

NORTH CAROLINA BAR ASSOCIATION

seeking liberty + justice

2019 Hot Topics in Real Property



6.0
HOURS

TOTAL CLE CREDIT

1.0
HOUR

**Ethics/Professional
Responsibility**



**Qualifies for NC State
Bar Real Property Law
Specialization credit**

LIVE and WEBCAST

Friday, February 15, 2019
North Carolina Bar Center
8000 Weston Parkway
Cary

Register Today!

Save 10% if registration is
received by January 25, 2019.
www.tinyurl.com/CLE692RPP

AVAILABLE FORMATS



PROGRAM SUMMARY

This program brings attorneys up-to-date on today's and tomorrow's real property issues likely to impact practitioners in 2019 and beyond in the course of their daily representation of clients. Come away with valuable information regarding:

- Practice-relevant legislation enacted in 2018, and anticipated legislation for 2019
- Common land-use and zoning issues that real property lawyers should know and be familiar with in the course of their practice
- Important real-life examples of attorney malpractice from 2018, and what to be on the lookout for in 2019 in terms of ethical issues, attorney errors, staffing errors and fraud
- How to navigate the array of problems that arise with restrictive covenants affecting established communities, including a discussion of search periods, how to find old covenants, common schemes of development, who is entitled to enforce restrictions and attempts to modify restrictions
- Current commercial and residential title issues relevant for the modern real estate practitioner
- Formation, problems and pitfalls associated with condominiums, including how to identify and resolve problems when closing the sale of a condominium unit

WHAT PEOPLE ARE SAYING...



All of the speakers were excellent, and the materials were timely and important to real property attorneys.



Program exceeded my expectations.

—Attendees, *2018 Real Property Hot Topics Winter CLE*

AGENDA

FRIDAY, FEBRUARY 15, 2019 | 8:15 a.m. – 4:15 p.m.

8:15 **Registration and Continental Breakfast**

8:55 **Welcome and Introductions**
Lewis

9:00 **2018 Statutory Law Update**
Webster

Participate in a discussion of recent legislation that impacts real estate practice, plus an overview of potential 2019 legislation.

10:00 **Top Ten Land-Use Issues Every Commercial Real Estate Lawyer Should Know**
Brown

This session provides a colorful and detailed look at important land-use issues facing commercial real estate lawyers in today's changing market, including issues with regulatory guidance, zoning verification letters, nonconformities, compliance triggers, land-use litigation, appeals, land-use planning and policy monitoring, and much more.

11:00 **Break**

11:15 **A Comedy of Errors: Malpractice in 2018 and How to Avoid It in 2019***
Crawford and Modlin

Get an overview of common and not-so-common legal errors from 2018, and receive sound advice on how to avoid troublesome mistakes in the new year. Topics of discussion include common claims from 2018, today's ethical concerns, attorney errors, staffing errors and fraud.

12:15 **Networking Lunch**

1:00 **Love Thy Neighbor: Navigating Restrictive Covenants in Established Communities**
McNeill

Issues are often present with the development of property encumbered by old or archaic restrictive covenants; learn from common examples taken from actual disputes. Areas to be covered include search periods (how far back should you go), the *Real Property Marketable Title Act*, what constitutes a common scheme of development, how to predict when a community has or might have restrictive covenants on record prior to a typical search period, and attempts to modify restrictive covenants.

AGENDA

- 2:00 **Commercial and Residential Title Issues: Resolution and Avoidance**
Hoffman
This session provides insight into how commercial and residential title issues are resolved via a small sampling of case studies. Although there are distinctions to be made between commercial and residential title issues, the root causes of both types of issues and the way in which those issues are resolved are very similar. By looking at the types of issues that arise with some frequency in both commercial and residential transactions, this presentation highlights potential issues to be wary of at closing.
- 3:00 **Break**
- 3:15 **“Nondominiums”: Formation, Problems and Pitfalls**
Pendergrass
Hear practical advice on the preparation and filing of condominium documents to meet statutory requirements and avoid problems. Also, learn how to spot problems in condominium documents when closing the sale of a condominium unit and what to do when you find them.
- 4:15 **Adjourn**
- * Indicates portion providing Ethics/Professional Responsibility credit

PROGRAM DETAILS

SPEAKERS

- **Collin W. Brown**, K & L Gates LLP, Charlotte
- **Troy G. Crawford**, LM Title Agency LLC, Raleigh
- **Ryan P. Hoffman**, Alexander Ricks PLLC, Charlotte
- **Robert B. “Rob” McNeill**, Horack Talley Pharr & Lowndes PA, Charlotte
- **Claire A. Modlin**, Lawyers Mutual Liability Insurance Company of North Carolina, Cary
- **James K. Pendergrass Jr.**, Pendergrass Law Firm PLLC, Raleigh
- **Bryant D. Webster**, Stone and Christy PA, Black Mountain

CLE AND PUBLICATION SCHOLARSHIPS

Full and partial scholarships are available for attorneys experiencing a financial hardship of any kind.

