

YOUR DISTINGUISHED FACULTY



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Jason Holleman,
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Michael Patton, Baker,
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Bill Penny,
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Joseph "Joe" L. Watson,
Waller Lansden Dortch & Davis, LLP,
Nashville

When you attend the 2018 Tennessee Real Estate Law Conference, you will:

- Learn what language to use in opinion letters in real estate transactions.
- Access strategies on navigating cemetery law fundamentals.
- Understand ethical concerns facing real estate attorneys, such as legal fees and limitations on the scope of representation.
- Uncover strategies to avoid environmental pitfalls in a real estate transaction.
- Cover retainage clauses and their statutory uses.
- Get up-to-date on Tennessee Construction Lien Law.
- Learn about billboard law and commercial speech.

When: October 19, 2018
Where: Nashville School of Law, TN

To Register: Visit MLeeSmith.com/TN-REL
Call 800-274-6774
Email EventSales@BLR.com

Tennessee Attorneys Memo

2018

Real Estate Conference For Tennessee Attorneys

FRIDAY, OCTOBER 19 | NASHVILLE

Leading real estate law attorneys from across the state will provide updates on the very latest about the laws, decisions, and developments affecting your practice and your clients.

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

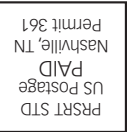
Cancellation Policy

Guarantee: If you are not completely satisfied, we will refund 100% of your registration fee-no questions asked.

Get up-to-date information on the latest and most significant developments affecting your clients and practice. Reserve your seat at the **2018 Real Estate Law Conference for Tennessee Attorneys**. Your registration includes the one-day conference, pages of valuable course materials, morning and afternoon snacks, and up to 6.5 hours of CLE credit, including 1 hours of DUAL.

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EARN CLE CREDIT

7.5 hours of CLE
(6.5 hours of general and 1 hours of DUAL)

2018 Real Estate Law Conference For Tennessee Attorneys

The Tennessee 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. You will also receive 1 hour of dual CLE on ethical considerations in real estate law.

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

- Environmental issues in real estate transactions
- Ethical considerations in real estate law
- Regulating digital billboards, supergraphics and other emerging technologies
- Mechanics’ and materialmen’s liens
- Update on key issues in annexation law – is the UGB still relevant?



Agenda

FOR FULL AGENDA DETAILS, VISIT [MLEESMITH.COM/TN-REL](http://mleesmith.com/TN-REL)

FRIDAY, OCTOBER 19

Sign and Billboard Law: Balancing Regulatory Concerns and Constitutional Freedoms

8:00 a.m. to 9:00 a.m.

George Dean

Tune, Entrekin & White, P.C.

- Commercial speech and first amendment concerns
- Regulating sign and billboard location
- Regulating physical characteristics
- Regulating digital billboards, supergraphics and other emerging technologies

Walking Away from the Deal: When is it the Best Option.

9:00 a.m. to 9:45 a.m.

John Anderson

Grant, Konvalinka & Harrison, P.C.

- Restrictive covenants
- Loan assumption clauses
- Financing contingencies
- Repair requirements
- Condition of title
- Contract deadlines
- Inspection contingencies
- Environmental issues

MORNING BREAK

9:45 a.m. to 10:00 a.m.

Environmental Issues – Contaminated Property Transactions

10:00 a.m. to 11:00 a.m.

Bill Penny

Burr Forman, LLP

- Legal requirements for cleaning up contaminated property (inactive hazardous site)
- Liability for clean up and potential for cost recovery
- Standards for clean up
- Defenses
- Land use restrictions
- The attorney’s role in all appropriate inquiries (AAI)

Construction Lien Law

11:00 a.m. to 12:00 p.m.

Chris Dunn & Joe Watson

Waller Lansden Dortch & Davis, LLP

If you represent general contractors, subcontractors, material suppliers, lenders, or homeowners in your practice, you have to be up-to-date on Tennessee’s Construction Lien Act.

- Mechanics’ and materialmen’s liens
- Notice of nonpayment/remote contractors
- What is lienable?
- Notices of completion
- Removal of expired liens
- Architects & engineers
- Judicial review

- Escrow accounts – retainage
- Remote contractor lien prevention/project payment bond
- Continuing owner/lender defensive lien act tools after 2007 and 2008 amendments

LUNCH (included with registration)

12:00 p.m. to 1:00 p.m.

Duty to Establish an Escrow Account for Retainage

1:00 p.m. to 2:00 p.m.

Michael Patton

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

If you represent an owner, a lender or a contractor, the escrow requirements in the Prompt Pay Act of 1991, T.C.A. §66-34-101, et. seq., have requirements and penalties of which you need to be aware to protect you client’s interests. The owner ultimately bears a huge risk for not funding and/or segregating the retainage in a separate, interest bearing (at basically 0%), escrow account.

- Retainage clauses in Tennessee construction contracts
- Retainable amount by percentage
- Retainage as an unfunded reserve
- Who owns the retainage
- Penalties as to unfunded retainage under the statute
- \$3,000.00 per day misdemeanor
- \$300.00 per day additional penalty
- Application to banks and regulated financial institutions
- Trust Funds under the Prompt Pay Act and the Mechanic’s Lien Statute

Real Estate Cemetery Law and Commercial Landlord/Tenant Litigation

2:00 p.m. to 3:00 p.m.

Lisa Helton

Sherrard Roe Voigt & Harbison, PLC

- Cemetery Law
- Obligations after accidentally disturbing a gravesite
- Legal duties
- Notification of proper persons
- Treatment of artifacts
- Landlord/Tenant
- The summary proceeding
- Jurisdiction of the court
- Notice of petition
- Judgment and warrant
- Appellate rights and remedies
- Answer, defense, and counterclaims
- Answer or motion to dismiss
- Defenses
- Constructive eviction
- Case studies and current trends in litigating disputes
- Settlement and post-judgment issues
- Drafting the settlement stipulation
- Appeals
- Stay of judgment of possession
- When is a judgment final?

AFTERNOON BREAK

3:00 p.m. to 3:15 p.m.

Legal and Practical Considerations of Annexation

3:15 p.m. to 4:00 p.m. (45 MINUTE)

J. Bryan Echols

Thompson Burton PLLC

- Update on Key Issues in Annexation Law – Is the UGB Still Relevant?
- Annexation in Tennessee
- Public Acts 1998, Chapter 101
- Recent Legislative Changes
- 2017 Changes
- 2018 Legislation
- Where we are today
- Get it right the first time – understand filing requirements
- How municipal officials impact annexation decisions – plan of services
- What does contiguity mean? How does it apply?
- Challenges to annexation – standing, process and grounds

Real Estate Ethics

4:00 p.m. to 5:00 p.m.

Jason Holleman

West Nashville Law Group

- Attorney fees
- Confidentiality
- Communications with unrepresented parties
- Conflicts of interest

Friday, October 19, 2018

Nashville School of Law

4013 Armory Oaks Dr.

Nashville, TN 37204

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INVESTMENT:

\$377 Full Program

\$297 Additional Attendees

\$197 Materials Only

Early bird: \$50 off until September 7

CLE CREDIT

7.5 hours of CLE (6.5 hours of GENERAL and 1 hours of DUAL)

DETAILS:

Registration begins at 7:30 a.m. The conference begins at 8:00 a.m. and concludes at 5:00 p.m. Lunch will be provided with registration!

SPONSORSHIP:

To sponsor this event, please contact Olivia Al-Sadi at OAl-Sadi@blr.com.

Learn more and register at www.mleesmith.com/TN-REL