

# 2021 REBA SPRING CONFERENCE

To continue serving the needs of our members in today's era of social distancing and remote work and learning, the 2021 REBA Spring Conference will be a completely virtual experience.

On **Monday, May 3, 2021**, video recordings of the RIMCLE-accredited breakout presentations, as well as the session materials and conference syllabus, will be available to registrants online for 90 days. At 1:30 pm, there will be a live webcast of the plenary session and business meeting, with remarks from REBA President Neil Golden and a report from the Standards & Forms Committee.

## *A Conversation with Boston Red Sox CEO* **SAM KENNEDY**



In lieu of a formal keynote address, REBA presents, *A Conversation with Boston Red Sox CEO Sam Kennedy*, at REBA's Virtual Spring Conference. The program will be in a Q & A format, moderated by REBA Board member Paul Alphen.

Kennedy is entering his 18<sup>th</sup> season with the club, and his third as President and Chief Executive Officer. In addition to his role with the Red Sox, Kennedy is Chief Executive of Fenway Sports Management, a sports marketing and sales agency that is a sister company to the Red Sox under the Fenway Sports Group family.

A native of Brookline, who grew up within walking distance of Fenway Park, Kennedy, 45, joined the Red Sox in 2002 after six years working for the San Diego Padres, from 1996-2001. Since joining the Red Sox, he has played a key role in the dramatic growth of the Red Sox brand. Recalling the days that he was able to come into the ballpark on his dad's clergy pass, Kennedy's particular focus the past few years has been on encouraging kids to come to the ballpark to experience Fenway Park through the creation of a "Kids Only" Gate K and a free ticket for all kids that sign up for Red Sox Kid Nation.

In 2004, Kennedy helped create Fenway Sports Management and has overseen its growth from that of a start-up to a world class sports marketing agency with an international roster of clients that includes not only sister companies, the Red Sox, Liverpool Football Club, NESN and Roush Fenway Racing, but also partnerships with Boston College, Major League Baseball Advanced Media, the Dell Technologies Championship, and a landmark marketing partnership with NBA superstar LeBron James.

Active in the community, Kennedy serves on the MLB International Committee and MLB Ticketing Committee; the Beth Israel Deaconess Medical Center Trustee/Advisory Board and Marketing Committee; the Trinity College Board of Fellows; Winsor School Board of Trustees; Dana-Farber's Visiting Committee for Institute Initiatives; The BASE's Advisory Committee; and Camp Harbor View Board of Directors.

A former captain of the baseball team at Brookline High with friend and classmate Theo Epstein, Kennedy graduated from Trinity College (CT) in 1995.

### ★ CLE CREDIT ★

REBA's SC21 is approved by the RIMCLE for **300** minutes of general, OR **60** minutes of ethics + **240** minutes of general, video replay credits.

### ★ CONTINUING EDUCATION SECTION ★

Kendra L. Berardi & Elizabeth J. Young, *Co-chairs*

### ★ SPONSOR OPPORTUNITIES ★

For more information, contact Victoria D'Angelo at (617) 854-7555 or at [dangelo@reba.net](mailto:dangelo@reba.net).

### ★ QUESTIONS? ★

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

**REGISTER ONLINE AT [WWW.REBA.NET](http://WWW.REBA.NET)**

# SCHEDULE OF EVENTS

## ***Massachusetts Wetlands Law and Permitting Update***

Permitting under the state Wetlands Protection Act and local wetlands bylaws/ordinances has presented unique issues, last year and into this year, some of which will have a lasting impact. Since March of 2020, a series of rule and law changes have been issued from a variety of authorities almost monthly, largely due to COVID-19, with many, but not all, of these changes still in effect. Also, during this time, the Massachusetts Department of Environmental Protection (MassDEP) has continued to develop revisions to its wetland regulations and stormwater requirements. In addition, the MassDEP Commissioner and Massachusetts courts have rendered decisions that help guide wetlands permitting. Many of these developments alter how conservation commissions and the MassDEP receive, hear and process wetland permit applications, as well as how they issue wetland permit decisions.

