

The 2018

Real Estate Institute



co-sponsored by Minnesota CLE and the MSBA Real Property Section



The Event of the Year for Every Minnesota Real Estate Attorney!

The Institute is a great value – earn up to 15 hours of credit while enjoying outstanding education and the fun of meeting with colleagues and friends from around the state!

November 1 & 2, 2018 • Saint Paul RiverCentre

The Nation's Best Conference Fe Timely Education, Valuable Reso a Great Time With Colleagues an



Attend the Nation's Best Real Estate Event

The Real Estate Institute is the premier real estate conference in the nation. That reputation is built on more than 30 years of outstanding annual program line-ups, educating thousands of real estate lawyers and professionals from Minnesota and across the Upper Midwest.

And by offering more than 70 session choices, the Institute ensures that you can construct an agenda tailored to your particular work, interest, and experience level.

Dozens of New Sessions – Tailor Your Own Program!

One of the hallmarks of the Institute is giving you many excellent breakout sessions from which to choose. Again this year, you'll be able to choose from among many quality topics dealing with title, conveyancing, land use, development, commercial purchase and sale, landlord tenant, finance, residential real estate, and more. And, regardless of which sessions you choose, you'll receive materials from all breakout presentations.

High Quality Materials – Plus Online Access Before the Conference. Plenary and Breakout Materials Distributed at the Institute.

The written materials for the Institute will be posted online before the conference – for your use and to help you make your breakout session choices. At the Institute, you'll receive a book containing all of the plenary materials in hard copy form, and you'll pick up a hard copy of the breakout materials as you enter each breakout session. Plus, you'll have online access to all of the Institute materials, including all 70+ breakout sessions, after the conference.

Free Bonus Program on Friday Afternoon

The formal part of the Institute concludes at 1:00 p.m. on Friday (day 2) but we've scheduled two programs for Friday afternoon – offering you another opportunity to learn, network and gain extra reporting credits. If your schedule permits, plan to stay for the Friday bonus sessions.

atures ource Materials and d Friends!



And There's More – New Annotated Documents and Legal QuickSheets™!

You'll also receive a number of annotated documents including an annotated document for purchasing vacant land, a residential construction contract, a property management agreement, and more! In addition, you'll receive new Legal QuickSheets™ – resources designed to provide extra help for you – to make your practice better and easier.

Check Out Our Excellent Hotel Rates!

For those who are coming from out-of-town (or for in-town attendees who want a get-away) check out the excellent hotel rates we've secured from nearby hotels (see page 10). Make your reservations early to ensure room availability. Plan now to enjoy the Institute and spend two days in beautiful St. Paul.

Don't Miss the Always Fabulous Reception Hosted by Attorneys Title Guaranty Fund, Inc.!

THURSDAY, NOVEMBER 1 • 5:00 – 6:30 P.M.

A highlight of the Institute is the reception sponsored by Attorneys Title Guaranty Fund, Inc. Plan to join us for this wonderful reception on Thursday evening.



INSTITUTE BENEFITS AND BONUSES

1. A Complete Update on All New Developments

You'll leave updated on all new laws, cases, regulations and practice developments.

2. Great Fun!

Spend 2 days with faculty, friends and colleagues from around the state – have great fun while you learn and gather valuable resource materials.

3. A Wealth of Valuable Course Material

Our faculty is busy putting together valuable textual material, checklists, sample language and more – all designed to help you in your real estate practice. The value of these materials lasts far beyond the duration of the Institute.

4. 5 Post-Course Webcasts – Choose 3 for Free

To provide you with even more value, we've put together 5 webcasts, and Institute attendees can choose to attend 3 of these at no charge.

5. Choose From More Than 70 Sessions

As always, you get to create your own curriculum. Choose from a vast array of helpful sessions – those that will benefit you most.

6. Ethics and Elimination of Bias

We are providing ethics and elimination of bias classes to help you satisfy your specialty credit requirements. Check the schedule for details.

7. Materials Posted Online Before the Conference

The materials for the conference will be posted online before the Institute begins. You'll also receive a hard copy of all plenary sessions and all breakout sessions you attend. Plus, you'll have online access to all of the materials after the Institute.

8. Reception, Luncheon, Prize Drawings and More!

Attorneys Title Guaranty Fund, Inc. again hosts our wonderful reception on Thursday evening. Enjoy the reception and other great amenities in a fun conference atmosphere.

