

Thursday & Friday,  
November 11 & 12, 2021

The 2021

# Real Estate Institute



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



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**ONLINE  
ONLY**

on

the plenary sessions  
online viewers.

# The Nation's Best Conference Features Timely Education, Valuable Resources and a Great Time With Colleagues and



## A Very Helpful Array of Topics at This Year's Institute

In addition to all the case, legislative and other updates, we have enlisted a talented group of instructors to present many helpful and new sessions. Here are just a few of the 54 sessions at this year's Institute:

- Tenant Defenses: Force Majeure, Impossibility, Impracticability, and More
- The New ALTA Survey Standards
- 15 Bothersome Real Estate Questions and Their Answers
- Tips to Expedite Survey Reviews in Commercial Deals
- A Checklist Approach to Farm Transition Planning
- Commercial Real Estate Contracts Going Forward – How They Will Be Changed Forever
- What Is Market? The Panel That Give the Inside Scoop on Current Market Rates on Everything
- Boundary, Survey and Legal Description Disputes in Lakeshore Property
- The Future of Downtown Minneapolis
- The Top 10 CIC Problems and Their Solutions
- The Ending of the Residential Moratorium and Evictions and Terminations
- And Many More Helpful Sessions!

## Special Bonus for All Attendees – The “Watch Again” Feature

This year's Institute once again will be offered via livestream allowing you to attend from the comfort of your home or office. And, you'll gain the additional benefit of the Minnesota CLE “watch again” feature which allows you to view all Institute sessions for one year after the program. Rewatch sessions that were especially helpful or watch breakout sessions you were not able to watch live. And, of course, all conference materials are available to all attendees.

## \$100 in Bonus Bucks for All Attendees

Additionally, every attendee will receive \$100 in Minnesota Bonus Bucks that can be used on any Minnesota CLE product. It's a great additional benefit for all.

## High Quality Materials – Plus Online Access

The written materials at the Institute are highly useful. They contain valuable information in text form, checklists, sample language and sample forms. Our goal, as always, is to provide materials and instruction that is helpful and makes your practice better and easier.

# tures rce Materials and Friends!



## INSTITUTE BENEFITS AND BONUSES

### Ethics and Elimination of Bias Credit

In addition, the Institute features both ethics and elimination of bias credit for attendees. Choose the sessions that best meet your practical and your credit needs.

### Another Bonus for Attendees – 4 Free Post-Institute Webcasts

In addition to the many sessions at the Institute, every attendee will have the opportunity to select 4 post-Institute webcasts to attend at no additional cost. You'll get more practical education and be able to satisfy more of your credit needs by attending these post-Institute programs.

#### 1 A Complete Update on All New Developments

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

#### 2 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.

#### 3 The “Watch Again” Feature

After the Institute, you will be able to watch all sessions again through your Minnesota CLE website account. This popular feature allows for more learning even after the Institute is over.

#### 4 6 Post-Course Webcasts – Choose 4 for Free

To provide you with even more value, we've put together 6 webcasts, and Institute attendees can choose to attend 4 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 \$100 in Minnesota CLE Bonus Bucks

As a conference attendee, you will receive \$100 in Bonus Bucks that you can use on any Minnesota CLE product – live seminars, on demand programs, publications or electronic products!

#### 8 Materials Posted Online Before the Conference

The materials for the conference will be posted online before the Institute begins. In-person attendees also receive hard copy materials for plenary sessions and breakout sessions attended. Plus, everyone will have online access to all of the materials after the Institute.

**DON'T MISS OUT...  
REGISTER TODAY!  
[www.minncle.org](http://www.minncle.org)**

# DAY 1 – THURSDAY, NOVEMBER 11

## MORNING PLENARY SESSIONS

7:15 – 8:15 a.m.

CHECK-IN -OR- JOIN ONLINE

8:15 – 8:30 a.m.

WELCOME & INTRODUCTION

8:30 – 9:20 a.m.

### Hot Topics

- Recent U.S. Supreme Court Eminent Domain cases
- New ALTA Polices and Survey Standards
- Eviction Moratorium
- Biometrics and Building Access
- Death of LIBOR
- Minnesota Court Records On-line
- Fair Housing and HUD

*Angela M. Christy & Thomas H. Sellnow*

9:20 – 9:50 a.m.

### The Current State of the Minnesota Real Estate Market in 2021

*Robert J. Strachota*

9:50 – 10:30 a.m.

### The Annual Real Estate Case Update – All the Cases Analyzed

*Katherine A. Johnson, Paul B. Kilgore, Nancy K. Landmark & Samuel J.H. Sigelman*

10:30 – 10:40 a.m.

DISTINGUISHED SERVICE AWARD

10:40 – 11:05 a.m.

BREAK

Join us Thursday at 4:45 p.m.  
for the Institute Reception!



Sponsored by  
Attorneys Title Guaranty Fund, Inc.

11:05 A.M. – 12:05 P.M.

