

NORTH CAROLINA BAR ASSOCIATION

seeking liberty + justice

Foundations, Framework and Flourishes

2019 Real Property Fundamentals



13.25
HOURS

TOTAL CLE CREDIT

1.0
HOUR

Ethics/Professional
Responsibility



Qualifies for North Carolina
State Bar Real Property
Specialization credit

Satisfies NC State Bar Technology
Training requirement

LIVE and WEBCAST

Thursday-Friday

October 3-4, 2019

North Carolina Bar Center

8000 Weston Parkway

Cary

REGISTER TODAY!

Save 10% if registration is

received by September 12, 2019.

www.tinyurl.com/CLE884RPF

AVAILABLE FORMATS



PROGRAM SUMMARY

Designed for both the real property novice and the experienced practitioner, this program covers foundational topics and core principles, highlights recent developments and incorporates advanced real property subjects. Attendees hear from experienced attorneys regarding a variety of integral and prescient real property issues and receive materials and resources that will undoubtedly prove useful long after the program concludes.

WHAT PEOPLE ARE SAYING...



“Overall, very well done.”



“Good, refreshing program on a variety of topics.”



“Great materials that I can use for references.”

— Attendees, *Skills Necessary for Representing Your Clients' Real Estate Needs (2017 Real Property Practical Skills Course)*

AGENDA

THURSDAY, OCTOBER 3, 2019 | 7:45 a.m. – 4:45 p.m.

- 7:45 **Registration and Continental Breakfast**
Sponsored by Barristers Title Company
- 8:25 **Welcome and Introductions**
- 8:30 **Introduction to Easement Law, Railroad Title and Zoning Law** | Neill
An introduction to the substantive law of easements gets the program started, particularly focusing on the complexities of railroad property interests and their impact on title and land use. Review local government regulation of land development through zoning law and discuss how these matters can impact your real property transactions.
- 9:45 **Hemp Law: A Budding Industry** | Trusk and Russell
Discover how recent changes to state and federal laws are opening doors for the hemp industry. What are the implications for real estate practice, including zoning and land use issues? What does the real estate lawyer need to know before diving in?
- 10:15 **Break**
- 10:30 **Trust Accounting and Wire Fraud*** | Hodge
Learn how to properly manage your trust account, including recordkeeping and reconciliations, deposits and disbursements, while considering the following questions: What are your ethical obligations regarding abandoned funds? What steps must you take in order to be properly prepared for a random
- audit? Attendees then explore the perils of wire fraud and actions you can take to avoid exposure to them.
- 11:30 **Legislative Update** | Ferrell
Hear about recent legislation of interest and potential upcoming legislative changes, followed by a discussion of their importance to real property lawyers.
- 12:00 **Networking Lunch**
- 12:45 **Commercial Real Estate Transactions – Start to Finish** | Trusk
From LOI to closing, walk through the process of a commercial real estate transaction. Delve into some of its important aspects, including contract language (when boilerplate actually matters and what it means), due diligence, title insurance and review, property and liability insurance, financing issues, settlement and solving title issues the title company will not insure.
- 1:45 **From the Ground Up: Commercial Leases** | Pearsall
Identify the various types of commercial leases (ground, retail, office and warehouse/industrial) and the key terms for each type. Learn what the terms should look like based on who you represent, as well as where to compromise and where to stand firm. The importance of waivers of subrogation and recent case law that impacts commercial leases in North Carolina are also discussed.
- 2:30 **Break**

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- 2:45 **Examining and Negotiating Title Insurance Commitments and Coverage** | McLamb
This session addresses the preparation of the preliminary title opinion using the results of the title search. It provides valuable insight into the attorney's role in negotiating the title commitment including requirements and exceptions, exclusions from coverage, and which endorsements are available. Learn how to avoid title claims, but what to do if you have to file one.
- 3:30 **Construction Contracts and Transactions and Mechanics Lien Laws** | Wilkerson
Receive an introduction to construction contracts, including how to review and draft these contracts and strategies for negotiation. This session also covers the role of form agreements, the risk relationships involved and the use of insurance. Learn who can put a lien on real property and how to know the difference between a general contractor, a first-tier subcontractor and so on. Learn about the time limits for filing claims of lien and how those liens must be perfected.
- 4:15 **Water Rights** | Gallop
Examine the various water rights that impact property in North Carolina and hear about the reasonable use doctrine, public trust doctrine, beach nourishment, erosion and accretion, boat slips, docks, and piers.
- 4:45 **Adjourn**

FRIDAY, OCTOBER 4, 2019 | 7:45 a.m. – 4:00 p.m.

