

# 2022 REBA ANNUAL MEETING & CONFERENCE

1872 Sesquicentennial 2022

Luncheon Keynote Speaker

**HON. KIMBERLY S. BUDD**

*Chief Justice of the Supreme Judicial Court*



On December 1, 2020, the Hon. Kimberly S. Budd was appointed the 38<sup>th</sup> Chief Justice of the Supreme Judicial Court by Governor Charles D. Baker.

Beginning a long and distinguished record of public service, Judge Budd began her legal career as a law clerk to Appeals Court Chief Justice Joseph P. Warner in 1991. She was a litigation associate at Mintz Levin, before serving as an Assistant United States Attorney in the United States Attorney's Office for the District of Massachusetts. She then worked in the

General Counsel's Office of Harvard University, and later was Director of the Community Values program at Harvard Business School.

In July 2009, Budd was nominated as an associate justice of the Superior Court by Governor Deval Patrick, where she served until her 2020 appointment as Chief Justice of the SJC.

Judge Budd teaches in MCLE and Bar Association programs. She is a former adjunct instructor at New England Law and has taught trial advocacy at Harvard Law School. She earned a J.D. from Harvard Law School in 1991, and a bachelor's degree in English from Georgetown University, graduating *magna cum laude* in 1988. She is married with two sons.

*The Annual Meeting & Conference has been APPROVED by the RIMCLE for 240 minutes of general OR 60 minutes of ethics + 180 minutes of general credits*

**CONFERENCE REGISTRATION ENCLOSED ♦ REGISTER ONLINE AT [WWW.REBA.NET](http://WWW.REBA.NET)**

## BREAKOUT SESSIONS

*Mortgage Foreclosure Reboot: What's New and What's Not in the Post-COVID Era*

*Ethical Issues & the BBO: Helping Conveyancers Avoid Both*

*The Leading Land Use Cases of 2021 and 2022*

*When Estate Planners and Real Estate Lawyers Don't Speak the Same Language*

*Unfulfilled Promise? Witness Closings & Other Proscribed Practices 11 Years After NREIS*

*Recent Developments in Massachusetts Case Law*

## Practical Skills Sessions

*ALTA's 2021 Forms Adapt to Evolving Title Insurance Needs*

*Title Issues Cured by Applying REBA Title Standards & Statutes*

*Marketable vs. Insurable Title and the Attorney Certification Statute, MGL c. 93, §70*

*Ghost Haunting Land Use Law: Site Plan Review and Local Zoning Regulations*

## Continuing Education Section Co-chairs

Kimberly A. Bielan  
Elizabeth J. Young

## Exhibitors & Sponsors

For more information, contact Audrey Stewart at 617-854-7555, [stewart@reba.net](mailto:stewart@reba.net)

## Questions?

For questions, contact REBA at 617-854-7555, [admin@reba.net](mailto:admin@reba.net) or online at [www.reba.net](http://www.reba.net).

Four Points by Sheraton  
1125 Boston-Providence Tpke, Norwood

Monday, November 14, 2022  
7:30 AM – 2:45 PM

# SCHEDULE OF EVENTS

7:30 AM - 8:30 AM	Registration and Exhibitors' Hour
8:30 AM - 1:15 PM	BREAKOUT SESSIONS ( <i>see descriptions below</i> )
1:20 PM	LUNCHEON PROGRAM
1:20 PM - 1:35 PM	Opening Remarks from President Kendra L. Berardi
1:35 PM - 2:05 PM	REBA Business Meeting, Reports and Award Presentation
2:05 PM - 2:25 PM	Luncheon Keynote Address by Chief Justice Kimberly S. Budd
2:25 PM - 2:45 PM	Concluding Remarks
2:45 PM	Adjournment

8:30 AM - 9:30 AM	TIFFANY BALLROOM B
11:00 AM - 12:00 PM	CONFERENCE ROOM 103



MATTHEW J. CARBONE



JULIE I. MORAN

## *Mortgage Foreclosure Reboot: What's New and What's Not in the Post-COVID Era*

After more than two years of COVID moratoria and emergency orders, mortgage foreclosure volume is on the rise. This breakout will provide an overview of new underwriting requirements, forms and guidelines for the post-COVID era. It will also cover affidavits, certifications and best title insurance practices, as well as a refresher course in key mortgage foreclosures processes and standards for the real estate practitioner.

8:30 AM - 9:30 AM	CONFERENCE ROOM 101
11:00 AM - 12:00 PM	CONFERENCE ROOM 104



HENRY J. DANE



ROBERT M. DANISZEWSKI

## *Ethical Issues and the BBO: Helping Conveyancers Avoid Both*

Conveyancers are frequently faced with challenging situations where the road ahead may be unclear. Our panelists will discuss a range of ethical topics of particular interest to conveyancers. These include conflicts of interest and who is your client; the latest on IOLTA accounts and the *Olchowski* rules relating to unclaimed and unidentified funds; Rule 1.5 fee disclosure and engagement letters; escrow and holdback agreements; and more.