REGISTER TODAY!

www.minncle.org

651-227-8266

800-759-8840

DAY 1 – THURSDAY, NOVEMBER 1

MORNING
PLENARY SESSIONS

10:20 – 11:15 A.M.
BREAKOUT SESSION A

11:25 A.M. – 12:20 P.M.
BREAKOUT SESSION B

 7:30 – 8:15 a.m.
CHECK-IN &
CONTINENTAL BREAKFAST

8:15 – 8:30 a.m.
WELCOME & INTRODUCTION

8:30 – 8:50 a.m.
**A Tax Planning Checklist for Your
Real Estate Clients – After the New
Federal Tax Law**
Mark A. Sellner

8:50 – 9:25 a.m.
2018 Minnesota Case Law Update
*Dean L. Bussey, Paul B. Kilgore,
Nancy K. Landmark, Elizabeth G. Roetker &
Samuel J.H. Sigelman*

9:25 – 9:45 a.m.
**Hot Topics – “Well” Buildings,
Opportunity Zones, eCRV Update,
Autonomous Vehicles, Agricultural
Homestead Credits, and More!**
Angela M. Christy & Thomas H. Sellnow

9:45 – 9:55 a.m.
DISTINGUISHED SERVICE AWARD

 9:55 – 10:20 a.m.
BREAK

**Join us Thursday
at 5:00 p.m. for the
Institute Reception!**

Sponsored by
Attorneys Title Guaranty Fund, Inc.



BASICS

101
**Basics of Residential Foreclosure by
Advertisement – A “How To Do It” Session**
Kibongni Fondungallah

201
**Affordable Housing 101 – An Introduction to the
Process of Working with Government Financing to
Create an Affordable Housing Project**
Jeffrey J. Koerselman & Erin E. Mathern

**TITLE /
CONVEYANCING**

102
**How to Get from Here to There –
Effective Use of Easements and Cartways**
Charles H. Andresen

202
**The Annual Bush Nielsen Title Insurance
Case Update**
J. Bushnell Nielsen

103
**Understanding Torrens and How It Works –
With Special Focus on Certifications, Examiner’s
Directives and the Use of Proceedings Subsequent**
Wayne D. Anderson & Kimberly E. Brzezinski

203 *Repeated at #501*
7 Conveyancing Issues and Practical Solutions
Barbara B. Gilmore

COMMERCIAL / DEVELOPMENT

104
**The Kepple Panel – Avoiding the 7 Deadly Sins
of Commission or Omission in Commercial Purchase
Agreements**
*Tammera R. Diehm, Thomas P. Stoltman & Larry M. Wertheim
Lloyd G. Kepple (moderator)*

204 *Repeated at #503 | Back by Popular Demand!*
**20 Practice Tips for the
Commercial Real Estate Attorney**
Thomas F. DeVincke & Gregory D. Soule

105
**10 Construction Contract Traps – And How to
Negotiate and Draft to Avoid the Landmines
(Both Owner and Contractor Perspectives)**
Katherine A. Golden & B.J. Nodzon

205
**Negotiating and Drafting the Purchase
Agreement for Vacant Land – Including an
Annotated Purchase Agreement**
Shannon D. Hoagland

106
**Tips When Creating Vertical Subdivisions and
Complex Financial Arrangements**
Angela M. Christy

206
**Beyond Brick and Mortar Retail –
Issues in the Redevelopment and Repositioning
of Retail Centers**
*Christine L. Eid, Michael T. Hatting & Alan W. Van Dellen
Eric H. Galatz (moderator)*

107
**Key Issues in Structuring Joint Ventures for
Real Estate Projects**
Brian S. McCool

207
**Using Letters of Intent – What to Include,
What to Avoid and Why Even Use?**
David W. Kelley & John R. Wheaton

MISCELLANEOUS

108 *Back by Popular Demand!*
**Reviewing a Commercial Lease –
Taking Out the “Poison Pills”**
Justin P. Weinberg

208
**The Complete Guide to Companion and Service
Animals – What Animals Qualify and Where Can
They Go? (Covering Commercial and Residential Spaces
and Even Planes!)**
Robin Ann Williams

109
**Current Land Use Issues from the Local
Government Perspective – Zoning, Variances,
Comprehensive Plans and More!**
*Corrine A. Heine, George C. Hoff, Roger N. Knutson &
James J. Thomson
Bruce D. Malkerson (moderator)*

209
**Understanding Agricultural Foreclosures –
Including Farmer-Lender Mediation and Rights of
First Refusal**
Michael S. Dove

1:30 – 2:30 P.M.

