

# A Day on Real Estate

Pittsburgh • Thursday, March 25, 2010

“ This is an incredible seminar – the presenters  
were wonderful and the materials very useful. ”



PENNSYLVANIA BAR INSTITUTE  
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The PBA Real Property,  
Probate & Trust Law  
Section is pleased to  
sponsor this program.



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# course planners



**Andrea Geraghty, Esq.**

*Geraghty & Associates, PC, Pittsburgh*

Ms. Geraghty is the founding member of Geraghty & Associates which represents clients throughout Western Pennsylvania. She concentrates her practice in all facets of real property law, both transactional and litigation and is a member of the American College of Real Estate Lawyers and has been named a Pennsylvania "Super Lawyer."



**Kenneth J. Yarksy, II, Esq.**

*Sherrard German & Kelly, PC, Pittsburgh*

Mr. Yarksy is a shareholder and director of Sherrard, German & Kelly, PC in Pittsburgh and a member of the firm's Real Estate Practice Group. His practice focuses on all aspects of real estate, business and banking, estate planning, estate administration, creditor's rights, civil litigation and title insurance litigation. His real estate practice with developers and lenders includes acquisition, development, construction, finance, leasing and zoning.

## faculty

**Andrea M. Bartko, Esq.**

*Pietragallo Gordon Alfano Bosick & Raspanti, LLP  
Pittsburgh*

**Sharon F. DiPaolo, Esq.**

*Pepper Hamilton, LLP, Pittsburgh*

**James M. Duffy, Esq.**

*Duffy & Nichols, North Huntingdon*

**Jim Eichenlaub**

*Builders Association of Metropolitan Pittsburgh  
Pittsburgh*

**Stephen Emery, Jr., Esq.**

*Chicago Title Insurance Company, Pittsburgh*

**Dusty Elias Kirk, Esq.**

*Pepper Hamilton, LLP, Pittsburgh*

**Frank Kosir, Jr., Esq.**

*Geraghty & Associates, Pittsburgh*

**Hon. Dan R. Pellegrini**

*Commonwealth Court of Pennsylvania, Pittsburgh*

**Margaret K. Sitko, Esq.**

*Sitko Rodella & Bruno, LLC, Pittsburgh*

**Dale A. Tice, Esq.**

*Marshall Parker & Associates, LLC, Williamsport*

**Matthew D. Whitworth, Esq.**

*Meyer Unkovic & Scott, Pittsburgh*

**Terrence D. Wright, Esq.**

*National Realty Trust, LLC, Pittsburgh*

**Gregg Robert Zegarelli, Esq.**

*Zegarelli Law Group, Pittsburgh*







# program

Thursday, March 25, 2010

8:30 – 9:00 Check-in and Continental Breakfast

9:00 – 10:00 Plenary Session

1. The Year in Review  
*Ms. Bartko & Mr. Yarsky*

10:00 – 10:10 Break

10:10 – 11:10 Concurrent Sessions (choose one):

- |   |   |
|---|---|
| 2. Trends in Pennsylvania Land Use<br><i>Judge Pellegrini</i> | 3. NEW and Substantial Changes to the PAR Standard Residential Agreement of Sale and Real Estate Settlement Procedures Act Update<br><i>Mr. Duffy</i> |
|---|---|

11:10 – 11:20 Break

11:20 – 12:20 Concurrent Sessions (choose one):

- |  |   |
|--|---|
| 4. Mortgage Fraud and Title Insurance: What's Covered and What's Not<br><i>Mr. Emery</i> | 5. PA's New Home Improvement Consumer Protection Act<br><i>Mr. Eichenlaub &amp; Mr. Kosir</i> |
|--|---|

12:20 – 12:50 Lunch for everyone

12:50 – 1:50 Concurrent Sessions (choose one):

- |   |  |
|---|--|
| 6. Practice Pitfalls to Avoid in the Marcellus Shale/Oil and Gas Arena<br><i>Mr. Tice</i> | 7. Real Estate Licensees – Duties and Liabilities<br><i>Mr. Wright</i> |
|---|--|

1:50 – 2:00 Break

2:00 – 3:00 Concurrent Sessions (choose one):

- |  |   |
|--|---|
| 8. Tax Assessment Developments and the Impact of <i>Clifton</i> and <i>Tech One</i><br><i>Ms. Kirk &amp; Ms. DiPaolo</i> | 9. Financing Commercial Real Estate Transactions: The New Rules of the Game<br><i>Mr. Whitworth</i> |
|--|---|

3:00 – 3:10 Break

3:10 – 4:10 Concurrent Sessions (choose one):

- |   |  |
|---|--|
| 10. Email, Attachments, Documents and Metadata – Ethical Issues<br><i>Mr. Zegarelli</i> | 11. Lease Workouts – How, Why and When<br><i>Ms. Sitko</i> |
|---|--|

ETHICS

# session descriptions

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## 9:00 – 10:00 am

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### 1. The Year in Review

What are the most significant cases in real estate law over the past year? Ms. Bartko and Mr. Yarsky team up to give you a quick summary of the important decisions and legislative developments you need to know about in our annual update.

