

# 2023 REBA ANNUAL MEETING & CONFERENCE

LUNCHEON KEYNOTE ADDRESS

## *A History of Boston for the Real Estate Industry*

PRESENTED BY

## DANIEL P. DAIN



Dan Dain, author of *A History of Boston*, was born in Boston and grew up in Newton before leaving the area to attend Vassar College and Michigan Law School. Since then, he has spent his entire professional career as a lawyer in Boston working with commercial property owners and developers on issues related to their use and development of real estate.

Dan is the founder and president of Dain, Torpy, Le Ray, Wiest & Garner, PC, where he chairs the firm's real estate litigation practice. Active in the community, he writes and lectures widely on land use law and urban planning. Dan is a co-founder and treasurer of the Needham Land Trust, is on the board of the business advocacy groups NAIOP of Massachusetts and A Better City, is a board member of the Vilna Shul on Beacon Hill, and manages a private equity fund that invests in independent local restaurants. He also co-chairs REBA's Litigation Section, and chairs the arts company White Snake Projects and the Town of Needham's Golf Club Advisory Committee. Every year since 2013, the legal rating publication *Super Lawyers* has recognized Dan as one of the top 100 lawyers in Massachusetts.

Dan is an avid hiker, and a fanatic follower of Boston and University of Michigan sports teams. He loves giving tours of Boston to friends and visitors, and is known for his ability to recommend restaurants for any cuisine or location around Greater Boston. Dan lives in Needham with his wife and two kids.

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

The 2023 REBA Annual Meeting & Conference has been **APPROVED** by the RIMCLE for 240 minutes of general, OR 60 minutes of ethics + 180 minutes of general, CLE credits.

### BREAKOUT SESSIONS

#### ETHICS SESSION

*The Ethics of Generative Artificial Intelligence*

#### GENERAL SESSIONS

*Getting RON With It: Implementing Online Notarization in Massachusetts*

*Registered Land Modernization: Withdrawal at Will*

*Condominium Civil Wars: Tackling Discord, Dysfunction and Mismanagement*

*Reforming Massachusetts Tax Foreclosure Law after Tyler v. Hennepin County*

*Recent Developments in Massachusetts Case Law*

#### PRACTICAL SKILLS

*Understanding Loss Mitigation in Real Estate Foreclosures*

*Residential and Commercial Title Insurance Endorsements*

*Divorce, Guardianships & Conservatorships in Real Estate Conveyancing*

*ALTA Best Practices 4.0 – Adjusting Sails: Updates and Modifications, Part II*

### CONTINUING EDUCATION SECTION CO-CHAIRS

Kimberly A. Bielan  
Elizabeth J. Young

### EXHIBITORS & SPONSORS

For more information, contact Matt Zarrella, [zarrella@reba.net](mailto:zarrella@reba.net), or call (617) 854-7555.

#### QUESTIONS?

Call: (617) 854-7555  
Email: [admin@reba.net](mailto:admin@reba.net)  
Visit: [www.reba.net](http://www.reba.net)

Four Points by Sheraton  
1125 Boston-Providence Tpke, Norwood

Monday, November 6, 2023  
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 Julie Pruitt Barry
1:35 PM - 2:05 PM	REBA Business Meeting and Committee Reports
2:05 PM - 2:25 PM	Luncheon Keynote by Author and Historian Daniel P. Dain
2:25 PM - 2:45 PM	Concluding Remarks
2:45 PM	Adjournment

8:30 AM - 9:30 AM	ROOM 101
9:45 AM - 10:45 AM	ROOM 101

► **Practical Skills Session**

***Divorce, Guardianships & Conservatorships in Real Estate Conveyancing***

JESSICA S. BATSEVITSKY and REBECCA NEWMAN • Moderated by JUTTA R. DEENEY



BATSEVITSKY



NEWMAN



DEENEY

Real estate conveyancers are often faced with title issues involving divorces, guardianships or conservatorships, or other probate related matters. This session will focus on conveying title correctly through (or with the involvement of) the probate court in these situations. The panelists will provide an in-depth examination of these issues with tips on what type of authorization must be obtained from the probate court, when a license to sell may be required, and what to look for in divorce-related separation agreements.

8:30 AM - 9:30 AM	ROOM 103
11:00 AM - 12:00 AM	ROOM 104

► **Practical Skills Session**

***Understanding Loss Mitigation in Real Estate Foreclosures***

MARC R. BERNINGER and ERIKA J. HOOVER



BERNINGER



HOOVER

This session will focus on navigating loss mitigation in 2023. The discussion will cover trends and loss mitigation options available to borrowers in financial distress under conditions of the current real estate market. The panel will offer a behind-the-scenes glimpse from the lender and foreclosure lawyer perspectives, while providing insights on how lenders/servicers address loans in default and work towards practical solutions.

8:30 AM - 9:30 AM	ROOM 104
9:45 AM - 10:45 AM	ROOM 104

► **Practical Skills Session**

***Residential and Commercial Title Insurance Endorsements***

CHRISTINE A. GRIFFIN and KATHERINE PRIFTI



GRIFFIN



PRIFTI

This program will be an introduction to basic residential and commercial ALTA endorsements. The panelists will focus on the concept of policy endorsements, including how to determine which endorsements are appropriate for a commercial project, and who should make the choices for endorsements.