BREAKOUT SESSION C

2:45 – 3:45 P.M.

BREAKOUT SESSION D

4:00 – 5:00 P.M.

BREAKOUT SESSION E

301
The Basics of Survey Review – Getting the “Picture”

Mary C. Taylor

401
How to Develop a Successful Real Estate Practice

John H. Brennan

302
Broker and Agent Liability – The Things That Happen and Is There a Problem?

David J. McGee

402
How to Use Title Insurance to Solve Title Issues – A Case Study Approach

Charles D. Hoyum & Kelly L. Quam

501 *Repeat of #203*
7 Conveyancing Issues and Practical Solutions

Barbara B. Gilmore

303
20 Important Things to Know About Real Estate – But Few People Do

Matthew J. Foli

403
Title Exorcism – How to Rid Items That Cloud the Title

David J. Meyers

502
Residential and Recreational Easement Problems – And Solutions

Rick S. Little

304
Basic Securities Law for Real Estate Attorneys – How to Raise Capital Without Going to Jail

Anne P. Cotter & David C. Jenson

404
What Can the City Make You Pay? Special Assessments, Area Assessments, Taxes and Fees?

Thomas J. Radio

503 *Repeat of #204 | Back by Popular Demand!*
20 Practice Tips for the Commercial Real Estate Attorney

Thomas F. DeVincke & Gregory D. Soule

305
AIA Contracts for General Construction – The Missing Elements and What Needs to be Added to the Documents

Robert J. Olson

405
The Commercial Lease Is Signed, Now What? Dealing with Post-Signing Issues – Including Sample Forms

Tammy Jo Schemmel & Thomas R. Wentzell

504
Introduction to Tax Credits and Other Governmental Assistance in Real Estate Developments

Peter J. Berrie

306
Implementing Real Estate Opportunities in the New Tax Law

Mark A. Sellner & Andrew Seifert

406 *Repeated at #505*
Insurance and Indemnity Provisions in Real Estate Contracts – Purchase Agreements, Leases and Construction Contracts

Zachary J. Crain & Daniel J. Singel

505 *Repeat of #406*
Insurance and Indemnity Provisions in Real Estate Contracts – Purchase Agreements, Leases and Construction Contracts

Zachary J. Crain & Daniel J. Singel

307
Liability Assurances from the MPCA for Contaminated Property – Including Recent Changes at the MPCA (Plus a Bonus Tip on Government Funding Regarding These Properties)

Mark A. Ethen, Paul S. Moe & J. Joseph Otte

407
Reviewing Title Commitments and Surveys in Commercial Transactions – Including Forms and Checklists to Assist Your Review

Thomas L. Bray

308
Drafting and Enforcing Remedy Provisions for Commercial Landlords – Including Annotated Remedy Provisions

Mark E. Hamel & Tiana Towns

408
Homestead Sweet Homestead: A Guide to a Surviving Spouse’s Exempt Property Rights Under the Minnesota Probate Code

Anton Cheskis & Kirstin E. Helmers

506
Open Forum – Transfer on Death Deeds

Jennifer L. Carey & Julian J. Zweber

309 *Back by Popular Demand!*
Medical Assistance with Agricultural Land

Lauren L. Fink & Kate Z. Graham

409 *2-hour session | 2.0 elimination of bias credits applied for*
Understanding Minnesota’s Native American Tribes: Cultures, Governments and Courts

*Willie Hardacker, Jessica Stomski Seim & Rebecca St. George
Shauna L. Coons (moderator)*

310
The Tribal Real Estate Deal – What You Absolutely Need to Know!

Shauna L. Coons

507
Water, Drainage and Ditches – The Rights, Responsibility and Liabilities of Landowners

Kurt A. Deter

DAY 2 – FRIDAY, NOVEMBER 2

MORNING
PLENARY SESSIONS

10:45 – 11:45 A.M.
BREAKOUT SESSION F

12:00 – 1:00 P.M.
BREAKOUT SESSION G



7:30 – 8:10 a.m.
CONTINENTAL BREAKFAST

8:10 – 8:30 a.m.
MSBA REAL PROPERTY SECTION MEETING

8:30 – 9:00 a.m.
2018 Title Standards Update
Robert L. Russell & Cindy K. Telstad

9:00 – 9:30 a.m.
2018 Legislative Update Including the New Notary Statute
Jennifer L. Carey & Kevin J. Dunlevy

