



Minnesota State Bar Association
Continuing Legal Education
Your State Bar at Work for You

New!

The 2012 Mortgage Foreclosure Conference



22 sessions examining both residential and commercial foreclosures and related issues.

Designed to help you give better advice and counsel to your clients – and give that advice with confidence!

Monday & Tuesday, June 11 & 12, 2012

Minnesota CLE Conference Center
Seventh Street & Nicollet Mall | Third Floor City Center | Minneapolis

With 6 plenary sessions and 16 small group sessions focusing on the toughest issues facing both residential and commercial foreclosures, you'll get the tools you need to understand all of your client's options and alternatives, gain procedural knowledge on the foreclosure process, and learn practical techniques for protecting your client's interests.

Faculty & Planners

Jeffrey R. Ansel

Winthrop & Weinstine PA
Minneapolis

Bryan R. Battina

Battina Law PLLC
Wayzata

Thomas P. Carlson

Carlson & Associates Ltd
Vadnais Heights

Professor Prentiss E. Cox

University of Minnesota Law School
Minneapolis

Wayne E. Gilbert

Gilbert Legal Group LLC
Eagan

Barbara B. Gilmore

Old Republic National Title
Insurance Company
Minneapolis

Einar E. Hanson

Strobel & Hanson PA
Red Wing

Amber Hawkins

Hennepin County Attorney's Office
Minneapolis

Jane N. Holzer

Foreclosure Relief Law Project
St. Paul

Fran Iverson

Chicago Title Insurance Company
Edina

Michael T. Kallas

Kallas Law Office Ltd.
St. Louis Park

David E. Kirkman

Ravich Meyer Kirkman McGrath
Naumann & Tansey PA
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● **John M. Koneck**

Fredrikson & Byron PA
Minneapolis

Phillip L. Kunkel

Gray Plant Mooty PA
St. Cloud

Steven R. Little

Coleman Hull & Van Vliet PLLP
Minneapolis

● **D. Charles Macdonald**

Faegre Baker Daniels LLP
Minneapolis

● **Brian S. McCool**

Fredrikson & Byron PA
Minneapolis

David J. McGee

Thomsen & Nybeck PA
Bloomington

Paul S. Moe

Faegre Baker Daniels LLP
Minneapolis

David R. Mortensen

Wilford Geske & Cook PA
Woodbury

Todd Murray

The Todd Murray Law Firm
Minneapolis

Richard Palmiter

CBRE
Minneapolis

● **Charles A. Parsons**

Moss & Barnett PA
Minneapolis

Mark A. Petersen

Petersen PLC
Stillwater

Heidi L. Staloch

Manty & Associates PA
Minneapolis

Curtis K. Walker

The Law Offices of Curtis K. Walker
Minneapolis

● **Christina M. Weber**

Wilford Geske & Cook PA
Woodbury

Justin P. Weinberg

Gislason & Hunter LLP
New Ulm

● **Lawrence A. Wilford**

Wilford Geske & Cook PA
Woodbury

Lawrence P. Zielke

Shapiro & Zielke PLLP
Burnsville

● *Indicates Conference Planner*

Day 1 – Monday, June 11

8:30 – 9:00 A.M.
CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:30 A.M.
Current State of Residential Foreclosures in Minnesota

– *Prentiss E. Cox*

9:30 – 9:50 A.M.
Current State of Commercial Foreclosures in Minnesota

– *Richard Palmiter*

9:50 – 10:15 A.M.
The New Minnesota Receivership Statute
Minnesota has enacted a comprehensive receivership statute that will bring more transparency and consistency and less mystery to the use of receivers in foreclosures, commercial litigation and family law matters. This introduction will focus on the scope of the new statute, the process behind its enactment and identify important issues for those who may be considering its use.

– *Phillip L. Kunkel*

10:15 – 10:30 A.M.
BREAK

10:30 – 11:30 A.M.
9 Cases Every Real Estate Attorney Should Know
Hear about nine of the most important cases that attorneys who handle foreclosure cases should know. These cases examine issues of priority, judgments, non-recourse loans, and more.

– *Brian S. McCool*

11:30 – 11:45 A.M.
Question and Answer Session with the Morning's Faculty Presenters

– *Moderated by Charles A. Parsons*

11:45 A.M. – 12:45 P.M.
LUNCH (ON YOUR OWN)

12:45 – 1:45 P.M.
SMALL GROUP SESSION A

- Pseudo Foreclosure**
The presentation will cover deeds in lieu of foreclosure and voluntary foreclosure. What you need to know about these two "friendly foreclosures" and the issues that arise as to when they are appropriate and how to avoid potential pitfalls.
– *Justin P. Weinberg*
- Mortgage Fraud in Minnesota**
Traditionally, mortgage fraud consisted of submitting fraudulent information to a lender in order to get a loan for which a borrower wouldn't otherwise qualify. With heightened borrowing standards (i.e. lenders that now verify information submitted to them), fraudsters have adapted to the changing times. The session will cover more traditional mortgage fraud, to how fraud is changing and adapting to the dynamic market.
– *Amber Hawkins*
- How to Avoid Running in Place in Workout Negotiations**
From both the borrower's and lender's perspective, how do you structure a successful workout? Discussion will include workout approaches and strategy; what information to gather from the client; successful workout options; and the impact of current market conditions.
– *John M. Koneck & Paul S. Moe*

