases or leases goods or services.

Contempt

A finding by a judge of intentional disobedience or disregard for a judicial order.

Continuance

Is an order by a judge suspending or postponing the action in a case.

Contract

Any legally enforceable promise or set of promises.

Conversion

Refers to intentionally keeping the lawful owner from using or possessing his or her property.

Counterclaim

Is a cause of action asserted by a defendant against the party suing him or her. Counterclaims sometimes arise out of the same facts as the underlying claim, in other circumstances, counterclaims can arise out of separate occurrences.

Covenant

Is a legally enforceable promise, especially regarding the use or restrictions on the use of real property.

Creditor

Is a person to whom money is owed.

Custody

Means the immediate possession and control over a thing or person.

Damages

The sum of money sought by, or awarded to, a plaintiff because of the wrong which gave rise to the lawsuit.

Debtor

A person who owes money

Deceased

Means "dead." In legal matters, it refers to the dead person, "the Deceased."

Decree

Is a document signed by a judge, declaring the finality of a legal action. For example, a divorce decree announces that a divorce is final.

Deed

The formal instrument used to transfer an interest in property, especially real property, by a living person.

Default

Refers to the failure to fulfill a legal obligation, especially failure to make timely payments on an installment note or contract.

Defendant

Is the person against whom a lawsuit is brought or against whom criminal charges have been filed.

Dependent

Is an individual who relies upon another for financial support, especially a child.

Deposition

Is an evidence discovery tool in which a witness is placed under oath and required to respond to questions from attorneys representing parties in the case. It is recorded by a court reporter in place of that person's live testimony at trial or in addition to it.

Disbar

To revoke an attorney's license to practice law.

Disclaim

Means to waive a right or interest in property.

Discovery

Refers to a set of procedures, including both written and deposition procedures, used by parties to a lawsuit prior to trial in order to obtain additional information regarding the facts of the case. Discovery generally includes Interrogatories, Requests to Produce Documents, and deposition testimony. The precise procedures, time limits, and rules governing discovery vary from state to state.

Dismissal

Occurs when the trial court ends a case without a final judgment, like when the case has been settled.

Divorce

Refers to the termination of a marriage, other than by death or annulment.

A Subpoena Duces tecum

Is a document that requires a party to produce documents or other items for inspection either at a deposition or a trial.

Duress

Is the use of, or threat of, force in order to make someone do something which they would otherwise not do.

Easement

Is the right to use or occupy some or all of another person's land for a limited purpose, such as providing access to other tracts of land or access to underground or overhead utilities.

Enjoin

Means to issue an injunction against, and thereby forbid, an action.

Estate

Is the term used to describe a persons real and personal properties and other assets.

Et Al.

Is Latin for "and another." It is used primarily to abbreviate lengthy case names with more than one party suing or being sued.

Et Seq.

Is Latin abbreviation used to indicate that a citation includes a number of pages or sections beyond the listed item.

Eviction

Is a landlord's cause of action to remove a tenant from real property, usually following a breach of a lease or the end of a lease.

Execute

Means to sign a legal document.

Executor

Is a person designated in a Will to administer the estate of the deceased.

Federal

Means relating to the national government of the United States,
as distinguished from state or local government.

Fixture

Is an article that is permanently attached to real property and is transferred with the sale of the property. For example, a new furnace stays with the house.

Foreclosure

Means termination of a property owner's right in the property.

Garnish

Means to take wages or other money or property owned by one person, but in the hands of another.

Grant

Means to transfer or bestow property or a right.

Habitable

Means that the property is fit to live in.

Hearing

Is a fact finding proceeding before a court in which testimony is taken and decisions are rendered, but not as big as a fullscale trial.

Hearsay

Is any statement made outside of court and offered into evidence in order to prove the truth of the content of the statement. Generally, hearsay is inadmissible without an exception under the Rules of Evidence.

Heir

Is a person to whom a dead person's property will pass if the person died without a Will.

Implied

A conclusion suggested by conduct or circumstances, as opposed to explicitly stated.

Improvement

Is a permanent change in real property that increases its value, like the construction of a house.

In-Camera

Means proceedings before a judge in the judge's chambers and not in open court.

In Loco Parentis

Is a term which literally, it means "in the position of the parent." It describes a person who has assumed the rights and responsibilities of a parent, either temporarily or permanently.