9:30 – 10:30 a.m.
2018 Minnesota Case Law Update
Dean L. Bussey, Paul B. Kilgore, Nancy K. Landmark, Elizabeth G. Roetker & Samuel J.H. Sigelman



10:30 – 10:45 a.m.
BREAK

TITLE / CONVEYANCING

601
How to Subdivide Property – A Step-by-Step Guide
Mark S. Radke

602
The New Guidelines for Legal Descriptions and Survey Matters
Nancy K. Landmark, David J. Meyers & Robert L. Russell

603
Negotiating and Drafting the Residential Construction Contract – Including an Annotated Document
Gina M. Fox

604
10 Big Pitfalls Developers Encounter During the Development Process
Lica Tomizuka

605 *Back by Popular Demand!*
Negotiating a Construction Loan Agreement for Multi-Family Real Estate Developments
Todd M. Phelps & Iain M. Johnson

606
Cap Rates, ROI and IRR: Real Estate Math for Lawyers
Alicia Coleman & Anne M. Olson

607
Start-Up Churches and Minority-Religion Houses of Worship – Land-Use Challenges and a Powerful Remedy
Justice Christopher J. Dietzen, Retired & Bryan J. Huntington

608
Medical Assistance Planning – Protecting Assets for the Spouse
Julian J. Zweber

MISCELLANEOUS

701
High Risk for Lenders and Title Companies! How Ignoring Federal Law Concerning Closing Agents Is Dangerous Business
J. Bushnell Nielsen

702
Rejected! Mistakes on Documents That Prevent Approval or Recording
Wayne D. Anderson & Michelle Ashe

703
Creating Property Management Agreements – Including an Annotated Document
Justin P. Weinberg

704
Buying the Commercial Building – The Critical Due Diligence Checklist
Shannon D. Hoagland

705
Putting Together the Key CIC Documents – Focus on the Declaration and Bylaws with Annotated Documents
Jennifer L. Carey

706
The New “Opportunity Zone” Tax Law – Can It Work for Your Client?
Angela M. Christy & Jon J. Hoganson

707 *1.0 ethics credit applied for*
Potential Ethical Issues for Real Estate Attorneys – From the Perspective of the Office of Lawyers Professional Responsibility
Susan M. Humiston

708
How to Preserve the Agricultural Homestead in the Face of the Minnesota Department of Revenue’s Enforcement Efforts
Kaitlin M. Pals

709
Open Forum – Title Issues
Fran M. Iverson, Nancy K. Landmark & Cindy K. Telstad

Session descriptions
are available online at
www.minncle.org

1:20 – 3:20 P.M.

FRIDAY AFTERNOON BONUS SEMINAR

Choose a bonus session to attend
for FREE!

1 Someone Like Me Can Do This: Stories of Latino Lawyers and Judges in Minnesota

Four members of the Minnesota Hispanic Bar Association (MHBA) will reflect on their individual journeys to become lawyers and judges in Minnesota. You will learn about the challenges they faced and what motivated them to persevere. You will also hear about their current work and the work of the MHBA, as well as the challenges that remain to increase diversity and inclusion in the legal profession. The presentation will include a screening of the 30-minute documentary film *Someone Like Me Can Do This* produced by the MHBA.

*Bryan R. Browning, Aleida Ortega Conners,
Angelita E. Hernandez & Judge Daniel C. Moreno*

2.0 elimination of bias credits applied for

2 Clearing Title So Property Can Be Sold: Fearlessly Clearing Title Objections, Even Through Court Proceedings

An unmarketable title cannot be ignored. If it isn't the seller's problem, it will be the buyer's problem. A lender will not fund the construction loan if the mortgage cannot be recorded. Any real estate attorney with a transactional practice can clear title, even by a court proceeding. In this session you will learn about non-judicial ways to clear title, what to do if title problems may hold up the closing, the different civil actions to clear title, and the pros and cons of registering title.

Matthew J. Foli

2.0 standard CLE credits applied for

2.0 advanced real estate specialist credits applied for

FREE POST-INSTITUTE WEBCASTS

View 3 of the following 5 webcasts for FREE after the Institute!

Instructions on how to register for free will be distributed at the Institute.

1 Friday, November 9, 2018 • 9:00 – 10:00 a.m.

Too Close for Comfort: Conflict of Interest in Representing Closely-Held Entities

When individuals join together to create a new business venture, they bring their dreams, skills, money, and...potential conflicts. Learn how to plan ahead to avoid conflicts by limiting the scope of the representation, carefully identifying the client, and dealing with unrepresented parties.