1:45 – 2:00 P.M.
BREAK

2:00 – 3:00 P.M.
SMALL GROUP SESSION B

- Basics of Foreclosure by Advertisement**
A step-by-step guide to foreclosing a mortgage by advertisement in Minnesota. Includes current forms and tips, tricks, and traps.
– *Mark A. Petersen*
- Homeowner Association Lien Foreclosures: Practical Problems and Considerations**
This session will review the particular considerations and problems to be addressed to foreclose liens on homeowner association units, including mortgage liens, mechanics liens, and assessment liens. These considerations include the choice of remedies available, procedures to be followed, and challenges that may be encountered.
– *Thomas P. Carlson & Einar E. Hanson*
- Lien Priorities: The Chicken or the Egg**
Although the process of foreclosing a mortgage is laid out in various Minnesota statutes, the completion of a successful foreclosure includes more than complying with the technical requirements of the foreclosure process. One important aspect of a mortgage foreclosure is identifying the priority of a mortgage lien and protecting that priority. This session will delve into the various lien types that may encumber real property, possible issues of priority amongst liens, and how to protect the priority of a mortgage lien.
– *Christina M. Weber*

3:00 – 3:15 P.M.
ICE CREAM BREAK



3:15 – 4:15 P.M.

SMALL GROUP SESSION C

7. **Postponements, Reinstatements and Redemptions**

Navigating your way through postponements, reinstatements and redemptions can be complicated. This session will break down these three areas of foreclosure law to explore their individual nuances.

– *Lawrence P. Zielke*

8. **Practicing Under the New Receivership Statute**

The new receivership statute will provide new opportunities for parties and clarify the duties and responsibilities of receivers. The new rules may change the way creditors view receiverships. This session will address the most important revisions to the law and identify the considerations critical to seeking a receiver under the new statute.

– *Phillip L. Kunkel & Jeffrey R. Ansel*

Day 2 – Tuesday, June 12

8:30 – 9:00 A.M.

CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:45 A.M.

The 10 Biggest Foreclosure Mistakes Made by Lenders and Borrowers

Ten frequent errors made by foreclosures attorneys. How to anticipate, avoid, and correct them.

– *Mark A. Petersen*

9:45 – 10:30 A.M.

Helping the Distressed Homeowner in Foreclosure

This session will provide an overview of how you can help your clients in foreclosure. The panelists will discuss homeowners' rights in the foreclosure process and commonly employed defenses to foreclosure.

– *Bryan R. Battina, Jane N. Holzer, Michael T. Kallas & Todd Murray*

10:30 – 10:45 A.M.

Question and Answer Session with the Morning's Faculty Presenters

– *Moderated by Lawrence A. Wilford*

10:45 – 11:00 A.M.
BREAK

11:00 A.M. – 12:00 P.M.

SMALL GROUP SESSION D

9. **Basics of Foreclosure by Action**

A review of the process, from pre-commencement of lawsuit to post-sale issues

– *D. Charles Macdonald*

10. **Consumer Bankruptcy: Foreclosures and Lien Stripping**

This section will look at the common responses a consumer bankruptcy lawyer makes for clients who are behind on their mortgage payments and often owe more on their homes than they are worth. We will discuss various responses to foreclosure including lien stripping, counseling debtors who wish to keep their homes at all costs when they owe much more on them than they are worth, curing mortgage arrears in Chapter 13 cases and filing Chapter 7 cases just before the sheriff's sale.

– *Curtis K. Walker*

11. **The Fair Debt Collection Practices Act: Can We Get a Straight Answer Besides "Maybe?"**

With the broad application of the FDCPA, it is important to know if, and how the Act applies to actions related to mortgage foreclosures. This session will provide information regarding the essential provisions of the FDCPA, as well as how it affects those in the mortgage industry, including lenders, servicers, borrowers and attorneys.

– *David R. Mortensen*

12:00 – 1:00 P.M.

LUNCH (ON YOUR OWN)

1:00 – 2:00 P.M.

SMALL GROUP SESSION E

12. **Advising Buyers and Sellers of Distressed, Foreclosed and Lender-Owned Residential Property**

Learn the special considerations for buyers and sellers when transferring lender-owned property; including buyers' and sellers' checklists of important considerations to avoid the pitfalls and legal exposure these sales can generate. Topics will include as-is sales, due diligence, warranty deeds, insurable title, title insurance, the risks of municipal codes and fines, lender delays and more.

– *Wayne E. Gilbert*

13. **Residential Short Sales and Sales of Lender-Owned Property**

Learn what is involved in residential short sales and when representing parties in the purchase of lender-owned property. Learn the specific process and common pitfalls when working with buyers and sellers. What are the obligations of the parties involved and what potential liability do they face?

– *David J. McGee*



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For more information

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COURSE INFORMATION

DATE & LOCATION

Monday & Tuesday, June 11 & 12, 2012
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center, Minneapolis

CREDITS

Minnesota CLE has applied to the State Board of CLE for **10.25 standard CLE credits**. Minnesota CLE has also applied to the MSBA for 10.25 advanced real property specialist credits. The maximum number of credits attendees may report for the 2012 Mortgage Foreclosure Conference is **10.25**.

NEW LAWYER SCHOLARSHIP PROGRAM

In recognition of the challenges facing lawyers entering the profession, Minnesota Continuing Legal Education has established a scholarship program for unemployed and underemployed lawyers admitted less than three years. Those wishing to apply for such assistance should contact Grant at **651-254-2111** or **gdavies@minncle.org** for details.

CANCELLATION/NO-SHOW POLICY

Paid registrants who cancel their registration at least 3 business days before the program will receive a full credit on their account; if fewer than 3 business days, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the materials at 50% of the full retail price.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend, contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

QUESTIONS?

Call Minnesota CLE at **651-227-8266** or **800-759-8840**. Or, visit us online at **www.minncle.org**.