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

► **Practical Skills Session**

***ALTA Best Practices 4.0 – Adjusting Sails: Updates and Modifications, Part II***

LISA VESPERMAN STILL and THERESA WILLIAMSON



STILL



WILLIAMSON

The American Land Title Association (ALTA) Best Practices were originally developed as a tool to ensure positive and compliant real estate settlement experiences for all those involved in the process. Its recent revisions - ALTA Best Practices 4.0 – helps title agencies, settlement agents and title insurers optimize their practices and procedures, focusing on financial and data security, operational stability, and regulatory requirements. This session will review ALTA Best Practices 4.0, focusing on those most recently revised, highlighting what real estate practitioners must do to implement them, including use of the Best Practices' self-assessment process, how to adopt the policies and procedures necessary to meet the Best Practices standards, and how to demonstrate compliance with Best Practices to lenders and other third parties. This program will be a refresher for seasoned practitioners and a primer for those newer to real estate conveyancing. This is the second part of a two-part series presented in collaboration with the New England Land Title Association (NELTA), with Part One having been presented at its Annual Convention in September. Attendance at Part I is not required for this session.

# SCHEDULE OF EVENTS

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

## ***Getting RON With It: Implementing Online Notarization in Massachusetts***

**ASHLEY SADLER FISCHER and DALE K. HARDY • Moderated by TUCKER DULONG**

RON is now law in Massachusetts. How will that change your closing procedures? As the 44<sup>th</sup> state to pass RON legislation, Massachusetts follows in the established footsteps of many other states; however, it is critical to understand the differences between Massachusetts' legislation and the model law implemented in other states. Join us to learn the rules of RON in Massachusetts, to prepare you to use this new acknowledgment method in 2024.



FISCHER



HARDY



DULONG

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

## ***The Ethics of Generative Artificial Intelligence***

**KATHLEEN M. HEYER and ROBERT K. HOPKINS • Moderated by JULIE PRUITT BARRY**

Artificial Intelligence (AI) is increasingly a topic of conversation as various legal platforms and firms seek to identify ways to incorporate this technology into daily practice and use. This technology is both cutting-edge science, as well as a natural progression of longstanding and widespread technology. This panel will inform registrants about the history, potential, and inevitable pitfalls of integrating AI technology into the legal profession, and what ethical implications must be considered.



HEYER



HOPKINS



BARRY

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

## ***Reforming Massachusetts Tax Foreclosure Law After Tyler v. Hennepin County***

**DANIEL C. HILL and KATHLEEN M. O'DONNELL • Moderated by LAUREN E. REZNICK**

The Supreme Court in *Tyler v. Hennepin County* held that a municipality's retention of surplus proceeds after a foreclosure sale is an unconstitutional taking. The Massachusetts tax foreclosure law (Chapter 60) is virtually silent on the disposition of tax title property following the Land Court's final judgment. This panel will discuss current legislative proposals and potential reforms.



HILL



O'DONNELL



REZNICK

8:30 AM - 9:30 AM | TIFFANY B  
11:00 AM - 12:00 PM | ROOM 101

## ***Condominium Civil Wars: Tackling Discord, Dysfunction and Mismanagement***

**KATHERINE G. BRADY and TIMOTHY N. SCHOFIELD**

Many condominiums, large and small, face issues of mismanagement and conflict that undermine their communities' finances, operations and well-being. Some of the common issues that arise include, trustees or owners who fail to fulfill their duties, election challenges, efforts to remove trustees, and condominiums with no lawful or functioning boards. Our panelists will discuss these issues, and offer guidance on legal and practical approaches for resolving them, with or without court intervention.



BRADY



SCHOFIELD

9:45 AM - 10:45 AM | ROOM 103  
11:00 AM - 12:00 PM | ROOM 103

## ***Registered Land Modernization: Withdrawal at Will***

**MATTHEW W. GAINES and CARRIE B. RAINEN**

This session will review legislation filed and supported by REBA for the voluntary withdrawal of land from registration. The current withdrawal process requires a review by Land Court staff and the order of a Land Court judge, a process that is time consuming and costly for petitioners. The proposed revisions to MGL c 185, § 52 will provide for the filing of a "notice of voluntary withdrawal," accompanied by a title report and attorney's affidavit, that, in most cases, will streamline and expedite the deregistration process. These proposed revisions will make withdrawal a matter of right. This session will be an informative primer for the changes to the law, if enacted.



GAINES



RAINEN

12:15 PM - 1:15 PM | ROOM 103  
*Video Simulcast* | ROOM 101 & ROOM 104

## ***Recent Developments in Massachusetts Case Law***

**PHILIP S. LAPATIN**

Now in his forty-fifth 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.



LAPATIN

# REBA 2023 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 October 30</i>	<i>After October 30</i>
<input type="checkbox"/> Register me as a REBA member in good standing:	\$ 265	\$ 290
<input type="checkbox"/> Register me as a non-REBA member guest:	\$ 305	\$ 330
<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

- Steak Tips | *Marinated Steak Tips with a Red Wine Demi-Glace, Whipped Potato and Roasted Vegetables*
- Atlantic Salmon | *Slow-roasted Atlantic Salmon with Lemon Butter, Whipped Potato and Roasted Vegetables*
- Vegetarian Stuffed Pepper | *Quinoa, Butternut Squash, Dried Cranberries and Fresh Herbs (GFVV)*
- Not Eating at Luncheon | *I am staying for the luncheon portion of the program, but not eating.*
- Not Attending Luncheon | *I am unable to stay for the luncheon portion of the program.*

REBA's 2023 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 October 30, 2023. Registrations received after October 30, 2023 will be subject to a late registration fee of \$25. Registrations cannot be cancelled after October 30, 2023; 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, 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.

Four Points by Sheraton  
1125 Boston-Providence Tpke, Norwood

Monday, November 6, 2023  
7:30 AM – 2:45 PM