

The 3rd Annual ONE-Day Learning & Networking CLE Event!



ALABAMA REAL ESTATE LAW CONFERENCE

FRIDAY, NOVEMBER 4TH • BIRMINGHAM MARRIOTT

This conference is perfect for Alabama attorneys who practice real estate law (litigators, closing attorneys, and attorneys who work for title insurance companies, banks, and other lenders)

Learn the very latest about the laws, decisions, and developments affecting your practice and your clients:

- ❖ Closing commercial real estate transactions
- ❖ TILA/RESPA disclosures
- ❖ Residential landlord and tenant law
- ❖ Foreclosure, pursuit of guarantors, and deficiency judgment issues
- ❖ Easements and rights-of-way
- ❖ Land use law issues, including ubiquitous manufactured housing, the zoning appeal process, and environmentally driven zoning law
- ❖ Ethical considerations in landlord and tenant law

FACULTY

James A. Bradford
Balch & Bingham LLP

C. Ellis Brazeal, III
Jones Walker LLP

James B. Griffin
James B. Griffin, LLC

Karen B. Johns
Jones Walker LLP

Patrick Smith
TitleSouth, LLC/RealtySouth

Sarah Taggart
Sarah Taggart, P.C.

Alto Lee Teague, IV
Engel, Hairston and Johanson, P.C.

Attendees will receive a binder of materials at the seminar and will be able to download the materials after the conference.



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The Alabama Real Estate Law Conference packs one day with leading authorities delivering critical law practice guidance on the hottest topics and some of the most complex issues you'll face.

- ❖ **Commercial real estate transactions.** Karen Johns will guide you through a commercial real estate transaction – pre-closing procedures, the closing, and post-closing procedures.
- ❖ **TILA-RESPA.** Patrick Smith will update you on the integrated disclosure rule, clarify statutes, and recap enforcement procedures.
- ❖ **Residential landlord and tenant law.** Sarah Taggart will review the obligations of landlords and tenants under the landlord and tenant law.
- ❖ **Foreclosure.** Ellis Brazeal will discuss the foreclosure process, the foreclosure sale, the pursuit of guarantors, and deficiency judgment issues.
- ❖ **Easements and rights-of-way.** James Bradford will discuss basic principles when dealing with easements and rights-of-way and common problems that arise.
- ❖ **Land use law.** James Griffin will take a comprehensive look at land use law, including the ins and outs of the Board of Zoning Appeals.
- ❖ **Ethical considerations.** Lee Teague will explore ethical situations that may arise in landlord-tenant law, including conflicts of interest and fee arrangements.

AGENDA

UNDERSTANDING EASEMENTS AND RIGHTS-OF-WAY

8:30 A.M. TO 9:30 A.M.

James Bradford
Balch & Bingham LLP

- ❖ What is an easement or right-of-way?
- ❖ Rights of grantors vs. rights of grantees
- ❖ Creation of easement/right-of-way
- ❖ Scope of use and maintenance of easement/right-of-way
- ❖ Obstruction of or interference with easement/right-of-way
- ❖ Enforcement of easement/right-of-way
- ❖ Termination of easement/right-of-way

CLOSING COMMERCIAL REAL ESTATE TRANSACTIONS

9:30 A.M. TO 10:30 A.M.

Karen Johns
Jones Walker LLP

- ❖ Pre-closing procedures
 - Pre-due diligence deadline
 - Post-due diligence deadline
- ❖ At the closing table
 - Escrow closing
 - Round table
 - Preparation
 - Procedure
 - What to do when good closings go bad
 - "Deal breakers"
 - Remote closings
- ❖ Post-closing procedures
 - Disbursement of funds and escrow items
 - Preparing the closing package
 - Release of liens and encumbrances
 - Recorded documents from the recorder
 - Other post-closing items

MORNING BREAK
10:30 A.M. TO 10:45 A.M.

TILA/RESPA DISCLOSURES: NECESSARY INFORMATION AND NEW REQUIREMENTS

10:45 A.M. TO 11:45 A.M.

Patrick Smith
TitleSouth, LLC/RealtySouth

- ❖ TILA and RESPA fundamentals
- ❖ The TILA-RESPA integrated disclosure rule
- ❖ Requirements at the time of loan application
- ❖ Disclosures before settlement
- ❖ Disclosures at settlement
- ❖ Disclosures after settlement
- ❖ Statutes clarified: Consumer protections and illegal practices
 - Kickbacks, fee-splitting, unearned fees
 - Seller required title insurance
 - Limits on escrow accounts
- ❖ TILA-RESPA enforcement
 - Civil lawsuit
 - Loan servicing complaints

- Other enforcement actions
- Filing a complaint

11:45 A.M. TO 1:00 P.M.
LUNCH (ON YOUR OWN)

LANDLORD AND TENANT LAW: RIGHTS, OBLIGATIONS, AND AGREEMENTS

1:00 P.M. TO 2:00 P.M.

Sarah Taggart
Sarah Taggart, P.C.