## ***Wire Fraud and Cyber Insurance Coverage***

Our speakers will present the latest information about the threat of wire fraud and what is being done to combat it, as well as cyber insurance coverage recommended for conveyancers. The panelists will also discuss how cyber insurance claims are handled from an incident-response viewpoint, as well as what occurs behind the scenes in the "Dark Web" during any given wire fraud and the many ruses employed to accomplish wire fraud.

## ***Navigating Landlord/Tenant Law & Summary Process Actions in 2021***

As the world adapts to a new global environment with the COVID-19 pandemic, landlords and tenants are struggling to understand their "modified" rights and obligations. This program covers the [temporary] changes to the summary process rules in Massachusetts, as well as some best practice suggestions ensuring smooth sailing over these uncharted and very rough waters. The panel will cover both residential and commercial tenancies, as well as the scheduling challenges that the courts face accomplishing their primary goal – to assist litigants in resolving their issues, while preserving tenancies whenever possible/mutually agreeable.

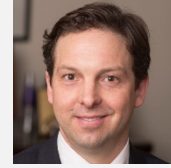
## ***Recent Developments in Massachusetts Case Law***

Now in his forty-third 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.

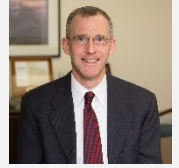
### **► Practical Skills Session**

## ***Proposed REBA Form No. 66: Rider for Residential P&S Agreements***

REBA's Proposed Form No. 66, *Rider for Residential Purchase and Sale Agreements*, drafted by the Standards & Forms Committee and approved by the Association's Board of Directors, will be presented for a vote of acceptance by the REBA membership at this year's Spring Conference. The Rider offers a host of valuable provisions to supplement residential buyer and seller purchase and sale agreements. This comprehensive Rider curates and organizes provisions, which have been in use for many years, while also modernizing each provision for the current transactional and technological era. As a working document, practitioners are encouraged to edit and customize the Rider's updated provisions to fit the details of each transaction, as well as the client's specific needs. The Rider will become an industry standard for residential purchase and sale agreements for the conveyancing world.



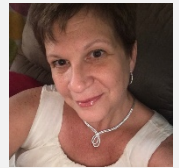
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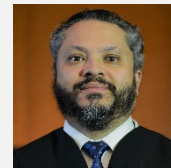
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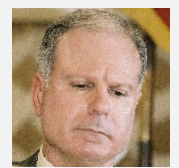
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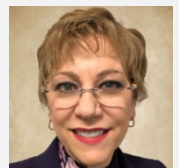
HON. ALEXANDER  
MITCHELL-MUNEVAR



TED S.  
PAPADOPOULOS



PHILIP S.  
LAPATIN



LISA J.  
DELANEY

# SCHEDULE OF EVENTS

## ► Practical Skills Session

### ***Help! Is There a Title or Practice Standard for That?***

Have you ever asked yourself, “how do I solve that? Is this really a problem?” If so, this practical skills session is for you. There are 84 REBA title standards and 65 forms that address a variety of subjects, from the common to the obscure. This session focuses on some of the less commonly used standards and forms, as well as some recently revised standards, including equity judgments, code violations, corporate transfers after dissolution, evidence of death, and many more.

## ► Practical Skills Session

### ***Understanding Errors & Omissions Policies for Title Insurance Agents***

A practical discussion of the protections afforded under errors and omissions insurance policies (“E&O coverage”), this program is a must for any conveyancer who also serves as an agent for title insurance underwriters. The task of obtaining appropriate insurance coverage to anticipate the needs of a real estate practice is one which should be given careful thought. This program will focus on identifying common claims and potential risks so that practitioners are prepared to ask important questions and make informed decisions when applying for and renewing their E&O coverage. The panelists, Christopher Brammer, Vice President of Lemme Insurance Brokers & Consultants and former Association President Jennifer Markowski, Partner at Freeman Mathis & Gary, LLP, will also provide guidance on identifying and reporting claims should they arise.