Incapacitated

Refers to when a person who does not have the physical or mental capability to handle his or her own affairs.

Indemnify

Means to reimburse a person for losses the person paid.

Insolvent

Means one is unable to pay debts in the ordinary course of business as they become due.

Instruction

Is a judge's oral or written directions to a jury, sometimes including definitions of legal terms.

Interrogatory

Is a set of written questions required to be answered within a particular time period.

Intestate

Means dying without a valid Will.

J.D.

Is an abbreviation for the Latin term "juris doctor," the degree granted upon graduation from law school.

Joint

Refers to two or more persons acting and being dealt with together, like in "joint custody," "joint liability," "joint account."

Judgement

Is the final decision rendered by a court.

Jurisdiction

Refers to the power and authority of a court to act over a certain case or within certain geographic boundaries.

Jury Charge

Is the set of questions and instructions given to the jury to assist them in reaching a verdict.

Landlord

Is a person who grants a lease interest in real property.

Lease

Is the granting of temporary possession which does not actually grant title of ownership in property, usually in exchange for the payment of rent.

Liability

Means the civil legal responsibility for damages arising out of one's conduct.

Lien

Is a security interest granted by a debtor to a creditor in order to secure the debt.

Living Will

Is the formal written instrument in which a person instructs future health care providers as to the medical measures he or she wants taken or not taken in the event of terminal illness, permanent unconsciousness, or incapacity.

Maintenance

Refers to money for basic living expenses, including food, shelter, and clothing, paid by one spouse to another spouse during a period of separation or divorce.

Malpractice

Means negligence on the part of a professional, like a doctor or a lawyer, in failing to live up to reasonable standards of professional conduct.

Market Value

Means the price paid by a willing buyer to a willing seller when neither is forced to buy or sell.

Marriage

Is the legal relationship between a husband and a wife.

Mediation

Is an informal procedure in which a neutral outsider assists parties in a dispute in an effort to reach a settlement. No decisions are imposed upon the parties in mediation; the process is designed only to facilitate communication and allow the parties to arrive at their own decisions.

Minor

Is a person who has not yet reached the legal age of maturity.

Mistrial

A trial that fails to end in a judgment, decision, settlement, or verdict, as in a hung jury. A mistrial usually results in the need to retry the case.

Negligence

Means the failure to live up to a standard of care.

Notary Public

A person authorized by the government of a state or country to administer oaths and affirmations, to take acknowledgements, and to verify or authenticate signatures.

Objection

Is a formal statement or notice indicating that the person believes procedural or evidentiary rules have been violated. Objections at trial pertain to particular questions, answers, or procedures and are ruled on by the trial judge.

Opening Statement

Is the lawyer's statement to the judge or jury prior to the presentation of any evidence.

Order

Is a ruling or direction of the court making a determination on questions presented and, sometimes, compelling a party or parties to act accordingly.

Palimony

Means financial support that is like alimony, paid at the breakup of an unmarried couple who had previously lived together.

Paralegal

Is a non-lawyer employed to assist a lawyer, performing a variety of tasks in the preparation of documents or the preparation of a case for trial.

Parental Kidnapping

The taking of a child by one parent in order to inhibit or prevent visitation by, or custody rights granted to, the other parent.

Parol Evidence

Oral evidence regarding the discussions and negotiations which surrounded an agreement prior to the agreement being reduced to writing.

Partnership

Is an association of two or more persons or entities which carry on business for profit in which profits and losses are divided between the partners.

Paternity suit

A legal proceeding brought to establish that a child is the biological offspring of the defendant. Paternity suits may be brought by to obtain child support or to enforce visitation rights.

Payee

Is a person to whom money is paid, especially based on a written instrument, such as a check.

Perjury

Is the crime of making false statements under oath.

Petition

Is the initial document filed to start a lawsuit.

Plaintiff

Is the person who starts a lawsuit by seeking to recover for damages.

Pleading

Consist of formal documents a party files in order to bring matters to the attention of the judge.

Postnuptial Agreement

Is a contract or agreement between two people who are married to each other.

Pour-Over Will

Is a Will designed to transfer the dead persons estate into an existing trust.

Power of Attorney

Is a written instrument giving a person the authority to legally bind another person or to legally act on behalf of the other person.

Premium

Is money paid to an insurance company in order to secure a policy.