- ❖ Negotiating lease agreements you want
- ❖ Enforcing a lease agreement
- ❖ Inspecting the property
- ❖ Screening and qualifying tenants: Fair Housing, discrimination, and background checks
- ❖ Third parties not on lease who are living with your tenant
- ❖ Security deposits and personal guarantees
- ❖ Late fees: How much is too much?
- ❖ Handling repairs
- ❖ Terminating the tenancy
- ❖ Demands, notices, lockouts

FORECLOSURE ISSUES

2:00 P.M. TO 3:00 P.M.

Ellis Brazeal
Jones Walker LLP

- ❖ Curing title problems prior to commencing the action
- ❖ Foreclosure timeline
- ❖ Demand Letter
- ❖ The foreclosure action – *lis pendens*, parties named, summons, complaint
- ❖ Foreclosure/sheriff's sale – notice requirements, bidding process, closing, etc.
- ❖ Pursuit of guarantors
 - Before foreclosure sale?
 - Checking percentage guarantees
- ❖ Deficiency judgment issues

AFTERNOON BREAK
3:00 P.M. TO 3:15 P.M.

TAKE A COMPREHENSIVE LOOK AT LAND USE LAW

3:15 P.M. TO 4:15 P.M.

James Griffin
James B. Griffin, LLC

- ❖ Who has the power to zone? How does it affect you?
- ❖ The ins and outs of the Board of Zoning Appeals
- ❖ Ubiquitous manufactured housing: Implications for your community
- ❖ What quasi-judicial decisions usually involve
- ❖ Navigating the appeals process
- ❖ What is environmentally driven zoning law?
- ❖ Determine the impact of current land use law

ETHICAL CONSIDERATIONS IN LANDLORD-TENANT LAW

4:15 P.M. TO 5:15 P.M.

ETHICS CREDIT

Lee Teague

Engel, Hairston and Johanson, P.C.

- ❖ Negotiating with a *pro se* tenant at court
- ❖ Conflicts of interest, unrepresented, dual representation, and competency
- ❖ Fee arrangements and getting paid
- ❖ Ethical situations

YOUR FACULTY



James Bradford, a partner with Balch & Bingham, LLP, in Birmingham, has over 35 years of experience in representing individuals and companies in a wide range of litigated matters. In recent years, his practice has become more concentrated in the area of real estate law, including the law of titles, title insurance, real estate information services, eminent domain, and land use and planning. A significant portion of his practice is now devoted to eminent domain proceedings on behalf of condemning authorities and to the evaluation and resolution of coverage issues and claims on behalf of a number of title insurance underwriters, title agents, and providers of real estate information services, including the defense of first-party and third-party actions and the pursuit of negotiation and litigation to cure or establish title.



C. Ellis Brazeal, III, is a partner in Jones Walker's Business & Commercial Litigation Practice Group and practices in the firm's Birmingham office. He has more than 25 years of experience in commercial litigation, including all levels of state, federal, and bankruptcy courts. His areas of experience include the representation of financial institutions, construction and surety litigation, and environmental law. He is listed in *Best Lawyers in America*® and regularly lectures on bankruptcy and creditors' rights issues. His practice in the environmental field includes litigation; administrative proceedings; and providing counsel to owners of real property, as to both greenfield and brownfield sites, and operators of businesses.



James B. Griffin, with James B. Griffin, LLC, in Birmingham, has represented cities, development authorities, counties, sheriffs, school boards, state agencies and universities, and private parties in litigation and regulatory matters in Alabama and Georgia. He has appeared before governing boards over a broad spectrum of issues such as zonings, variances, restrictive covenants, employment, Section 1983, eminent domain, and state and local taxes and fees. He has advised clients regarding ethics laws, civil rights, labor and employment, government immunities, contracts, real property, nuisances, law enforcement, public health, and environmental law. He has drafted state legislation and revised city and county codes in areas such as historic preservation, annexations, sign regulation, nuisances, and the delivery of public services. More recently, he has been applying his knowledge of property and natural resources to estate-planning matters.



Karen Johns is special counsel in Jones Walker's Real Estate Practice Group and practices in the firm's Birmingham office. Her practice primarily involves banking and transactional law, commercial real estate law, and corporate law. She has significant experience in all types of commercial loan closings, including SBA loans, acquisition and development loans, and workouts. She also advises clients on real estate acquisitions and financing, and represents both lenders and borrowers in a variety of transactional capacities. Ms. Johns advises clients in the banking, financial services, and real estate industries, and her clients include developers, retailers, and government entities.



Patrick F. Smith is President of TitleSouth and General Counsel for RealtySouth in Birmingham. He was previously a partner in the Birmingham law firm of Dominick, Fletcher, Yeilding, Wood and Lloyd, P.A., and at Strickland, Smith & Wagnon. His private practice focused on business and real estate related matters, including representation of closely-held business entities and individuals, tax and estate planning, residential and commercial real estate closings, title insurance claims and real estate litigation. Mr. Smith is a frequent speaker at title insurance and real estate industry conferences and seminars. He also has addressed title industry groups on responding to Consumer Finance Protection Bureau inquiries and investigations. He serves as an adjunct instructor in the College of Business at Athens State University.



