

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 T.
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

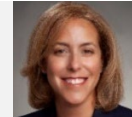


ROBERT M.
DANISZEWSKI

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



GREGORY 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
STILL

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 |



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* confirmed 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

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

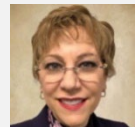
8:30 AM - 9:30 AM | CONFERENCE ROOM 104

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

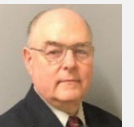
► Practical Skills Session

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

Our speakers will explain the meaning of and many differences between marketable title and insurable title. Title issues at the time of a sale can hinder or delay the closing, as the buyer expects good, clear and marketable title. The willingness of the underwriter to offer insurable title, despite marketability issues, often allows the transaction to move forward. The panelists will also discuss MGL, C. 93, §70, the statute requiring certification of title by a Massachusetts attorney upon closing on a residential purchase.



LISA J.
DELANEY



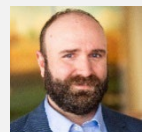
WARD P.
GRAHAM

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

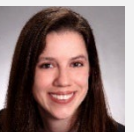
► Practical Skills Session

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