Real Property Potpourri: There's Something Here for Everyone Involved with Real Property Transactions

2017 Hot Topics in Real Property Winter Program

LIVE • LIVE WEBCAST
Friday, February 17, 2017
NC Bar Center, Cary

VIDEO REPLAYS (at printing)
Cary  Tue., July 25, 2017
Concord  Fri., June 2, 2017
Winston-Salem  Wed., May 31, 2017

CLE CREDIT: 6.0 Hours
Includes 1.0 Hour Substance Abuse/Mental Health
Qualifies for North Carolina State Bar
Real Property Law Specialization credit

UPDATES & REGISTRATION
www.tinyurl.com/CLE586CPP

Planned by the NCBA Real Property Section

SUMMARY: This program brings attorneys up to date on various topics likely to impact practitioners in 2017 and beyond in the course of their daily representation of clients. Attendees come away with information and guidance to address:

- Issues related to transactions along the North Carolina/South Carolina boundary line and how to properly document a change in ownership of real property
- Issues related to condominium formation and conveyances and foreclosures
- Development of a site for residential and commercial use
- The rights of property owners affected by recent North Carolina Supreme Court decisions based on the Map Act
- Determining the proper holder of the note when a lender wants to foreclose and strategies to defend against foreclosure
- Recognizing addictive behavior and resources for the suffering person

The North Carolina Bar Association Foundation is accredited by the North Carolina State Bar as a provider of continuing legal education.
### TUITION

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*These categories do not qualify for Early Bird tuition.*

**FOUR WAYS TO REGISTER**

ONLINE: www.ncbar.org/CLE • PHONE: 800.228.3402 • FAX: 919.677.1774

MAIL: Attn: Accounting, NCBA Foundation, P.O. Box 3688, Cary, NC 27519-3688

*Credit cards only. **Please make checks payable to the NCBA Foundation.

### VIDEO REPLAY LOCATIONS

For details updates, see [www.tinyurl.com/CLE586CPP](http://www.tinyurl.com/CLE586CPP)

- Cary | #586BAR
- Concord | #586CRD
- Winston-Salem | #586WIN
- Other (if applicable, from website): City: ___________ | Code: #586 ____

### REGISTRANT INFORMATION

Please print clearly.

- Print Full Name: ____________________________
- Firm/Organization Name: ____________________________
- City, State and ZIP: ____________________________
- Daytime Phone Number: ____________________________
- Email Address: ____________________________
- NC State Bar No. (Required for MCLE Credit): ____________________________

### PAYMENT

Registration is processed only after payment is received. Please print clearly.

- Enclosed is a check, payable to the NCBA Foundation.
- Please charge my credit card.

- Card Number: ____________ | Expiration Date: ____________
- Total Amount: ____________ | Signature: ____________
Program Agenda

Friday, February 17, 2017, 8:15a–4:30p

8:15a  **Registration and Breakfast** (Breakfast included at Live program only)
Sponsored by Old Republic National Title

8:55  **Welcome and Introductions**

9:00  **State Boundary Resurveys: More Than Just a Line in the Sand**
Nancy Short Ferguson
Hundreds of properties and thousands of miles of boundary lines are affected by the resurveys of state boundaries—which are completed with South Carolina, in process with Virginia, and planned in the near future for Tennessee and Georgia. Title issues abound given the substantial differences in laws and procedures including:
- Who handles closings
- Who certifies titles
- Mortgages versus deeds of trust
- Per capita versus per stirpes inheritance
- Marital interests and spouses’ titles
- Title insurance premiums
- Deed forms
- TRID disclosures will be significantly affected

10:00  **Advanced Condominium Topics**
Stephen B. Brown
Examine the complexities of condominium formation and conveyance and the complexities that arise. Issues discussed include:
- How and when you can convey a unit in a condominium building with flex space
- Questions regarding the viability and/or legality of land condominiums, and if one is formed, how do you get to the next stage of fully integrating that into the overall condominium regime?
- Issues regarding stacked multiuse condos with retail, office and residential space all in the same building
- Air space condominiums above existing structures—can this be done and what, if any, connection to the ground do you need?
- Boat slip condominiums—can they be done, and what does the unit owner “own?”
- Transfer and conveyance of declarant rights