## ► Practical Skills Session

### ***Estate Tax Lien and Title: A Practical Review of the Estate Tax Lien, its Release and Updates***

Following the death of an owner of Massachusetts real estate, an automatic estate tax lien attaches to their property includable in their estate, including their real estate. This practical skills session will review the Massachusetts and Federal estate tax liens, and discuss the circumstances requiring estate tax clearance and how to release estate tax liens. The panelists will review the provisions of M.G.L. c. 65C §14(a) and advise when affidavits may be used to address estate taxes, or if a Certificate Releasing Massachusetts Estate Tax Lien and/or a Certificate of Discharge from Federal Estate Tax Lien is required. The panelists will also discuss 2018 REBA Form No. 32A and amended REBA Title Standard No. 3.

## ► Practical Skills Session

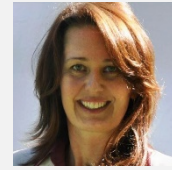
### ***You Can’t Judge a Title Abstract by Its Cover***

The title report for the upcoming closing is in your hands. What does it mean? What documents do you need to review? How do you know what the title examiner reviewed? Where are encumbrances listed on the title insurance commitment? Where do exceptions go? Joel Stein and Beth Young, both quintessential title examiners, will discuss the importance of the title examination, the title examiner, and how you will use the title examination to ensure that the buyer and the lender have good title.

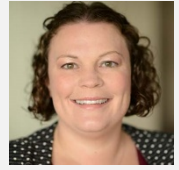
## ► Practical Skills Session

### ***Lessons from Trials by Zoom***

The COVID-19 pandemic has changed so much, including how lawyers, and litigants, access and use the courts. Perhaps one of the most notable changes is the conduct of trials by Zoom. This panel will explore the experiences of two land use litigators who have tried multiple remote cases in the Land Court, including a discussion of the challenges, as well as the benefits, of Zoom trials, the lessons learned so far, and predictions on how current remote practices may carry forward in the post-COVID world.



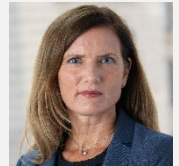
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DEENEY



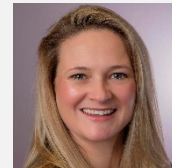
JULIE M.  
PALMACCIO



CHRISTOPHER  
BRAMMER



JENNIFER L.  
MARKOWSKI



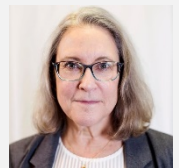
SHANNON O.  
COLEMAN



KIMBERLY A.  
LITWINCZAK



JOEL A.  
STEIN



ELIZABETH J.  
YOUNG



KENDRA L. BERARDI



DANIELLE  
ANDREWS LONG



# SCHEDULE OF EVENTS

## ► Practical Skills Session

### ***Lending & Condominiums: Preserving Priority & Protecting Principal***

This program addresses the complications arising with using rights and interests created in a condominium master deed, or conferred under the Condominium Act, M.G.L. c. 183A, as collateral and/or security for construction loans or loans to condo associations. During the construction of a phased condo, in most circumstances a lender's prior recorded security interest must morph from a mortgage on land owned in fee by the borrower, into a mortgage on the interests that are created and/or reserved by the borrower with the recording of a master deed submitting that encumbered land to condo status. Should a mortgage be amended and subordinated to the governing documents of the condo? What are the mortgagee's rights in the event that the mortgage is not subordinated? What is the impact of a partial discharge of an unsubordinated mortgage in connection with the sale of a unit? How should a mortgagee perfect its security interest in the rights reserved by its borrower in the master deed? What hidden risks are presented? Should an association be terminated, for any number of reasons, during the development project and how can those risks be addressed?

Lending to associations also presents unique circumstances. As a condo association typically owns no real property, there is no real estate interest to pledge as collateral. How are these loans secured? What issues must be addressed to ensure the security interest is sufficient? What unseen risks are presented and how are they addressed? The panelists will address these questions, and more, (including discussion of the Appeals Court's decision in *Trustees of Beechwood Village Condominium Trust v. USAlliance Federal Credit Union* (2019)), with specific, real world recommendations that practitioners can incorporate into their practices, whether they represent lenders, developers, associations or buyers.