Prenuptial Agreement

Is a contract or agreement between two persons who are about to marry regarding the topics, such as or division of their property.

Preponderance of the Evidence

Refers to the lowest standard of evidence, generally used in civil cases and traditionally defined as the greater weight or degree of the credible evidence introduced.

Principal

Is a person who authorizes someone else (an agent) to act on the principal's behalf.

Pro Bono Publica

Is a term used to describe actions taken by lawyers without payment, in order to provide legal services to those who might otherwise not obtain sufficient legal counsel.

Pro Se

In Latin, literally means, "for himself." It is the act of representing yourself without an attorney.

Probate

Is a judicial proceeding in which a Will is proved and the estate of the deceased is distributed.

Protective Order

Is an order of the court prohibiting a party from engaging in burdensome or harassing acts.

Quiet Title

Refers to an action filed to resolve disputes regarding ownership of real property.

Quitclaim

Refers to a document evidencing that a person has abandoned any right to property.

Quitclaim Deed

Is a deed conveying to another person whatever interest the owner may have in the property, without warranting that any interest is in fact owned

Rebuttal

Is an argument made after the opponent has presented his or her evidence, it's used to attack the opponent's evidence or argument.

Recess

Is a short break in the trial.

Release

Is a document stating that a party has been relieved of any further legal obligation or liability.

Relevant

Refers to the evidence which tends to support or disprove the actual issues in a case.

Remittitur

Is an order reducing the amount of damages awarded by a jury.

Remove

Means to transfer a case from one court to another, especially to transfer a case from state court to federal court.

Render

Means to announce.

Repossess

Means to take back property because the buyer failed to meet his or her obligation to pay for the property.

Revoke

To nullify, or void, something which a person has done. For example, to revoke a will or to revoke a contract.

Security

Is property given or pledged to assure the repayment of a debt.

Settle/Settlement

Means to arrive at an agreement in order to resolve a dispute.

Settlor

Is the person who creates a trust by transferring property to a Trustee for the use and benefit of a third person, called a beneficiary.

Sexual Harassment

Refers to the bothering an employee based upon his or her gender.

Slander

Means to make untrue statements that tend to harm a person's reputation.

Stand

In a courtroom, is the place where a witness sits while he or she is testifying.

Statute

Is a written law enacted by Congress or a state legislature.

Statute of Limitations

The time limit in which a case must be filed.

Sublease

Is a lease granted by one person to another when the first person himself only has a lease interest.

Subpoena

Is a document ordering person to appear in a court proceeding or deposition to produce evidence or give testimony.

Tenant

Is a person who has a right to use or possess real property, usually pursuant to a lease, and usually granted in exchange for the payment of rent.

Testify

Means to give evidence under oath, usually at a trial, hearing, or deposition.

Title

A title is a document reflecting ownership rights regarding real property.

Tort

Is a wrongful act against another person.

Trust

Is an arrangement in which one person, the "Trustee," holds property for the benefit of another person or persons, the beneficiaries. The Trustee must safeguard and manage the trust property in accordance with the provisions and intent of the trust.

Trustee

Is the person who holds property in trust for the use and benefit of beneficiaries.

Uniform Commercial Code

Is a lengthy set of statutes adopted that is almost identical in every state except Louisiana. Basically, it establishes a uniform, consistent format for commercial transactions.

Verdict

Is the jury's decision in a case, usually given as answers to a set of questions prepared by the court. The set of questions is known as the court's charge.

Verification

Means a statement affirming or swearing to the truth of the factual allegations made in a written document.

Void

Means that something has no legal effect at all.

Voir Dire

Is the questioning of potential jurors in order to determine whether or not they are biased or prejudiced.

Waive

Is to knowingly give up a legal right or claim.

Warranty

Is a legally binding statement as to the quality of goods or services.

Warranty Deed

Is a type of deed which conveys ownership interest in real property and warrants title to the real property conveyed another claim of title.

Will

Is a person's declaration, usually in writing, describing the person's directions for the distribution of his or her property after his or her death.

Wrongful Death

Is an action brought by close relatives of someone who has died, claiming that the death was the Defendant's fault.

Wrongful Discharge

Refers to the firing or laying off an employee for an illegal reason or in an illegal manner.

Zoning

Refers to the restrictions on the use of real property based upon the area in which it is located and the uses of surrounding property.

