

The 2019

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!**

October 31 & November 1, 2019 • Saint Paul RiverCentre

THE NATION'S BEST!

Timely Education, Valuable Resource Materials
a Great Time With Colleagues and Friends!



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 50 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, 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 50+ 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.

and



And There's More – New Annotated Documents!

You'll also receive a number of annotated documents including an annotated document for an escrow agreement, loan guarantee, and non-AIA construction contract – 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, OCTOBER 31 • 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. 6 Post-Course Webcasts – Choose 3 for Free**
To provide you with even more value, we've put together 6 webcasts, and Institute attendees can choose to attend 3 of these at no charge.
- 5. Choose From More Than 50 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, OCTOBER 31

MORNING
PLENARY SESSIONS

10:15 – 11:15 A.M.
BREAKOUT SESSION A

11:30 A.M. – 12:30 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.
**Overview of 2019 Real Estate Market
and Forecast for 2020**
Robert J. Strachota

8:50 – 9:20 a.m.
2019 Minnesota Case Law Update
*Paul B. Kilgore, Nancy K. Landmark,
Samuel J.H. Sigelman & Jennifer M. Warfield*

9:20 – 9:45 a.m.
**Hot Topics – New ALTA Forms,
Opportunity Zones, Green Acres &
Homestead, Vapor Intrusion, Short-Term
Rentals, Fair Housing, Gun Laws**
Angela M. Christy & Thomas H. Sellnow

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

 9:55 – 10:15 a.m.
BREAK

TITLE / CONVEYANCING

101 *Repeated at #501*
**Is the Property Marketable?
Including the Use of the 30- and 40-Year Laws**
Barbara B. Gilmore

102
**Keys to Developing and Using Escrow Agreements
(Including an Annotated Sample Agreement)**
Nancy K. Landmark

103
**The Most Common Probate Questions in
Real Estate – PR Deeds, Purchase Agreements,
Sales and More**
Kimberly A. Prchal

104
**7 Pitfalls in the Development Project –
Including Potential Economic Disasters**
Patrick E. Mascia & Justin P. Weinberg

105
**Kepple Commercial Purchase Agreement Panel –
Focusing on the 7 Biggest Minefields and How to
Avoid Them**
*Tammera R. Diehm, Joseph L. Nuñez,
Larry M. Wertheim & John R. Wheaton
Lloyd G. Kepple (moderator)*

106 *Back by Popular Demand!*
**Introduction to Tax Credits and Other
Governmental Assistance in Real Estate
Developments**
Peter J. Berrie

107
**How to Handle the Purchase or Sale of Farmland –
Sales to Family Members or Third Parties**
Shari P. Fischer

108 *Repeated at #708*
**Tips for Drafting Short-Term Rental Agreements
for Residential Dwellings – The Law, Regulations
and Best Practices**
Christine L. Eid & Diane B. Galatowitsch

201 *Back by Popular Demand!*
**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

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

203 *Back by Popular Demand!*
How to Subdivide Property – A Step-by-Step Guide
Mark S. Radke

204
**Building Cities of the Future through
Public-Private Partnerships**
Mark E. Hamel & Jay R. Lindgren

205
**Environmental Due Diligence for
the Real Estate Attorney – Focus on the
Vapor Intrusion Problem**
Joseph G. Maternowski

206 *Repeated at #605*
**Key Modifications to Make to the
AIA A102 and A201 Construction Documents
When Representing the Owner**
Gina M. Fox

207
**Opportunity Zone Basics – An Introduction to the
Tax Benefits, the Definitions and Eligible Investments**
*April Hamlin, Lara Page & Mary J. Streitz
Angela M. Christy (moderator)*

208 *Repeated at #506*
**1031 Basics – When and How to Complete a
Successful §1031 Real Estate Exchange**
Paul J. Linstroth

209
Key Issues in Drafting or Reviewing Farm Leases
Reed H. Glawe

MISCELLANEOUS

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

Sponsored by
Attorneys Title Guaranty Fund, Inc.