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## 10:10 – 11:10 am

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### 2. Trends in Pennsylvania Land Use

Hear an analysis of recent decisions in land use and predictions for trends in this area of the law. A perfect session for considering what the current state of the law is ... and what lies ahead.

### 3. NEW and Substantial Changes to the PAR Standard Residential Agreement of Sale and Real Estate Settlement Procedures Act Update

The standard agreement published by the Pennsylvania Association of REALTORS® is the most widely used real estate sales contract in Pennsylvania. The newest version was recently released and will be reviewed in this session. And on January 1, 2010, the final piece of the Real Estate Settlement Procedures Act puzzle fell into place. You will examine the most recent overhaul that HUD enacted and discuss the new 3-page GFE and its counterpart, the 3-page HUD-1 and identify the benefits to the consumer, some of the substantive changes that affect attorneys who represent buyers, and some of the major changes affecting attorneys who conduct settlement.

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## 11:20 am – 12:20 pm

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### 4. Mortgage Fraud and Title Insurance: What's Covered and What's Not

As the subprime crisis continues to send shock waves through the real estate world, holders of mortgages are increasingly looking to the title insurer for relief from mortgage fraud. Are title insurers on the hook for the various mortgage fraud schemes that were used in the last five years? In this workshop, you will examine some of the various mortgage fraud schemes that were most popular during the real estate boom and what is covered by title insurance. Learn the difference between forgery and identity theft, closing protection letters and title insurance, typical foreclosure defenses and how to value a claim.

### 5. PA's New Home Improvement Consumer Protection Act

On July 1, 2009, the Home Improvement Consumer Protection Act ("HICPA") went into effect. HICPA provides consumers with significant protections, and imposes limitations on the form, content and scope of home improvement contracts. Whether you represent consumers, contractors or both, you need to be sure to understand the implications of HICPA.

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## 12:50 – 1:50 pm

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### 6. Practice Pitfalls to Avoid in the Marcellus Shale/Oil and Gas Arena

The development of Marcellus shale areas in Pennsylvania is impacting the duties and responsibilities of attorneys who represent buyers and sellers of property, as well as of those who provide title insurance or perform title searches. Discussion will include title issues, right of way issues, and valuation of property.

### 7. Real Estate Licensees – Duties and Liabilities

Deposing, defending and prosecuting real estate licensees requires a general understanding of the statutory and regulatory duties imposed by Pennsylvania law. You will hear a brief review and analysis of the enabling legislation and the rules and regulations of the Real Estate Commission. Also get a brief analysis of the Code of Ethics imposed by the National Association of REALTORS®, the common law duties, and practice pointers that will greatly assist those who prosecute and defend licensees in civil actions.

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## 2:00 – 3:00 pm

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### 8. Tax Assessment Developments and the Impact of Clifton and Tech One

Pennsylvania courts recently issued decisions that dramatically affect the real estate taxes that owners and tenants of commercial properties pay. You will examine recent developments and court decisions including the Supreme Court's declaration of the unconstitutionality of the "base year" system in *Clifton*, the controversial Commonwealth Court ruling about "actual value" assessments in *Tech One Associates*, and the new judicial assessment plan for Allegheny County.

### 9. Financing Commercial Real Estate Transactions: The New Rules of the Game

Worldwide economic conditions have dramatically changed the landscape of real estate finance. Learn about the new market dynamics and practical solutions for helping your clients to lend or borrow capital and to mitigate their risk and preserve their asset values.

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## 3:10 – 4:10 pm

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### 10. Email, Attachments, Documents and Metadata – Ethical Issues

Because more and more documents are created, stored and even signed electronically, lawyers must address the practical and ethical issues that arise with electronic files. In addition, you will discuss the many files that contain hidden metadata that, if discovered, may raise serious ethical issues.

### 11. Lease Workout – How, Why and When

During these difficult economic times, many commercial tenants, including established national retail chains, are finding it harder than ever to sustain their real estate portfolios. When a tenant can no longer afford to pay its rent, but the landlord is relying on that rent to pay its mortgage, what should the tenant and landlord do? In many cases, a "workout," or renegotiation, of certain (typically economic) terms and conditions of the lease will provide the best possible solution for the tenant, the landlord, and even the landlord's mortgagee. You will get a general overview of lease workouts, including the reasons militating in favor of lease workouts and means and methods that can be employed by the parties to the lease to yield the best possible outcome for all.



# A Day on Real Estate

## about the program

If you are an experienced real estate attorney, you won't want to miss this year's Day on Real Estate. It features a variety of topics you will want to know about -- taught by a specially selected faculty of seasoned professionals. These topics were presented at PBI's Real Estate Institute in December of 2009. As a convenience to you who practice in Western Pennsylvania, we're offering them now in Pittsburgh!

