

2019 REBA ANNUAL MEETING & CONFERENCE

Luncheon Keynote Speaker

ANNE L. KELLY, ESQ.



An environmental lawyer with twenty-five years of combined experience in the private and public sectors, Anne Kelly is the vice president of government relations and leads Ceres Policy Network, Business for Innovative Climate & Energy Policy (BICEP), a coalition of 52 leading consumer-facing companies advocating for climate and energy policy at the federal and state levels. She is also a registered lobbyist and is actively engaged on Capitol Hill on behalf of Ceres and BICEP member companies.

In the 1990s, she directed the Massachusetts-based Environmental Crimes Strike Force, consisting of a multi-disciplinary team of legal and engineering professionals charged with bringing high-profile civil and criminal actions against environmental violators through the Office of the Attorney General.

Later, Anne was special assistant to EPA Region 1 Administrator John DeVillars. In this role, she worked on corporate leadership programs and developed an International Pollution Prevention Program, which was piloted in Sao Paulo, Brazil.

Anne is an adjunct faculty member of Boston College Law School, where she teaches courses in environmental law and climate change. She has also taught environmental law at Tufts University, Suffolk University and New England School of Law. Anne serves on the boards of the Environmental League of Massachusetts and Massachusetts Interfaith Power & Light (MIP&L), and she is fellow in the American College of Environmental Lawyers (ACOEL). In addition to her law degree, Anne holds a Master's in public administration from Harvard's Kennedy School of Government.

Conference Registration Enclosed

BREAKOUT SESSIONS

Orders of Conditions in Closings and Title Insurance Policies

Managing Clients' Funds and Avoiding Ethical Problems

Traps for the Unwary: Avoiding Conveyancing Snares

Assessing Merger and Infectious Invalidity Just Got a Lot Harder

Chapter 40R – Smart Growth: A Path Toward Efficient Permitting

Recent Developments in Massachusetts Case Law

Practical Skills Sessions...

Foreclosures: Point Counterpoint - It's All in Perspective

All Things in Condo Parking: Finding the Good in the Bad and the Ugly

Super Liens: Condominium Liens, Receiverships and Tax Takings

Proposed REBA Rider for Residential P&S Agreements

★ CLE CREDIT ★

The RIMCLE has approved REBA's 2019 Annual Meeting & Conference for 240 minutes of general credits OR 60 minutes of ethics + 180 minutes of general credits.

SPONSORS & EXHIBITORS

For more information, please contact Porsha McConnell at McConnell@reba.net or 617.854.7555.

REBA CONTINUING EDUCATION SECTION

Kendra L. Berardi, Co-chair
Elizabeth J. Young, Co-chair

REBA CONTACT

For questions, contact REBA at 617.854.7555, admin@reba.net or online at www.reba.net.

Four Points by Sheraton
1125 Boston-Providence Tpke, Norwood

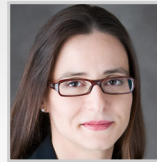
Monday, November 4, 2019
7:30 AM – 2:45 PM

SCHEDULE OF EVENTS

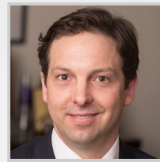
7:30 AM - 8:30 AM	Registration and Exhibitors' Hour
8:30 AM - 1:15 PM	BREAKOUT SESSIONS (see descriptions below)
1:20 PM	LUNCHEON PROGRAM
1:20 PM - 1:45 PM	Opening Remarks from President Paula Devereaux
1:45 PM - 2:00 PM	Presentation of the REBA Richard B. Johnson Award
2:00 PM - 2:15 PM	Business Meeting, Committee Reports & Award Presentation
2:15 PM - 2:30 PM	Luncheon Keynote Address by Anne Kelly
2:30 PM - 2:45 PM	Concluding Remarks
2:45 PM	Adjournment

8:30 AM - 9:30 AM | CONFERENCE ROOM 101

11:00 AM - 12:00 PM | CONFERENCE ROOM 104



CHIARA URBANI
LaPLUME



LUKE H.
LEGERE



MICHAEL E.
POWERS

Orders of Conditions in Closings & Title Insurance Policies

Our panelists will discuss orders of conditions for work in or near jurisdictional wetlands, what they are, how to handle them in a closing, and what to include in your title insurance policy. Not sure what to do when you are representing a buyer or a lender and there is one on record that affects locus, or how to take exception for one in a title insurance policy, or when you absolutely have to have a certificate of compliance, and when you might not need one? Our speakers have the answers.

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

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



KATHERINE L.
KENNEY



JAYNE B.
TYRRELL

Managing Clients' Funds and Avoiding Ethical Problems

Among the myriad subjects that lawyers launching practices must master are the intricacies of handling client trust accounts. Once you have landed the client and received an advance fee for your future services, ethics rules require you to maintain those funds in a client trust account. The panelists will discuss the requirements for handling client funds, including the use of IOLTA accounts and individual trust accounts. Our presenters will walk you through the basics of establishing and operating a client fund accounts, as well as some general best practices with some tips for avoiding common pitfalls. Questions will be an important part of this breakout.