- 7:45 **Continental Breakfast**
- 8:25 **Welcome and Introductions**
- 8:30 **Entities, Estates, Churches and Trusts** | Ferguson
What do you need to do when your chain of title includes a corporation, LLC, estate, partnership, assumed name, church or trust? What steps do you need to take to ensure you have authority from the proper party for the conveyance? Consider the importance of recent legislative changes including assumed name business certificates and powers of attorney. Gain important knowledge regarding estate related liens and gifts of real property.
- 9:30 **Planned Communities, Condominiums, Declarations and Restrictive Covenants** | Cayton
Explore the creation of planned communities and condominiums, and consider the common errors made by attorneys during formation. Then follow the transition of control from a declarant to an HOA and the role of the HOA in the planned community. Learn what role local

AGENDA

government regulations play in restrictive covenants and short-term vacation rentals.

10:15 **Break**

10:30 **The 411 on 1031s and Qualified Opportunity Zones** | Hayden

Review the basics of §1031 exchanges and receive recent tax law updates. Hear an introduction to qualified opportunity zones, the new investment vehicle you need to know about.

11:15 **E-Closings & Quirks to Know About the Register of Deeds Office in Your County*** | Benoit

Navigate the process of electronic closings from start to finish. Hear about electronic recording and the role of electronic notaries in electronic closings. What are the benefits and risks involved with electronic closings? When considering electronic recording, what are the register of deeds quirks you need to know?

12:15 **Networking Lunch**

1:00 **Drafting Legal Descriptions and Reading Surveys** | Cantrell

This session covers the fundamentals of preparing an efficient metes-and-bounds legal description, including the elements essential to its accuracy and effectiveness. Discuss the importance of plotting legal descriptions to confirm good closure. Also, learn the differences between the various types of surveys available, and which is appropriate for your closing.

1:45 **Fundamentals of Property Tax Collection in North Carolina** | Black and Murray

Delve into the administration and collection of property taxes in North Carolina and their impact on real property transactions. Receive answers to commonly asked questions on topics such as deferred taxes, tax liens, levies and sales.

2:30 **Break**

2:45 **Bankruptcy** | Brown

Compare chapter 7 bankruptcy to chapter 13 and chapter 11, and learn what you should look for in a bankruptcy order. Consider the repercussions of dreaded IRS liens, the effect of judgment liens on after acquired real property and the impact of bankruptcies on real estate closings.

3:30 **Foreclosures** | Bailey

Become familiar with the ins and outs of foreclosures, including the steps involved, the importance of a checklist, its implications in your chain of title and the necessary steps to address any issues.

4:00 **Adjourn**

* Indicates portion providing Ethics/Professional Responsibility credit

‡ Indicates portion providing Technology credit

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

PROGRAM DETAILS

SPEAKERS

- **Stephen C. Bailey**, Bailey & Busby PLLC, Wilmington
- **Susan R. Benoit**, Hutchens Law Firm, Fayetteville
- **Ashleigh E. Black**, Ragsdale Liggett PLLC, Raleigh
- **Stephen B. Brown Sr.**, Investors Title Insurance Company, Chapel Hill
- **Ann M. Cantrell**, Nexsen Pruet PLLC, Greensboro
- **Alison R. Cayton**, Manning Fulton & Skinner PA, Raleigh
- **Nancy Ferguson**, Chicago Title Insurance Company, Greensboro
- **David P. Ferrell**, Nexsen Pruet PLLC, Raleigh
- **Benjamin M. Gallop**, Hornthal Riley Ellis & Maland LLP, Nags Head
- **Carol A. Hayden**, Investors Title Insurance Company, Chapel Hill
- **Leonor D.B. Hodge**, North Carolina State Bar, Raleigh
- **Anna P. McLamb**, Wyrick Robbins Yates & Ponton LLP, Raleigh
- **Paula E. Murray**, Ragsdale Liggett PLLC, Raleigh
- **David J. Neill**, Fox Rothschild LLP, Raleigh
- **Christina F. Pearsall**, Schell Bray PLLC, Greensboro
- **Tyler J. Russell**, Ward and Smith PA, Raleigh
- **Allen N. Trask III**, Ward and Smith PA, Wilmington
- **Christopher T.G. Trusk**, Ellis & Winters LLP, Raleigh
- **Jay M. Wilkerson**, Conner Gwyn Schenck PLLC, Raleigh

HOTEL INFORMATION

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

Embassy Suites

201 Harrison Oaks Boulevard, Cary

- **Nightly Rate:** \$174 single/double
- **Reservations:** 919.677.1840 or www.tinyurl.com/NCBA-Embassy
- **Corporate Account Code:** 2691626

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.**

PLANNERS

- **Adrienne F. Edmonds**, Schell Bray PLLC, Greensboro
- **Stephen R. Outten**, Bailey & Busby PLLC, Wilmington

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.

REGISTER TODAY!

Online: www.tinyurl.com/CLE884RPF | **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: _____

Address: _____

City, State and ZIP: _____

Daytime Phone Number: _____

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: \$500 / \$450 *Early*

NCBA Member: \$415 / \$375 *Early*

Real Property Section Member: \$385 / \$345 *Early*

CLE Premier Pass: \$0

STEP 3: Select your learning format.

Live (884RPF) Webcast (884LWC) 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/CLE884RPF 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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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 canceled, 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.