Apply at www.ncbar.org/cle/scholarship.

SPECIAL ACCOMMODATIONS

NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

HOTEL INFORMATION

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

TownePlace Suites by Marriott

120 Sage Commons Way, Cary

- **Nightly Rate:** \$114 studio queen with sleeper sofa (Sunday–Thursday)
- **Reservations:** 919.678.0005
- **Ask for the NCBA corporate rate.**

Embassy Suites (limited availability)

201 Harrison Oaks Boulevard, Cary

- **Nightly Rate:** \$169 single/double
- **Reservations:** 919.677.1840 or www.tinyurl.com/NCBA-Embassy
- **Corporate Account Code:** 2691626

PLANNER

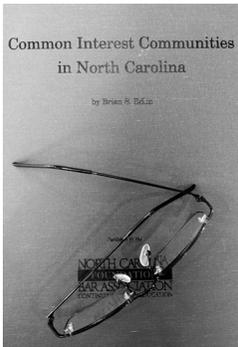
- **Phillip E. Lewis**, Horack Talley Pharr & Lowndes PA, Charlotte

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

NEW RELEASE PUBLICATION!

Common Interest Communities in North Carolina Second Edition

Releasing on February 15, 2019



Today, more than 2,025,000 North Carolinians live in some form of common interest community, representing approximately 53% of the owner-occupied households in our state. Given the prevalence of these communities in our state, all NC practitioners should be familiar with the laws that govern them.

Common Interest Communities in North Carolina continues to be the comprehensive and authoritative treatise on planned communities, townhomes and condominiums.

This second edition:

- Offers a historical overview
- Captures recent developments in case law, statutes, and regulations affecting planned communities and condominiums (including federal, state, and local)
- References sample bylaws and governing documents from specific communities throughout NC
- Includes new sections on encroachment agreements, easements, land condominiums, subdivision performance bonds, house boat communities, and architectural control committee bonds
- Provides additional treatment of the allocation of deductible, liability issues related to landscaping and sports teams, fair housing, wild animals, rivers and streams, set-backs, and golf courses
- Addresses decisions from NC appellate cases affecting construction defects and standing; pre-litigation voting and procedural requirements; assessments, collections and attorneys' fees; and much more.

Details and ordering information: www.ncbar.org/CLEBookstore

REGISTER TODAY!

Online: www.tinyurl.com/CLE692RPP | **By phone:** 800.228.3402

By mail: Attn: Accounting-NCBA, 8000 Weston Parkway, Cary, NC 27513

STEP 1: Tell us who you are. (Please print clearly.)

Print Full Name: _____

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Email Address: _____

NC State Bar No. (Required for MCLE Credit): _____

STEP 2: Select your tuition rate. (Register early and save 10%. Payment must be received three (3) weeks prior to program date to qualify for the early rate.)

Standard Rate: \$325 / \$295 *Early*

NCBA Member: \$270 / \$245 *Early*

Real Property Section Member: \$250 / \$225 *Early*

CLE Premier Pass: \$0

STEP 3: Select your learning format.

Live (692RPP) Webcast (692LWC) Video Replay (See below.)

Video Replay registration (if selected).

Video Replays are scheduled for this program. The agenda may not include certain breakouts/tracks shown at the original program. For a list of dates and locations visit www.tinyurl.com/CLE692RPP and indicate your choice below.

Location: _____ Date: _____ Code: _____

STEP 4: Complete your payment information.

(Registration is complete only after payment is processed. Please print clearly.)

I am registering for this program at the tuition rate checked above.

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

Card Number: _____ Exp. Date: _____

Total Amount: _____ Signature: _____

Discounts may be available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 800.228.3402 for details.

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INTRODUCING...

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The 2018-2019 CLE Premier Pass is
an exclusive NCBA member benefit
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www.tinyurl.com/PremierPass

REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped based on venue size and may include an overflow room with additional seating. **CHANGES TO EXISTING REGISTRATIONS:** Should an attendee need to cancel his or her registration to a Live, Webcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a \$75 administrative fee. An attendee may choose to transfer his or her registration at a program to the Live, Webcast or Video Replay format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute his or her registration to a Live or Video Replay program only. Substitution means sending another person to attend the Live or Video Replay program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 800.228.3402. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations including On Demand registrations, cannot be cancelled, substituted or transferred once purchased. **NO-SHOWS:** Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a \$75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. **MISCELLANEOUS:** The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee's image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.