SCHEDULE OF EVENTS

8:30 AM - 9:30 AM | TIFFANY BALLROOM A

9:45 AM - 10:45 AM | TIFFANY BALLROOM A



ERIKA J.
HOOVER



CHRISTINE M.
PROVOST

► **Practical Skills Session**

Foreclosures: Point Counterpoint – It's All in Perspective

From the perspectives of foreclosure counsel and title underwriting counsel, our panelists will discuss the foreclosure process and underwriting title following a foreclosure sale, and how their differing points of view play out in practice. The discussion will focus on selected foreclosure-related title issues, including review of off-record documents for marketable title, assignments and gap assignments, and what constitutes a complete chain, varied requirements for commercial versus residential foreclosures, and issuing certificates of title under M.G.L. c. 93, § 70 when you have a void foreclosure.

8:30 AM - 9:30 AM | TIFFANY BALLROOM B

9:45 AM - 10:45 AM | TIFFANY BALLROOM B



NEIL D.
GOLDEN



THOMAS O.
MORIARTY

► **Practical Skills Session**

All Things in Condo Parking: Finding the Good in the Bad and the Ugly

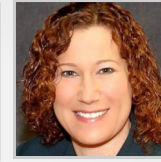
This program will tackle some of the thorniest issues associated with condominium parking rights and easements. We will explore the nature of parking rights, how the rights are created, how those rights may be limited or impacted by the governing documents, by zoning by-laws, by regulations related to accessibility and by drafting and conveyancing errors by the declarant. The complications associated with creating, reserving and conveying parking rights in the condominium context are many-fold and there is little guidance for the practitioner in GL c.183A. But we do have a wealth of cases on easements which are the basis for creating parking space rights and resolving issues related to those rights. There are a few cases on parking, which we will also discuss. The program will explore both legal and practical approaches to eliminating those complications when possible, while effectively addressing them when they do arise.

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

11:00 AM - 12:00 PM | TIFFANY BALLROOM B



DANIEL C.
HILL



MELISSA B.
MORROW



MONICA L.
PASSENO

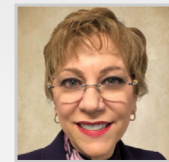
► **Practical Skills Session**

Super Liens: Condominium Liens, Receiverships & Tax Takings

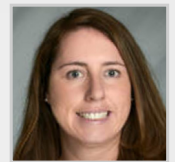
In Massachusetts, there are three types of liens that trump most other liens: Condominium Liens, Receiverships, and Tax Takings. This session will cover what to look for in a title examination with one or more of these liens, and clarify how each lien is foreclosed and what liens are wiped out by the foreclosure of each of these super liens.

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

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



LISA J.
DELANEY



JENNIFER
GAVALETZ

► **Practical Skills Session**

Proposed REBA Rider for Residential Purchase & Sales Agreements

REBA's Standard and Forms Committee is finalizing a form of rider to P&S that balances the relative needs of both the residential buyer and seller. This discussion draft of the rider curates and organizes many valuable provisions, most of which have been in use for many years, while also reviewing and modernizing each provision for current transactional and technological needs. The rider is intended as a working document, and practitioners must edit and customize its provisions to the details of each transaction and the client's specific needs. This practical skills session will review the proposed Rider, and request member comments to help us complete a strong document to become an industry standard in years to come.

REGISTER ONLINE AT WWW.REBA.NET

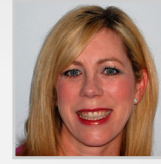
SCHEDULE OF EVENTS

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

11:00 AM - 12:00 PM | CONFERENCE ROOM 103



NOEL M.
DI CARLO



SARA ANN K.
SUPPLE



JONATHAN M.
WHITE

Traps for the Unwary: Avoiding Conveyancing Snares

Traps for the Unwary: What you need to know when drafting and reviewing title documents: deeds, mortgages, divorces, trusts, foreclosures, probates - oh, my! Avoid the traps conveyancers commonly fall into in their everyday practice.

8:30 AM - 9:30 AM | ESSEX / LENOX ROOM

9:45 AM - 10:45 AM | ESSEX / LENOX ROOM



KATE MORAN
CARTER



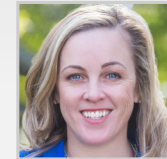
NICHOLAS P.
SHAPIRO

Assessing Merger and Infectious Invalidity Just Got a Lot Harder

Whether you are a transactional attorney or a litigator, real estate practitioners must know about the dual doctrines of merger and infectious invalidity in the area of zoning, because they can have a serious impact on development. Merger means that lots in common ownership or control are treated as a single lot in order to reduce or eliminate zoning nonconformities. Infectious invalidity means that once lots have merged, a property owner cannot create a conforming lot at the expense of a nonconforming lot; the nonconformity “infects” the conforming lot. The 2018 decision from the Appeals Court in *Kneer v. Zoning Bd. of Appeals of Norfolk* makes the common-control analysis considerably more complicated and difficult. This breakout will cover the dual doctrines of merger and infectious invalidity, the effect of the *Kneer* decision, and the issues left unresolved by *Kneer*.

