

2009 ANNUAL FALL

REAL ESTATE LAW UPDATE

Co-sponsored by the CBA Real Estate Law Section



LIVE PROGRAM and LIVE WEBCAST: FRIDAY, NOVEMBER 6, 2009

Live program will be held at the CBA-CLE Classroom, 1900 Grant Street, Suite 300, Denver, CO

VIDEO REPLAYS: DECEMBER 2, 2009

In Denver, Colorado Springs, and Grand Junction

WHAT YOU WILL LEARN:

- Case Law Update
- Legislative and Regulatory Update
- Forms Update
- Title Insurance Point-Counterpoint
- The Ethics of Representing Both Parties to a Real Estate Transaction

WHO SHOULD ATTEND:

- Real Estate Attorneys
- Litigators
- Real Estate Industry Professionals
- Anyone Who Needs to Up-to-Date Guidance On the Latest Developments in Real Estate Law!

Submitted for 6 General CLE Credits, including 1 Ethics Credit

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Fall is here and it is time again for the Annual Fall Real Estate Law Update!

The past 12 months have seen significant new developments in the world of real estate law - from new state and Federal statutes, to new regulatory requirements, to corresponding changes in commonly used forms, there is a lot of new information to keep abreast of. The easiest, fastest, most effective way to get up to speed on these changes is to attend the Real Estate Law Section's Annual Fall Real Estate Law Update!

Of course, you will receive succinct summaries of the most recent case decisions as well as summaries of important legislative, regulatory, and forms changes. This year's program includes a valuable presentation on new developments and issues in the world of title insurance, from both the real estate attorney's and the title insurance company's perspective. Finally, this year's program includes the always valuable segment on legal ethics. This year's ethics presentation will focus on the legal ethics of representing more than one party to a real estate transaction.

Each fall, Colorado attorneys and real estate industry professionals attend the Annual Fall Real Estate Law Update to learn what they need to know to be on the cutting edge in real estate law. Make sure you reserve your seat . . .

REGISTER TODAY!

FACULTY AND PLANNING COMMITTEE:

FACULTY:

**Christopher J. Heaphey, Esq.,
Program Chair**
Holland & Hart, LLP
Aspen, CO

Geoffrey P. Anderson, Esq.
Burns, Figa & Will, PC
Greenwood Village, CO

Peter J. Griffiths, Esq.
Land Title Guarantee Company
Denver, CO

Kent Jay Levine, Esq.

Kent Jay Levine, PC
Englewood, CO

Stephen G. Masciocchi, Esq.

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Foster Graham Milstein Calisher, LLP
Denver, CO

Julia T. (Julie) Waggener, Esq.

Waggener & Foster, LLP
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Osborn Law Firm
Fort Collins, CO

Christopher W. Payne, Esq.

Ballard Spahr Andrews & Ingersoll, LLP
Denver, CO

PROGRAM AGENDA:

8:30 - 9:00 am Registration

9:00 - 9:05 am Welcome and Introduction

Extended by Christopher J. Heaphey, Esq., Program Chair

9:05 - 10:05 am Legislative and Regulatory Update

The past 18 months have seen the passage of significant Federal and state legislation, as well as the imposition of new regulatory requirements, that affect real estate attorneys. Get up to speed on the most important of these new changes!

Here is just a sample of the new laws and regulations you will learn about:

- Green Initiatives and Energy Incentives
 - HB 09-1149: Solar Installation
 - SB 09-051: Renewable Energy Financing
 - SB 09-177: Property Taxation of Solar Energy Facilities
- New Consumer Protection
 - HB 09-1085: Amendments to Mortgage Loan Originator Licensing
 - HB 09-1254: Regulation of 1031 Exchange Intermediaries
 - HB 09-1227: Landlord Equity Skimming
- New Uniform Acts
 - HB 09-1198: Uniform Power of Attorney Act
 - HB 09-1241: Uniform Principal and Income Act

Presented by Geoffrey P. Anderson, Esq.

10:05 - 10:15 am Break (10 minutes)

10:15 - 11:05 am Title Insurance Point-Counterpoint

What is the best way to use title insurance? What are the key provisions you need to understand to prevent unpleasant surprises after the sale has closed? What about the financial crisis? How does the recession, and the attendant problems such as lender insolvency, affect your approach to title insurance?

Learn the answers to these and other important questions during this fun, informative segment! The veteran faculty will give you the perspective of the real estate attorney as well as the perspective of the title insurance company in-house counsel.

Here is just a sample of the topics to be discussed:

- New ALTA endorsements and some interesting features of the existing endorsements you need to be aware of
- Coverage in a title insurance policy where the buyer/insured has knowledge
- A reminder of the important exclusions from title insurance coverage and how these exclusions impact a purchase
- A discussion of hold-open policies and the middle party

Presented by Peter J. Griffiths, Esq. and Julia T. (Julie) Waggener, Esq.