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
Dealing With the “Bad” Metes and Bounds Legal Description – Why It Is a Problem and How to Fix It

David J. Meyers & Dennis Pederson

401
When Multiple Owners Can’t Agree – Is a Partition Action the Answer?

Charles H. Andresen

501 *Repeat of #101*
Is the Property Marketable? Including the Use of the 30- and 40-Year Laws

Barbara B. Gilmore

302
How to Conduct a Quiet Title Action

Cindy K. Telstad

402
Getting Title Right – Drafting Title Examination Language in the Purchase Agreement and Writing and Responding to Title Objection Letters

John H. Brennan

502
Surprising and Creative Title Insurance Solutions: Learn Why Title Insurers Refuse Certain Risks, and 5 Types of Solutions That Insurers and Customers Rarely Consider but That Really Work

J. Bushnell Nielsen

303 *Back by Popular Demand!*
20 Important Things to Know About Real Estate – But Few People Do

Matthew J. Foli

403
Trust Law for Real Estate Lawyers

Taylor N. Kaspar

304
Current Lessons and Trends in Land Use

*John M. Baker & Tammera R. Diehm
Stuart T. Alger (moderator)*

404
Basics of Creating a Common Interest Community – Focus on Condominiums and Planned Communities

Jennifer L. Carey

503
Negotiating and Drafting the Key Provisions in a Non-AIA Construction Contract for Small- to Medium-Sized Projects (Including a Sample Annotated Document)

Justin P. Weinberg

305
Top Ten Issues in Retail Leases (Including Special Considerations for Restaurants)

Stephen P. Cohen & Mary S. Ranum

405
An Introduction to Commercial Real Estate Tiered Financing – Preferred Equity, Mezzanine Financing, A/B Note Financing, Intercreditor Agreements and More

Steven W. Meyer & Tyler K. Olson

504
Drafting and Reviewing Loan Guarantees (Including an Annotated Loan Guarantee Agreement)

Gary C. Eidson

306
Construction Defects and Disputes – Focus on the Right to Inspect and Repair

Aron J. Frakes & Kyle W. Ubl

406
7 Things That Every Real Estate Lawyer Should Know About Energy Law – Including Key Statutes, Regulations and Contracts

Lisa A. Crum

505 *1.0 ethics credit applied for*
Multijurisdictional Practice and Ethics for Real Estate Lawyers

Susan M. Humiston

307
The Challenges and Complexities of Opportunity Zone Investments

*April Hamlin, Connor Irish & Allison Woodbury
Angela M. Christy (moderator)*

407
Key Issues in Structuring Joint Ventures for Real Estate Projects – With Special Emphasis on Governance and Decision-Making Between Joint Venture Partners

Brian S. McCool

506 *Repeat of #208*
1031 Basics – When and How to Complete a Successful §1031 Real Estate Exchange

Paul J. Linstroth

308
Issues Unique to Farmland in Estate Planning

Shari P. Fischer & Toni M. Sandin

408 *Back by Popular Demand!*
Understanding Agricultural Foreclosures – Including Farmer-Lender Mediation and Rights of First Refusal

Michael S. Dove

507
Reviewing and Revising Wind Contracts When Representing the Landowner (Plus a Word About Solar)

Craig M. Byram

309
Commercial Real Estate in Indian Country – A Checklist Approach

Shauna L. Coons

409
Medical Assistance Update 2019

Julian J. Zweber

508 *1.0 elimination of bias credit applied for*
Diversity and Inclusion in Real Estate Practice – Focus on the Real Property Section’s Diversity Plan

*Chelsy M. Jantsch & Sarah Lynn Oquist
Micheal D. Fleming (moderator)*

DAY 2 – FRIDAY, NOVEMBER 1

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 – 8:55 a.m.
2019 Title Standards Update
Robert L. Russell & Cindy K. Telstad

8:55 – 9:10 a.m.
Overview of the Proposals to Modernize Land Records in Minnesota
Susan T. Ledray

9:10 – 9:35 a.m.
2019 Legislative Update
Jennifer L. Carey & Kevin J. Dunlevy

9:35 – 10:30 a.m.
2019 Minnesota Case Law Update (continued)
Paul B. Kilgore, Nancy K. Landmark, Samuel J.H. Sigelman & Jennifer M. Warfield



10:30 – 10:45 a.m.
BREAK

TITLE / CONVEYANCING

601
Modernizing Land Records – A More In-Depth Discussion With Your Feedback
Susan T. Ledray

602
Reviewing Your Client’s Plat – The Statutes That Guide and Common Mistakes That Delay Recording
Matthew J. Foli & Chris Mavis L.S.