Sarah Leopold Taggart founded the law firm of Sarah Taggart, P.C. in Huntsville. Her law firm is a boutique practice which is specifically tailored to meet the needs of residential and commercial landlords throughout the entire State of Alabama. She is a frequent lecturer throughout the state on issues pertaining to landlord-tenant law and is often interviewed about landlord-tenant issues by local news and media outlets. She is on the board of the Alabama Apartment Association and serves as a legal advisor to the Apartment Association of North Alabama. Ms. Taggart also publishes a monthly educational newsletter and blog with issues relating to residential and commercial rental property. She has authored a widely popular Alabama-specific book of legal forms for the Alabama landlord which is available for purchase.



Alto Lee Teague, IV, of Engel, Hairston and Johanson, P.C., in Birmingham, practices in the areas of collections, commercial litigation, creditors' rights, and bankruptcy. Mr. Teague is admitted to the Alabama State Bar and is also admitted to practice before the U.S. District Courts for the Northern, Middle, and Southern districts of Alabama. He was recognized as a Rising Star® in 2010 by Alabama *Super Lawyers*® and is a member of the Birmingham Bar Association's Bankruptcy and Commercial Law Section, Continuing Legal Education Committee, and Civil Courts Procedure Committee. Mr. Teague received his B.A. from Samford University and his J.D. from the Samford University Cumberland School of Law.

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PROGRAM DATE AND LOCATION

Friday, November 4, 2016

Birmingham Marriott
3590 Grandview Parkway (Hwy 280)
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FREE PARKING

FREE WIRELESS INTERNET ACCESS

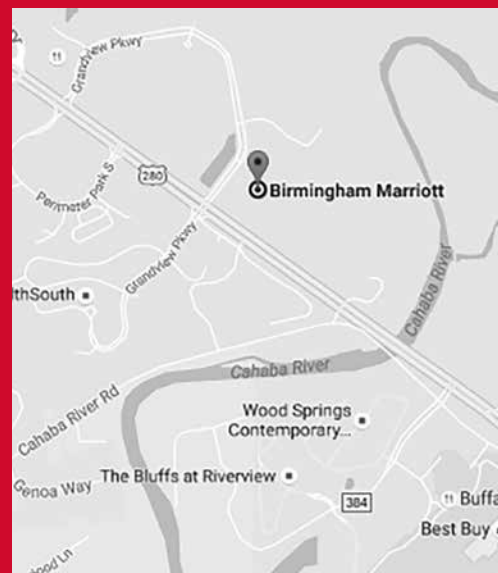
CONFERENCE FEES

- ❖ \$327 for full program
- ❖ \$247 for attendees from same firm
- ❖ \$147 for materials only

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SEPTEMBER 23

CONFERENCE DETAILS

Registration begins at 8:00 a.m.
The conference begins at 8:30 a.m.
and concludes at 5:15 p.m.
Lunch break of 1 hour and 15 minutes
(lunch not provided)



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Yes! I want to master the very latest developments in Alabama real estate law and network with leading practitioners, all while earning valuable CLE credit. Please reserve my place at the **Alabama Real Estate Law Conference**, the intensive immersion into significant new decisions, laws, regulations, trends, and other developments. If I am in any way dissatisfied, I am entitled to a 100% refund of my registration fee. **Fee:** \$327 for full program, \$247 for additional attendees from the same firm, \$147 for materials only. **\$50 early bird discount until September 23.**

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CONFERENCE FEE

\$327 for full program, \$247 for attendees from same firm, and \$147 for materials only.

CANCELLATION POLICY

- A \$50 processing fee applies to ALL conference cancellations.
- Registrants are responsible for the entire program fee for a cancellation made after 5:00 p.m. three weeks prior to the event (whether or not you attend the program or fail to cancel).
- An alternate may attend in place of the original registrant.

WHAT ATTORNEYS WILL LEARN

- ❖ How an easement or right-of-way can be terminated
- ❖ What are the essentials of closing a commercial real estate transaction – pre-closing, closing, and post-closing
- ❖ What disclosures are required by TILA and RESPA – before, at, and after settlement
- ❖ How to screen and qualify tenants
- ❖ How to handle the landlord-tenant relationship, including inspection of the property, security deposits, late fees, terminating the tenancy and more
- ❖ How to cure title problems prior to commencing a foreclosure action
- ❖ How to pursue guarantors before a foreclosure sale and how to collect a deficiency judgment after the foreclosure sale
- ❖ Who has the power to zone
- ❖ How to deal with the Board of Zoning Appeals
- ❖ How to negotiate with a *pro se* tenant at court

WHAT YOUR COLLEAGUES SAID ABOUT LAST YEAR'S SEMINAR:

“The presenters were all knowledgeable in their respective subject areas.”

“All topics were useful to my practice.”

“Good job – the topics were super and the content was very informative and useful.”

“The seminar was put together very well.”

“Great seminar!”