11:10 - 12:00 pm Real Estate Commission Forms Update

Presented by Kent Jay Levine, Esq.

12:00 - 1:10 pm Lunch (On Your Own)

1:10 - 2:10 pm Case Law Update - In Depth, Part 1 of 2

Enjoy a full 1-1/2 hours learning about recent case law of interest to real estate law attorneys. Get the detailed analysis you need to understand how decisions in recent cases will affect your practice!

Presented by Michael G. Milstein, Esq.

2:10 - 2:20 pm Break (10 minutes)

2:20 - 2:50 pm Case Law Update - In Depth, Part 2 of 2

2:55 - 3:45 pm **The Ethics of Representing More than One Party to a Real Estate Transaction**

Sometimes the parties to a real estate transaction want one attorney to represent both of the parties. Agreeing to do so raises a substantial number of questions, both legal and practical. Some of these questions are:

- Can you ever, under any circumstances, represent both parties to a real estate transaction without running afoul of the ethics rules? If so, what are those circumstances?
- Beyond the ethics rules addressing conflicts of interest, which other ethics rules are implicated?
- Does it help to obtain conflict of interest waivers from the parties?
- What if both parties to the transaction are your existing clients? Does this additional fact make it more or less difficult to agree to representation?
- What do you do when you learn about an undisclosed defect to the real property?
- Is there additional due diligence the parties (particularly the seller) must take in order for the legal representation arrangement to work?
- Is there a CBA ethics opinion that addresses this issue?
- What are the practical issues when you consider representing both parties to a transaction?

Learn the answers to these questions, and more, during this important and thought-provoking segment of the program!
Presented by Stephen G. Masciocchi, Esq.

3:45 pm **Adjourn**

WEBCAST INFORMATION:

WEBCASTING IS GREEN!

Course materials are provided in electronic format to all webcast attendees. If you prefer to receive the materials in paper form, you must make this request at the time of registration. Once CBA-CLE has final materials prepared, they will be shipped immediately upon your request, but we cannot guarantee that you will receive them prior to the program.

WEBCASTING IS EASY!

THE MINIMUM SYSTEM REQUIREMENTS:

- Your computer should have a 500 MHz or higher processor and at least 128 mb of RAM (any newer computer)
- A reliable High-Speed Internet Connection
- Microsoft's Windows Media Player™ v.9 or higher

TIPS FOR A BETTER WEBCAST EXPERIENCE:

http://www.cba-cle.org/webcast_tips.html

PLEASE RUN THIS TEST TO MAKE SURE YOUR COMPUTER MEETS THE MINIMUM SYSTEM REQUIREMENTS:

http://www.cba-cle.org/webcast_test.html

ADDITIONAL INFORMATION:

You will receive an invoice and instructions to view the webcast via email upon registration.

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1 Register by PHONE... *when using VISA or MasterCard.*
In Denver: (303) 860-0608 • Toll-Free: (888) 860-2531



2 Or FAX form to... *when using VISA or MasterCard.*
FAX to: (303) 860-0624



3 Or MAIL form to... CLE in Colorado
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4 Or register ONLINE... *when using VISA or MasterCard.*
Register on the CBA-CLE web site @ www.cobar.org/cle

LIVE PROGRAM / WEBCAST / VIDEO REPLAY ORDER FORM

INDIVIDUAL TUITION:

- Non-member:\$299
- CBA Member:\$249
- CBA Real Estate Law Section Member:\$229
- New Lawyer (in practice 2 years or less):\$209
- CBA Associate Member:\$209

LIVE: NOVEMBER 6, 2009

(Please choose between the live program and live webcast)

- LIVE PROGRAM - Denver: CBA-CLE Classroom, 1900 Grant St., Suite 300 (RE110610L)
- LIVE WEBCAST - Direct to your desktop (RE110610W)

NOTE: Registrants who wish to participate via live webcast, must have access to a high-speed internet connection and to important e-mail instructions.

VIDEO REPLAY: DECEMBER 2, 2009

- Denver: CBA-CLE Classroom, 1900 Grant Street, Suite 300
- Colorado Springs: 421 S. Tejon Street, Suite 100
- Grand Junction: 1250 E. Sherwood Drive

LIVE PROGRAM / WEBCAST / VIDEO REPLAY TOTAL \$ _____

HOMESTUDY ORDER FORM

To receive CLE Credit, you must purchase both the course materials AND the recorded seminar (CD).

COURSE MATERIALS ONLY:

- CBA Member: \$95 Non-member: \$125

COURSE MATERIALS & RECORDED SEMINAR (CD)

- CBA Member: \$249 Non-member: \$299

Price \$ _____

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Colorado Bar Association CLE

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