603
Development 101: Preparing for the Development Project and Conducting Due Diligence
Jana C. Ott & Lica Tomizuka

604
Responding to Investigations When the Department of Commerce or Labor & Industry Are Knocking at the Door
Matthew Boyer, Charlie Durenberger & Stephen E. Yoch

605 *Repeat of #206*
Key Modifications to Make to the AIA A102 and A201 Construction Documents When Representing the Owner
Gina M. Fox

606
Get to Know the “Three F’s” of Multifamily Finance: Exploring the Legal Requirements of Fannie, Freddie and FHA
Lindsay L. Case & Jim Provenzale

607
Premises Liability – Drafting Indemnity, Maintenance, Inspection and Other Document Language to Minimize Risk
Spiwe L. Jefferson

608
Probate Litigation Lessons for Real Estate Attorneys
Spencer C. Butts & Kirstin E. Helmers

701
Applying the Newest Guidelines for Legal Descriptions and Survey Matters
Nancy K. Landmark, David J. Meyers & Robert L. Russell

702
How to Use and Create Conservation Easements
Todd M. Phelps, Gena M. Setzer & Susan D. Steinwall

703
Negotiating the Construction Loan Agreement
Jon J. Hoganson & David A. Meyer

704
The Developing Landscape of Condemnation Cases – Including Construction Interference, Evidentiary Matters, Damages, and More
*Peter G. Mikhail & Jon W. Morphew
Bradley J. Gunn (moderator)*

705
Using the Non-Profit Sales Tax Exemption in Construction Projects
Eric H. Galatz

706 *1.0 ethics credit applied for*
Ethics for Real Estate Attorneys: New Developments in Confidentiality
Eric T. Cooperstein

707
An Introduction to Bankruptcy Concepts Affecting Real Property – The Effects of the Automatic Stay, Treatment of Commercial Leases, the Homestead Exemption, and More
Julie N. Nagorski & Patrick C. Summers

708 *Repeat of #108*
Tips for Drafting Short-Term Rental Agreements for Residential Dwellings – The Law, Regulations and Best Practices
Christine L. Eid & Diane B. Galatowitsch

COMMERCIAL / DEVELOPMENT

MISCELLANEOUS

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 Negotiating and Drafting the Commercial Office Lease

Discussing the most important provisions from both
the landlord and tenant perspective.

Steven R. Katz & Allen Wheeler

2.0 standard CLE credits applied for

2.0 advanced real estate specialist credits applied for

2 Residential Landlord Tenant Law In-Depth

Presenter Larry McDonough, a national expert on
landlord and tenant law, will walk through a residential
lease, highlighting areas that are ripe for issues
or disputes if not appropriately and adequately
addressed. He'll cover key, practical tips for attorneys
representing both landlords and tenants and dispel
common myths about Minnesota landlord-tenant
relationships.

Lawrence R. McDonough

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 6 webcasts for FREE after the Institute!

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

Dates and Times TBD

1 Legal Issues for Residential Contract for Deed Sellers and Buyers

Topics include: Licensing as a mortgage originator; Disclosure requirements for multiple sellers;
and Alternative structures.

Larry M. Wertheim

1.0 standard CLE credit applied for

1.0 advanced real estate specialist credit applied for

2 State of the Real Estate Market in Minnesota

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

3 Basics of Residential Foreclosure by Advertisement – A “How To Do It” Session

Kibongni Fondungallah & Michael van Muelken

1.0 standard CLE credit applied for

1.0 basic real estate specialist credit applied for

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

Laurel J. Pugh & Robin Ann Williams

1.0 standard CLE credit applied for

1.0 advanced real estate specialist credit applied for

5 Has It Been Notarized Correctly? Best Practices and Common Mistakes

Wayne D. Anderson

1.0 standard CLE credit applied for

1.0 advanced real estate specialist credit applied for

6 Resolving Boundary Disputes with Easements and Alternatives

Shaun D. Redford

1.0 standard CLE credit applied for

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Mark your calendars for
next year's Institute!