8:30 AM - 9:30 AM	TIFFANY BALLROOM A
9:45 AM - 10:45 AM	TIFFANY BALLROOM A



KATE MORAN CARTER



GREGOR I. MCGREGOR

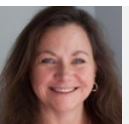
## *The Leading Land Use Cases of 2021 and 2022*

During 2021 and 2022, the SJC and Appeals Court issued several decisions that shape and clarify the rights of owners, developers, and users of real estate in the Commonwealth, including cases about waterfront development, commercial solar development, and projects subject to both the Wetlands Protection Act and local home rule wetlands protection bylaws. These are seminal cases. Understanding these decisions is a must for all real estate lawyers who handle any transactions, permitting or titles.

8:30 AM - 9:30 AM	ESSEX / LENOX ROOM
9:45 AM - 10:45 AM	ESSEX / LENOX ROOM



THERESA M. SANTORO



LISA VESPERMAN STILI

## *When Estate Planners and Real Estate Lawyers Don't Speak the Same Language*

This program will review a number of topics common to both estate planning and real estate lawyers, but don't necessarily mean the same to each. Topics include certifications by trustees vs. trustee certificates under M.G.L. c. 184, §35 vs. trustee certificates under M.G.L. c. 203E, §1013; the effect of informal probate on the intestate estate; deeds of distribution; reporting the sale and disbursement of sale proceeds when the property is owned by a nominee trust; sale of the property by a life tenant and remaindermen and how to allocate sales proceeds between them; transfer of real estate to a trust and the effect on the property tax, city tax, or residential tax exclusions; estate taxes and when a conveyancer can rely upon an affidavit of no estate tax under M.G.L. c. 65C; and more.

9:45 AM - 10:45 AM	TIFFANY BALLROOM B
11:00 AM - 12:00 PM	TIFFANY BALLROOM B



CONRAD J. BLETZER



TIMOTHY J. VAN DER VEEN

## *Unfulfilled Promise? Witness Closings & Other Proscribed Practices 11 Years After NREIS*

In the landmark ruling *REBA v. NREIS*, the SJC declared witness closings to be the unauthorized practice of law. *NREIS* affirmed the importance and necessity of the attorney's central role in residential conveyancing and identified the practice of law elements and ethical considerations in residential transactions. Tim van der Veen, Chair of REBA's UPL Committee, will review the *NREIS* holding and identify problematic practices that persist today. He will also discuss how REBA members and conveyancing attorneys can help achieve the promise of *NREIS* by advocating enactment of REBA's remote online notarization legislation.

# SCHEDULE OF EVENTS

8:30 AM - 9:30 AM | CONFERENCE ROOM 103

9:45 AM - 10:45 AM | CONFERENCE ROOM 103

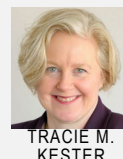
► Practical Skills Session

## *ALTA's 2021 Forms Adapt to Evolving Title Insurance Needs*

New forms for commitments, owner's and lender's policies went into effect on July 30, 2021, but have not been adopted by all state regulators and title insurance underwriters. Meticulous attention by the ALTA Forms Committee to every word in title insurance policies means many changes with which conveyancers must be familiar. Fannie Mae will require the use of these forms in 2024, but use of the Revised Forms rollout has already begun. Items that were formerly exceptions to title are now exclusions in policy jackets. The definition of "Insured" has changed, remote online notarization (RON) is now part of Covered Risk 2(a), and Covered Risk 11 on mechanics liens expands coverage to services and equipment, in addition to labor and materials. Attend this breakout to learn more!



JONATHAN S.R.  
ANDERSON



TRACIE M.  
KESTER

9:45 AM - 10:45 AM | CONFERENCE ROOM 101

11:00 AM - 12:00 PM | CONFERENCE ROOM 101

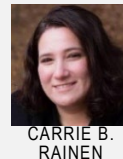
► Practical Skills Session

## *Title Issues Cured by Applying REBA Title Standards and Statutes Regulations*

This session will focus on establishing heirs and death of a joint owner, and missing probates. REBA Standards & Forms Committee Co-chairs, Jutta Deeney and Carrie Rainen, will discuss recent updates to REBA Title Standard No. 41, List of Heirs; REBA Title Standard No. 71, Evidence of Death of Deceased Joint Owners and Life Tenants; and, REBA Title Standard No. 14, Missing Probates. They will also cover what happens when an owner in the chain has died, providing an overview of REBA Title Standards to help conveyancers along the way.