## ► Practical Skills Session

### ***Finally! The Zoning Act Has Been Amended (But Will the Amendments Actually Mean Anything)***

The economic relief bill, precipitated by the COVID-19 pandemic, recently enacted by Beacon Hill and signed into law by Governor Baker, includes a series of amendments to the Zoning Act, including elements from the Governor's Housing Choice Bill, the discretionary imposition of appeal bonds in abutter appeals, and mandated as-of-right multi-unit residential uses in so-called MBTA communities. There has already been vigorous debate within the real estate bar about whether the relevant changes will accomplish much in practice. Each of the panelists will provide insights from their various perspectives about the new law, Joel Quick from the vantage of permitting counsel and Barbara Huggins Carboni from the perch of Town Counsel.

## ► Practical Skills Session

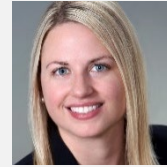
### ***Global Overview of Remote Online Notarization (RON) Legislation***

More than half the states across the country have adopted legislation allowing for some form of remote online notarization, popularly referenced as "RON." In response to the emergency of the COVID-19 pandemic, the Massachusetts legislature enacted emergency legislation last year providing for the temporary use of "remote in-person [or ink] notarization," or "RIN." The long-term questions remain: should Massachusetts permanently adopt remote online notarization? What are the implications for real estate practitioners, including title examiners, of the adoption of RON? And if RON is to be enacted in Massachusetts, how can it be shaped to protect consumers and other parties to real estate transactions? Our panelists will review the state of RON both within and beyond Massachusetts, focusing on pending legislation, the pros and cons of RON, and preserving the integrity of real estate transactions in a world seemingly hurtling towards "swipe right, get mortgage."

## ► Practical Skills Session

### ***Remote Ink-signed Notarization (RIN) Legislation***

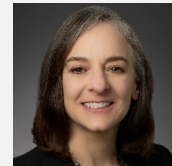
This program offers a brief overview of the temporary Massachusetts statute that was enacted, with help from REBA and other stakeholders, in the early weeks following the March 10, 2020 declaration of a State of Emergency. The legislation, which we call "RIN," will expire within days of the termination of our current State of Emergency. Unlike RON, our hybrid legislation maintains the centrality of the attorney in the closing process.



KIMBERLY A.  
BIELAN



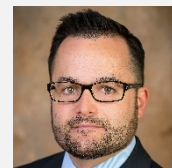
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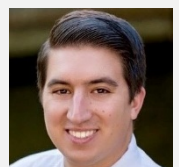
JOEL B.  
QUICK



TUCKER  
DULONG



FRANCIS J.  
NOLAN



DOMINIC H.  
PONCIA III

# 2021 REBA SPRING CONFERENCE

## REGISTRATION

**Complete this registration 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).

	By April 26	After April 26
<input type="checkbox"/> Please register me as a REBA member in good standing:	\$ 235	\$ 260
<input type="checkbox"/> Please register me as a non-REBA member guest:	\$ 275	\$ 300
<input type="checkbox"/> I would like to purchase the conference syllabus:	\$ 200	\$ 200
	\$ _____	\$ _____

### Payment Information

☐ **Check** *Pay to REBA Foundation*

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

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

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City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

**General Information:** The 2021 REBA Spring Conference welcomes both REBA members and non-members. The registration fee includes the breakout sessions, plenary session and electronic syllabus. Register via mail, phone or online at [www.reba.net](http://www.reba.net); submit one registration per attendee. We will confirm registration by email. To guarantee a reservation, please send your registration, along with the appropriate fee, on or before April 26, 2021. Registrations received after April 26, 2021 will be subject to a late registration fee of \$25. Registrations may be cancelled in writing on or before April 26, 2021 and will be subject to a processing fee of \$25. Registrations cannot be cancelled after April 26, 2021; however, we welcome substitutions of registrants attending the program. Conference materials will be mailed to non-attendee registrants. The SC21 is approved by the RIMCLE for 240 minutes of general credits, or 60 minutes of ethics and 180 minutes of general credits. Professional liability insurance and CLE credits in other states are also available. For more information, contact Bob Gaudette at 617.854.7555 or [gaudette@reba.net](mailto:gaudette@reba.net).

**REGISTER ONLINE AT [WWW.REBA.NET](http://WWW.REBA.NET)**