The day kicks off with our always popular Year in Review featuring the most significant new real estate cases and legislative developments. For the rest of the day you'll have your choice of two different real estate topics presented by different speakers -- a total of 10 workshops. With 10-minute breaks between each workshop and lunch provided for everyone -- you'll move quickly through the day.

Whether your practice is primarily transactional or in litigation, concentrated in residential or commercial real estate, you'll catch up on new developments and pick up a wealth of practical information, tips, and insights into the legal issues you deal with daily. Plan on joining us -- you'll be glad you did!

“

*Excellent program --  
giving 2 topics every hour was great, keep it up.*

*Great format. You can pick which sessions to attend --  
but still get material for the whole course.*

*Good review highlighted by new developments  
and utilitarian ideas*

*All the speakers were clear and  
connected to the audience --  
informative while holding our attention, too!*

”



to register

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# A Day on Real Estate

**Pittsburgh • Thursday, March 25, 2010**

PBI Professional Development Conference Center  
Heinz 57 Center, 339 Sixth Ave., 7th Fl.

9:00 am to 4:10 pm; check-in and continental breakfast begin at 8:30 am

## **Tuition** (includes course book and lunch)

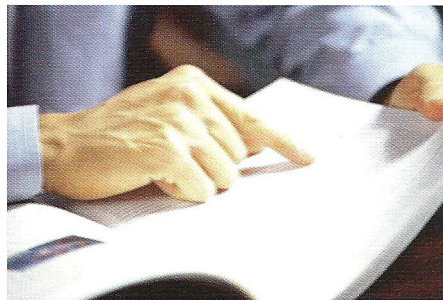
*Early\**

\$259 ☐ Member — Pa., or any co. bar assn.  
\$239 ☐ Member admitted after 1/1/06  
\$279 ☐ Nonmember  
\$99 ☐ Paralegals attending with an atty.  
\$129 ☐ Paralegals attending alone  
\$130 ☐ Judges and judicial law clerks  
\$120 ☐ Judges and judicial law clerks  
(admitted after 1/1/06)

*Standard*

\$284 ☐  
\$264 ☐  
\$304 ☐  
\$124 ☐  
\$154 ☐  
\$155 ☐  
\$145 ☐

*\*Registrations received 3 or more business days before the presentation qualify for the Early Registration Discount.*



## **Book Available**

☐ **Course Book (2010-5992) — \$69**  
plus \$6.00 S&H & \$4.50 tax (\$79.50)

*If you are ordering course materials separately, please allow two weeks after the program for the shipment of books.*

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As a member of both the PBA and the \_\_\_\_\_ county bar association, I have enclosed my discount coupon in the amount of \$\_\_\_\_\_ for my: ☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th PBI seminar.

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For more info or to  
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# why attend?

- Be updated on the latest case law and developments affecting your real estate practice.
- You'll enjoy visiting with your colleagues at the continental breakfast and lunch that are included with the program.
- Breaks each hour give you a chance to relax and stretch your legs before heading into a new session.



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This program has been approved by the Pennsylvania Continuing Legal Education Board for 6 hours of CLE credit. Session choices will determine whether credits are in substantive law, practice and procedure or ethics, professionalism or substance abuse.

Approval by the Pennsylvania Insurance Department for continuing education credit is pending.

#### Registration Policy:

We encourage early registration. Save \$25 on registrations received more than 2 business days before the presentation date. Early registration helps us ensure there will be sufficient course materials, seating and refreshment. Walk-in registrations will be accepted on a space-available basis. Pre-registered customers receive priority on the distribution of course materials. Those intending to register at the door should check [www.pbi.org](http://www.pbi.org) or call (800) 247-4724 to ensure that the course has not sold out and that there have been no schedule changes.

#### Cancellation Policy:

In order to receive a refund for cancellation (less a \$25 administrative fee), you must notify PBI by mail or FAX no later than 2 business days prior to the course presentation date for the appropriate site. Otherwise, you will receive the course materials in full consideration of tuition paid.

#### Weather Related Cancellations:

Check [www.pbi.org](http://www.pbi.org) or call (800)-932-4637 ext. 2205.

#### Registration Transfers:

Requests for transfers will be honored if they are received prior to the date of the course.

#### Services for Persons with Disabilities:

If special arrangements are required, please contact Customer Service at (800) 932-4637 at least ten days prior to the presentation date.

#### Registration Confirmation:

Be sure to include your email address on the registration form to receive a confirmation. Expedite your check-in by bringing this confirmation to the seminar, but is not required for admission.

#### Speaker Substitutions:

PBI reserves the right to substitute speakers at all programs.

#### PBI Scholarships:

PBI offers substantially reduced tuition for most PBI seminars to allow attorneys experiencing financial hardship to fulfill their mandatory education requirement. For details and an application, contact Scholarship Administrator at [scholarships@pbi.org](mailto:scholarships@pbi.org) or (800) 932-4637 Ext. 2284 at least 30 days before the program. (Please note scholarships are not available for Online CLE.)



including ethics\*

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