JUTTA R.  
DEENEY



CARRIE B.  
RAINEN

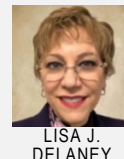
8:30 AM - 9:30 AM | CONFERENCE ROOM 104

9:45 AM - 10:45 AM | CONFERENCE ROOM 104

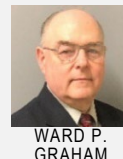
► Practical Skills Session

## *Marketable vs. Insurable Title and the Attorney Certification Statute, MGL c. 93, § 70*

Marketable and insurable title are not always the same as marketable title is primarily based upon clear record title, while "insurable title" often involves insuring over known title issues, either without taking exception for them or by taking exception and providing affirmative coverage for them. Our panel will review several common title situations with different marketable or insurable outcomes. The speakers will also discuss certifications of title under M.G.L. c. 93, § 70, and certain land use issues that are specifically excluded from title insurance policies and not covered by the statutory certification, but which may have a significant financial impact on your clients or expose the practitioner to liability aside from the title certification.



LISA J.  
DELANEY



WARD P.  
GRAHAM

11:00 AM - 12:00 PM | ESSEX / LENOX ROOM

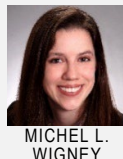
► Practical Skills Session

## *The Ghost Haunting Land Use Law: Site Plan Review & Local Zoning Regulations*

This panel will discuss administrative site plan review – what it is, what it is not, and why it is a perennial source of confusion for practitioners. Site plan review is not codified in the Zoning Act, arising instead from municipal home rule authority, which has resulted in site plan review requirements as unique as the towns in which they are implemented. Regulating as-of-right uses, the process allows the local authority to condition projects, while not granting discretionary authority to approve or deny projects. What constitutes reasonable conditions and how approvals are appealed are hotly contested questions that have yet to receive definitive answers. Exorcising land-use law of the ghost which haunts it is unlikely, unless a renewed campaign for codification is successful. However, acknowledging and categorizing the idiosyncrasies of site plan review will provide lawyers and developers with a more solid understanding of the process.



SHAWN M.  
MCCORMACK



MICHEL L.  
WIGNEY

12:15 PM - 1:15 PM | CONFERENCE ROOM 103

*Video Simulcasts* | CONFERENCE ROOMS 101 & 104

## *Recent Developments in Massachusetts Case Law*

Now in his forty-fourth year as case commentator at REBA's twice-yearly conferences, Phil Lapatin continues to draw a full house with this session. Attending his twice-yearly presentations are a must for any practicing real estate lawyer. Phil is the 2008 recipient of the Association's highest honor, the Richard B. Johnson Award.



PHILIP S.  
LAPATIN

# REBA 2022 ANNUAL MEETING & CONFERENCE

## REGISTRATION

To register, complete this form and return it with payment to:  
*REBA Foundation, 295 Devonshire Street, Sixth Floor, Boston, MA 02110*  
You may also register by phone at 617.854.7555 or online at [www.reba.net](http://www.reba.net).

	<i>By Nov 7</i>	<i>After Nov 7</i>
<input type="checkbox"/> Register me as a REBA member in good standing:	\$ 260	\$ 285
<input type="checkbox"/> Register me as a non-REBA member guest:	\$ 300	\$ 325
<input type="checkbox"/> I would like to purchase the conference syllabus:	\$ 180	\$ 180

CHECK

Payable to: *REBA Foundation*

Check No.: \_\_\_\_\_

Date: \_\_\_\_\_

CREDIT CARD

Card No.: \_\_\_\_\_

Exp Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



### Registrant Information

Full Name: \_\_\_\_\_ Call Name (for nametag): \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_ City, State ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_  Mobile  Work Email: \_\_\_\_\_

### Luncheon Entrée Selection

- Marinated Steak Tips | *Whipped Potato, Roasted Vegetables with a Red Wine Demi Glaze*
- Roasted Statler Chicken | *Pan-Roasted Statler Chicken Breast Topped with a Rosemary Jus*
- Vegetarian Stuffed Pepper | *Quinoa, Butternut Squash, Dried Cranberry & Herbed Stuffing (GFVV)*
- Not Eating at Luncheon | *I am attending the conference luncheon, but will not be eating.*
- Not Attending Luncheon | *I am unable to attend the conference luncheon.*

REBA's 2022 Annual Meeting & Conference welcomes both members and non-members. The registration fee includes the breakout sessions, conference luncheon, and syllabus. Register via mail at 295 Devonshire Street, Sixth Floor, Boston, MA 02110, via phone at (617) 854-7555 or online at [www.reba.net](http://www.reba.net); submit one registration per attendee. Registration will be confirmed by email. REBA cannot offer discounts for registrants who attend only part of the conference. To guarantee a reservation, please send your registration, along with the appropriate fee, on or before November 7, 2022. Registrations received after November 7, 2022 will be subject to a late registration fee of \$25. Registrations cannot be cancelled after November 7, 2022; however, we welcome substitutions of registrants attending the program. Conference materials will be mailed to non-attendee registrants. For questions regarding continuing legal education (CLE) credits, please contact Bob Gaudette at [gaudette@reba.net](mailto:gaudette@reba.net) or (617) 854-7555. Kindly refrain from cell phone use during the breakout session presentations and the conference luncheon.

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