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

Chapter 40R – Smart Growth: A Path Toward Efficient Permitting



APRIL
ANDERSON



WILLIAM
REVELT

Originally passed in 2004, Chapter 40R: The Smart Growth Zoning Overlay District Act encourages municipalities to adopt zoning that allows high density housing in smart growth locations. This breakout will review the ins and outs of the Chapter 40R statute (and the Chapter 40S companion statute) and provide an update on its utility in Massachusetts to date. The session will also evaluate how Chapter 40R streamlines the entitlement process of residential and mixed-use projects, and how to align state infrastructure programs to support smart growth development.

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

Video Simulcasts | CONFERENCE ROOMS 101 & 104



PHILIP S.
LAPATIN

Recent Developments in Massachusetts Case Law

Now in his forty-first 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.

2019 REBA ANNUAL MEETING & CONFERENCE

GENERAL INFORMATION

For questions, contact REBA at admin@reba.net or 617.854.7555 or visit us online at www.reba.net.

- ★ REBA's 2019 Annual Meeting & Conference (AMC19) welcomes both members and non-members.
- ★ The registration fee includes the breakout sessions, luncheon and conference syllabus book.
- ★ Register via mail, phone or online at www.reba.net, submitting one registration per attendee. We will confirm registration by email. REBA cannot offer discounts for registrants who attend only part of the conference.
- ★ To guarantee a reservation, please send your registration with the appropriate fee on/before October 28, 2019. Registrations received after October 28, 2019 will be subject to a late registration fee of \$25. Registrations may be cancelled in writing on/before October 28, 2019 and will be subject to a processing fee of \$25. Registrations cannot be cancelled after October 28, 2019; however, we welcome substitutions of registrants attending the program. Conference materials will be mailed to non-attendee registrants.
- ★ The AMC19 has been approved by the RIMCLE for 240 minutes of general credits or 60 minutes of ethics + 180 minutes of general credits. Professional liability insurance and continuing legal education credits in other states are also available. For more information, contact Bob Gaudette at 617.854.7555 or gaudette@reba.net.
- ★ Kindly refrain from cell phone use during the breakout sessions and luncheon.

DRIVING DIRECTIONS

Four Points by Sheraton Hotel
1125 Providence Turnpike (Route 1)
Norwood, Massachusetts



FROM BOSTON

- Take I-93 South; continue onto I-95 (Route 128) North
- Take Exit 15B, Route 1 South, toward Norwood
- Continue down Route 1 South for 4.5 miles
- The hotel will be on your right after the Staples Plaza

FROM PROVIDENCE

- Take I-95 North to Exit 11B, Neponset Street, Norwood
- Drive 7/10 of a mile and turn left onto Dean Street
- At the traffic light, turn left onto Route 1 heading south
- The hotel will be on your right after the Staples Plaza

FROM THE WEST

- Follow the Mass. Turnpike (I-90) East
- Take Exit 14* onto I-95 (Route 128) South
*From the West it is exit 14; from the East, it is exit 15
- Continue South to Exit 15B (Route 1, Norwood)
- Continue down Route 1 South for 4.5 miles
- The hotel will be on your right after the Staples Plaza

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1125 Boston-Providence Tpke, Norwood

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REGISTRATION

Complete this registration and return it with the appropriate fee 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.

	By Oct. 28	After Oct. 28
<input type="checkbox"/> Please register me as a REBA member in good standing:	\$ 225	\$ 250
<input type="checkbox"/> Please register me as a non-REBA member guest:	\$ 265	\$ 290
<input type="checkbox"/> I would like to purchase the conference syllabus.	\$ 200	\$ 200
	\$ _____	\$ _____

Payment Information

Check *Pay to REBA Foundation*

Credit Card

Check No: _____

Card No: _____

Date: _____

Expiration: _____

Signature: _____ Date: _____



Registrant Information

Name of Registrant: _____ Title: _____

Call Name (for nametag): _____ Email: _____

Firm/Company: _____

Address: _____

City: _____ State: _____ ZIP: _____

Tel: _____ Cell: _____ Fax: _____

Luncheon Entrée Selection

- Pan-seared Petit Filet Mignon with a Port Wine Demi-glace
- Apple Cider Boneless Chicken Simmered with Red Delicious Apples, Rosemary & Shallots
- Vegetarian Herbed-stuffed Pepper with Butternut Squash, Dried Cranberries & Quinoa ~ GFV
- None, as I will not be eating at the luncheon None, as I am not attending the luncheon