Eric T. Cooperstein

1.0 ethics credit applied for

2 Monday, November 12, 2018 • 9:00 – 10:00 a.m.

Local Counsel Opinion Letters – From the Perspective of Local Counsel

Learn some of the do's and don'ts for drafting or reviewing opinion letters.

John M. Koneck & Mary S. Ranum

1.0 standard CLE credit applied for

1.0 advanced real estate specialist credit applied for

3 Monday, November 12, 2018 • 12:00 – 1:00 p.m.

How to Lift the Bankruptcy Automatic Stay – A Course for the Non-Bankruptcy Attorney

In order for a party to begin or continue a proceeding to collect a debt against the Debtor that has been stayed, the party must file with the Bankruptcy Court a Motion for Relief from the Automatic Stay. This presentation will walk through the process, addressing the key "how to" questions.

Samuel R. Coleman

1.0 standard CLE credit applied for

4 Monday, November 12, 2018 • 2:00 – 3:00 p.m.

State of the Real Estate Market in the Twin Cities and Upper Midwest

Bob Strachota examines the commercial and residential real estate markets in both the Twin Cities and greater Minnesota.

Robert J. Strachota

1.0 standard CLE credit applied for

1.0 advanced real estate specialist credit applied for

5 Monday, November 19, 2018 • 2:00 – 3:00 p.m.

The 1031 Clinic: Basic Review – Top 10 Questions and Concerns That Clients Have for Maximizing Like-Kind Exchanges

All the important requirements of an effective and safe 1031 exchange.

Jeffrey R. Peterson

1.0 standard CLE credit applied for

1.0 advanced real estate specialist credit applied for

Mark your calendars for
next year's Institute!

2019 REAL ESTATE INSTITUTE

OCTOBER 31 – NOVEMBER 1, 2019 ■ SAINT PAUL RIVERCENTRE

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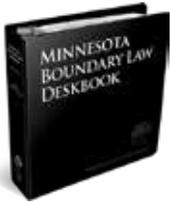
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Other Minnesota CLE Products Helpful to Minnesota Real Estate Attorneys



Minnesota Real Estate Purchase and Sale Deskbook

The primary resource for any attorney representing a buyer or seller of real estate in Minnesota. The Deskbook's chapters follow the same path as a real estate transaction, from letters of intent through filing, and much, much more! Available in hardcopy or electronically (LinkedLaw).



Minnesota Boundary Law Deskbook

The Minnesota Boundary Law Deskbook is the go-to resource on boundary law issues, providing thorough legal analysis and practical tips. Written and edited by attorneys who practice in the area of boundary law, the Deskbook includes information on determining boundaries based on legal descriptions, surveys, adverse possession, and practical location, plus forms to help you in your practice. Available in hardcopy or electronically (LinkedLaw).



LLCs Deskbook with eFormbook

The LLC Deskbook is designed to help attorneys navigating Minnesota's Revised Uniform LLC Act. The Deskbook thoroughly covers the new act, complete with a comparison to the old act and information on the transition. The Deskbook also includes: Tax considerations; The formation process; Governance; Distributions and compensation; Fiduciary duties and liability; Buy-sell provisions; and more. Includes 10 forms in the eFormbook. Available in hardcopy or electronically (LinkedLaw).



7 InFORMed Annotated Legal Documents

InFORMed annotated legal documents are expertly drafted legal forms and documents containing annotations and helpful commentary by expert attorneys. You'll receive drafting rationales and insights from the author, along with practice tips and citations to pertinent authority. Checklists and sample language also may be provided. Each InFORMed annotated document comes with a companion eFormbook which is accessible through your account on the Minnesota CLE website. The eFormbook contains the unannotated Microsoft Word version of the documents included in the manual.

1. Family Cabin LLCs Under MN Statutes Chapter 322C
2. LLCs (Board-Member Managed) Operating Agreement
3. LLCs (Manager Managed) Operating Agreement
4. LLCs (Single-Member Managed) Operating Agreement
5. Common Interest Communities
6. Development Agreement
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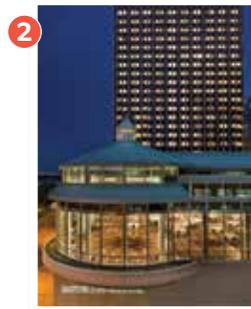
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3 FREE WEBCASTS

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