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DATED MATERIAL – PLEASE EXPEDITE!



Understanding Commercial Real Estate Remedies – From Both Sides

ONLINE ONLY
Wednesday, July 21, 2021



MINNESOTA CONTINUING LEGAL EDUCATION
Your Success Is Our Goal

Understanding Commercial Real Estate Remedies – From Both Sides

Learn time-tested strategies and explore the latest techniques for pursuing remedies in commercial real estate transactions



Our expert faculty will explain:

- Options and Opportunities When One Party Breaches a Purchase Agreement
- A Guide to Foreclosures by Action and Advertisement
- The Ins and Outs of Mechanics' Liens
- 7 Things Every Real Estate Attorney Needs to Know about Leases and Bankruptcy
- 5 Unique Issues Arising from the Pandemic – Including Force Majeure and Forbearance Agreements
- And much more!

ONLINE ONLY
Wednesday, July 21, 2021

In-Person Passholders – You may use your Pass to register for the online seminar at no charge.

Register today at www.minncle.org

SCHEDULE



8:25 – 8:55 a.m. JOIN ONLINE

8:55 – 9:00 a.m.

Welcome & Introduction

– *Steven W. Meyer, Course Chair*

9:00 – 10:15 a.m.

Purchase Agreement Defaults: Rights, Remedies and Creative Solutions

In this session, real estate attorneys Tammera Diehm and Katherine Johnson will provide an overview of options and opportunities for both buyers and sellers when one party breaches a purchase agreement. Topics will include types of breach, the Minnesota statutory cancellation process, specific performance and various ways for both buyers and sellers to think about, and calculate, damages. Finally, this session will explore creative options for finding a win-win solution when a purchase agreement looks like it's about to fall apart.

– *Tammera R. Diehm & Katherine A. Johnson*

10:15 – 10:20 a.m. BREAK

10:20 – 11:05 a.m.

The Tenant Isn't Paying – Unlawful Detainer and Collection Practice

In challenging economic times, it becomes even more imperative for landlords to perform thorough due diligence on current and prospective tenants. Learn the remedies available to landlords for non-payment by the tenant, and the steps involved in pursuing action. Also, learn helpful tips and best practices for pursuing a collection or unlawful detainer action.

– *Jeffrey J. Maleska*

11:05 – 11:15 a.m. BREAK

11:15 – 11:45 a.m.

Remedies for Landlords and Tenants for Non-Monetary Breach of Lease Obligations

When representing commercial landlords and tenants, a real estate lawyer needs to draft remedy provisions in the event the landlord or the tenant fails to perform its non-monetary obligations under the lease. This session will examine the remedies available to both commercial landlords and tenants in Minnesota and will provide sample provisions that are commonly used to protect landlords and tenants in the event of a non-monetary breach of the lease.

– *Tammy J. Schemmel*

11:45 a.m. – 12:15 p.m. LUNCH BREAK

12:15 – 1:15 p.m.

Commercial Real Estate Remedies – A How-To Guide for Foreclosures Without Falling Prey to Common Missteps

This session will provide an overview of remedies available when a mortgage is in default, including foreclosure by advertisement and foreclosure by action with an emphasis on practical tips that will help avoid problems, delays or worse.

– *Steven W. Meyer*

1:15 – 1:20 p.m. BREAK

1:20 – 2:05 p.m.

Mechanics' Lien Remedies on Construction Projects – Be Aware of Deadlines and Rights

Mechanics' liens are a unique statutory remedy that can help contractors, subcontractors and suppliers recover unpaid monies on construction projects. The statutory elements, however, require special care and attention to detail. If a party fails to meet even the slightest of requirements, its lien rights can be jeopardized. Learn the ins and outs of mechanics' lien law and best practices for avoiding common mistakes.

– *Thomas J. Radio*

2:05 – 2:15 p.m. BREAK

2:15 – 2:45 p.m.

Remedies for Breaches under Easements, Restrictions and Real Covenants

Easements, covenants, conditions, and restrictions are privately created rules between parties regarding the use and improvement of real property. These limitations on the use of real property are evidenced by an agreement to do or refrain from doing a particular act. These agreements can be either personal, restricting only the party who signs the agreement, or they "run with the land," passing the burden along to subsequent property owners. Since the law favors free use and alienation of property, any type of limitation or condition must be clearly made known to be valid. The type of limitation created dictates the types of remedies available for breach. This session will explore the remedies available for the most common types of breach under these agreements.

– *Robert J. Olson*

2:45 – 2:50 p.m. BREAK

2:50 – 3:35 p.m.

7 Things Every Real Estate Attorney Needs to Know about Leases and Bankruptcy Right Now

Learn about what happens to commercial leases in bankruptcy: how and when you'll get paid, when a landlord can re-take possession, what to do if a debtor wants to keep or reject your lease – or assign it to a third party, how to calculate a landlord's proof of claim, and some of the key preference defenses for landlords. We will also discuss current events and real cases, including the impact of the pandemic on landlords in bankruptcy.

– *Benjamin J. Court, Karl J. Johnson & Keshia L. Tanabe*

3:35 – 3:40 p.m. BREAK

3:40 – 4:25 p.m.

5 Unique Issues Arising from the Pandemic – Including Force Majeure and Forbearance Agreements

As the world continues to adapt to the ever-changing landscape of the COVID-19 pandemic, commercial real property owners and operators are being forced to seek novel solutions to adjust to this new reality. Like so many legal and business issues, the potential solutions are not one-size-fits-all. Rather, the details and circumstances of each lease or deal must be carefully considered by the parties. Explore approaches available to tenants, landlords and lenders under various circumstances, and consider how the tools crafted to weather the pandemic may provide certain protections from the next crisis to hit the real estate market (gulp!).

– *Steven R. Katz*

4:25 p.m. ADJOURN

COURSE INFORMATION

ONLINE PROGRAM

Wednesday, July 21, 2021
View online at www.minncle.org
Registration for online program must be made online at www.minncle.org

IN-PERSON PASSHOLDERS

You may use your Pass to register for the online program at no charge.

COURSE MATERIALS

All course materials will be provided electronically.

CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.25 CLE credits**. The maximum number of total credits attendees may claim is 6.25 credits.

Minnesota CLE also is applying to the Minnesota State Bar Association for **6.25 advanced real estate specialist credits**.

SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. Contact Grant at gdavies@minncle.org or **651-254-2111** for further details or to obtain an application.

ACCOMMODATION

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

CANCELLATION POLICY / 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. Passholders may purchase the materials at 50% of the full retail price.

QUESTIONS?

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Understanding Commercial Real Estate Remedies – From Both Sides

WEDNESDAY, JULY 21, 2021
ATTEND ONLINE

ONLINE SEMINAR:
WEDNESDAY, JULY 21, 2021

Registration must be made online at www.minncle.org

TUITION:

\$225 MSBA member

\$225 paralegal

\$275 standard rate

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