11:00  **Break**

11:15  **Case Law Update: Pinkney Case**
M. Rachael Dimont and Ashley S. Rusher
Proving Ownership of the Debt and the Right to Foreclose: A discussion of *U.S. Bank Nat. Ass’n v. Pinkney* and recent cases affecting foreclosures
- Proving Ownership through assignments and endorsements
- The “original note” requirement
- Defenses to foreclosure that are properly before the clerk versus separate actions for injunctive relief
- The preclusive effect of the foreclosure hearing
- The finality of the foreclosure sale and the preclusive effect on equitable defenses to foreclosure

12:15p  **Networking Lunch** (included at Live program only)
1:15 Legal Issues in Real Estate Development
Marc L. Isaacson
The devil is in the details. Developing real estate involves planning, strategy, timing and execution. Anticipating and managing legal issues and risks make a difference when the dust starts to fly on your client’s property. Focus on advising clients how to convert an idea or vision into a successful real estate development for a retail center, apartment complex, office building or other project.

2:15 Map Act Update
Matthew H. Bryant
_Beroth v. NCDOT_ and _Kirby v. NCDOT_: Origins and outcomes of the Map Act litigation, the Kirby case's impact on NCDOT and planning department practices going forward and how the NCDOT deals with 350+ inverse condemnation claims.

3:15 Break
Sponsored by Stewart Title Guaranty—Commercial Services

3:30 A Lawyer’s Guide to Understanding Addiction†
Cathy Killian and E. Daniel Nelson
It has been scientifically established that addiction results from adaptations in the brain, not from a moral failing or lack of willpower. This presentation combines a basic overview of the neuroscience (tailored to non-physicians) for the first half of the presentation and then follows up with a personal story told from the perspective of a Lawyer Assistance Program (LAP) volunteer. The personal story highlights the behavioral side of addiction, representing real-life evidence of the adaptation in the brain.

4:30 Adjourn
† Indicates portion providing Substance Abuse/Mental Health credit

We extend our sincere gratitude to the NCBA Real Property Section and the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the very highest quality.
Program Information

Planners
- Gregory L. Hinshaw, Burns Day & Presnell PA, Raleigh
- Laura J. Lamkin, Fidelity National Title Insurance Group, Raleigh

Speakers
- Stephen B. Brown, Investors Title Insurance Company, Chapel Hill
- Matthew H. Bryant, Hendrick Bryant Nerhood Sanders & Otis, Winston-Salem
- M. Rachael Dimont, Blanco Tackabery & Matamoros PA, Winston-Salem
- Nancy Short Ferguson, Chicago Title Company LLC, Greensboro
- Marc L. Isaacson, Isaacson Isaacson Sheridan Fountain & Leftwich LLP, Greensboro
- Cathy Killian, Lawyer Assistance Program, Charlotte
- Ashley S. Rusher, Blanco Tackabery & Matamoros PA, Winston-Salem

Sponsors (at time of printing)
- SILVER SPONSOR | Old Republic National Title and Stewart Title Guaranty–Commercial Services

Hotel Information
Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and may sell out.

- **Embassy Suites, 201 Harrison Oaks Boulevard, Cary**
  Rate: $169 Single/Double. Rate includes a full cooked-to-order breakfast and the manager’s evening reception.
  Reservations: 919.677.1840 | Reference Corporate ID: NCB or NC Bar Rate

- **TownePlace Suites by Marriott, 120 Sage Commons Way, Cary**
  Rate: $114 studio queen with sleeper sofa (Sunday–Thursday). Rate includes a complimentary hot breakfast. All rooms come with a fully equipped kitchen.
  Reservations: 919.678.0005 | Ask for the NC Bar Association corporate rate.

IN OUR BOOKSTORE NOW!


This downloadable compilation contains more than 400 sample contracts, affidavits, agreements and letters, and fillable real property forms that are an essential tool for every North Carolina real property practitioner to operate efficiently. With a wealth of examples at your fingertips at just the click of a mouse, you’ll never have to waste valuable time searching for templates or creating forms from scratch ever again!

Visit [www.ncbar.org/CLE](http://www.ncbar.org/CLE) and click on Publications for more information.
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“"A good mix of speakers on relevant and timely topics."
—Attendee, 2016 Hot Topics in Real Property

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