2020 REAL ESTATE INSTITUTE

NOVEMBER 12 & 13, 2020 ■ SAINT PAUL RIVERCENTRE

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Minnesota Real Estate Titles Deskbook

The *Minnesota Real Estate Titles Deskbook* provides an in-depth analysis of all aspects of examining title and clearing title defects. The title exam portion of the Deskbook dives into topics like marketable title, legal description, conveyances, and encumbrances. The resolution of title problems section dives into the different ways to resolve those problems, including voluntary resolution, cancellation, property registration, and actions involving the courts. Written with the practicing attorney in mind, the Deskbook includes valuable insights and practice tips collected from the editors' and authors' many years of experience and practical know how. Available in hardcopy or electronically (LinkedLaw).



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).

9 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
7. Retail Lease – Strip Mall
8. Residential Construction Contract
9. Purchase Agreement for Vacant Land

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or call Minnesota CLE at 800-759-8840 or 651-227-8266.



CREDITS – REAL ESTATE INSTITUTE

Minnesota CLE is applying to the Minnesota State Board of CLE for **10.25 total CLE credits**. We anticipate that breakouts #505 and #706 each will qualify for 1.0 ethics credit, and that breakout #508 will qualify for 1.0 elimination of bias credit. In no case may you claim more than 10.25 total credits for the Real Estate Institute. Application also is being made to the MSBA for **10.25 advanced real estate specialist credits**.



★ 175 West Kellogg Boulevard
Saint Paul, MN 55102



CREDITS – BONUS SEMINAR

Minnesota CLE is applying to the Minnesota State Board of CLE and to the Minnesota State Bar Association for the credits as listed by each bonus seminar on page 7 of this brochure.

CREDITS – FREE WEBCASTS

Minnesota CLE is applying to the Minnesota State Board of CLE and to the Minnesota State Bar Association for the credits as listed by each webcast on page 7 of this brochure.

CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar materials through their website account.

SCHOLARSHIPS AVAILABLE!

Minnesota CLE maintains a scholarship program for those with a financial need. Most scholarships awarded are 50% off the seminar price. To obtain an application, contact Grant at gdavies@minncle.org or 651-254-2111.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend, please 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 651-227-8266 or 800-759-8840 or visit us online at www.minncle.org.



P PARKING – ARRIVE EARLY!

The Institute begins at 8:00 a.m. each day. We encourage commuters to allow plenty of time for rush hour traffic and for parking. Please take special note of the map which indicates the RiverCentre location and adjacent parking lots.

COMING FROM OUT OF TOWN? CHECK OUT OUR ROOM RATES AT NEARBY HOTELS!

Minnesota CLE has established special room rates for Institute attendees at the hotels listed below. Make your reservations early to ensure room/rate availability!



1
The Saint Paul Hotel
\$169
350 Market Street
651-292-9292



2
Hampton Inn & Suites
St. Paul Downtown
\$149
200 Seventh Street West
651-224-7400



3
Holiday Inn
St. Paul Downtown
\$142
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REGISTER TODAY!
www.minncle.org
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The 2019 Real Estate Institute

October 31 & November 1, 2019 • Saint Paul RiverCentre

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PLEASE "✓" APPROPRIATE BOX:

- \$475 MSBA member \$475 paralegal \$575 standard rate
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2

INSTITUTE BONUS SEMINAR

1. Negotiating and Drafting the Commercial Office Lease
2. Residential Landlord Tenant Law In-Depth

FREE!

Attendees of the 2019 Real Estate Institute may attend 1 of 2 bonus sessions offered on Friday afternoon for FREE! Sign-up will take place at the Institute.

3

FREE WEBCASTS

1. Legal Issues for Residential Contract for Deed Sellers and Buyers
2. State of the Real Estate Market in Minnesota
3. Basics of Residential Foreclosure by Advertisement – A "How To Do It" Session
4. The Complete Guide to Companion and Service Animals – What Animals Qualify and Where Can They Go?
5. Has It Been Notarized Correctly? Best Practices and Common Mistakes
6. Resolving Boundary Disputes with Easements and Alternatives

FREE!

Attendees of the 2019 Real Estate Institute may view 3 of the 6 webcasts listed here for free! Instructions on how to register for free will be distributed at the Institute.

PAYMENT:

- Enclosed is a check payable to Minnesota CLE for \$ _____
To pay by credit card, please register online or by phone.

- Check here if you are a Certified Real Property Specialist.

- Check here if address below is new.

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_____ (last)

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Profession, if non-attorney _____

*We look forward to
seeing you at the Institute!*



MAIL TO:
Minnesota CLE
2550 University Ave. West, Suite 160-S
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2611-20
JHAJ



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