## BREAKOUT SESSION A

101

### Title Basics – Reviewing Title and Survey Objection Letters

*Barbara B. Gilmore*

102

### Non-Traditional Affordable Housing: Including NOAH, Tiny Houses, Land Use Solutions, H1B and Infrastructure Monies

*Angela M. Christy & Mark E. Hamel*

103

### Lessons Learned from Commercial Lease Disputes During the Pandemic: Force majeure, impracticability, impossibility, frustration of purpose, and other defenses to reduce or eliminate obligations and liabilities

*Christine L. Eid & Timothy M. Kelley*

104

### The Financial Language of Real Estate Lending: LIBOR, SOFR, Debt Yield, Debt Coverage, Financial Covenants and More! – Why It Matters to Your Clients

*Jon J. Hoganson*

105

### 4 Big Construction Issues Facing Contractors, Developers and Buyers Today: Including Price Escalations and Impracticability, Lien Issues, Cancellations and “As Is” Sales

*Stephen E. Yoch*

106

### Ask the MPCA! New Regulations, Priorities, Practices, and Problem Areas –

The latest information on best practices for addressing indoor air, soil vapor and other contamination concerns

*Amy K. Hadianis & Joseph G. Maternowski*

107

### Medical Assistance Update for Real Estate Attorneys 2021 –

New numbers for asset limits, asset transfer penalties and community spouse allocations; Recent court decisions affecting irrevocable trusts; Estate recovery update; Medical assistance traps for unwary real estate attorneys

*Amber M. Hildebrandt & Julian J. Zweber*

108

### How to Create an Effective Management Strategy for an Estate Planning and Probate Practice – Including Process, Workflow, Client Management and More

*Jennifer L.J. Gilk*

12:05 – 1:15 P.M.

## LUNCH BREAK

1:15 – 2:15 P.M.

BREAKOUT SESSION B

201  
**Condemnation 101 – What Every Real Estate Attorney Should Know, Including the New U.S. Supreme Court Developments**  
*Thomas J. Radio*

202  
**New 2021 ALTA Survey Standards – What You Need to Know to Order or Review a Survey**  
*Nancy K. Landmark & Max Stanislawski*

203  
**15 Bothersome Real Estate Questions and Their Answers – Thorny and Unclear Real Estate Matters Made Understandable**  
*Paul B. Kilgore*

204  
**Commercial Lease Assignments and Subleases**  
*Todd M. Phelps*

205  
**Avoiding Foreclosure in Distressed Times – Understanding Loan Workouts and Forbearance Agreements from Both Sides**  
*Marcus A. Mollison & Breia L. Schleuss*  
*Sachin J. Darji (moderator)*

206  
**Real Estate in the Post-Pandemic World: How Will Real Estate be Developed, Redeveloped, and Repurposed to Adapt in the Years (and decades) to Come?**  
*Thomas Fisher & John R. Wheaton*

207  
**Transfers of Property Relating to Estate Planning – From Trustees, Personal Representatives, Custodians, and TODD Beneficiaries**  
*Barbara B. Gilmore*

208  
**Lake Property Boundaries – How to Resolve Issues Involving Inaccurate Markers, Surveys, Bad Legal Descriptions and More**  
*David J. Meyers*

2:30 – 3:30 P.M.

BREAKOUT SESSION C

301  
**Construction Law for the Non-Specialist: The Things Every Real Estate Attorney Should Know**  
*Jennifer A. Thompson*

302  
**Annual Bush Nielsen Title Insurance Case Update**  
*J. Bushnell Nielsen*

303  
**Adverse Possession of Real Estate in Minnesota – Including the Latest Minnesota Cases**  
*Shaun D. Redford & Katherine L. Wahlberg*

304  
**What Is Market? What Are Current Rates and Other Costs Associated With Loans, Leasing, Sales and More?**  
*Lynette Dumalag, Nate Podratz, Tom Sullivan & Lica Tomizuka*

305  
**Property Tax Appeals – Background and How-To Instructions for Executing a Successful Appeal**  
*Lynn S. Linné*

306  
**The New World of Commercial Real Estate Contracts – 10 Provisions in Lease, Sale, Management and Other Contracts That Will Forever be Negotiated and Changed**  
*Justin P. Weinberg*

307  
**How Housing Cooperatives Work and How They Are Similar to and Different From Other Types of CICs**  
*Phaedra J. Howard*

308  
**A Checklist Approach for Successful Farm Transition Planning**  
*Christopher M. Roe*

3:45 – 4:45 P.M.

BREAKOUT SESSION D

401  
**Commercial Purchase and Sale Basics – An Overview of the Commercial Transaction**  
*Marvin A. Liszt*

402  
**The Complete Guide to Manufactured Homes and “Mobile Home Parks”:**  
The unique aspects of title, buying, selling and financing manufactured homes and manufactured home communities  
*Victoria Clark & Shannon D. Hoagland*

403  
**Focus on Downtown Minneapolis – Values Now and in the Future**  
*Robert J. Strachota*

404  
**Practitioner “Tricks of the Trade”: Expedite Your Title and Survey Review on Commercial Real Estate Transactions**  
*John M. Schmid*

405  
**10 Things to Know When Representing Farmers or Selling Farmland**  
*Shari P. Fischer*

406  
**Top 10 Problems Facing CICs Today – Out-of-Date Documents, Construction Defects, Rentals and More!**  
*Jennifer L. Carey*

407  
**Cancelling Contracts for Deed: How To (and How Not)**  
*Larry M. Wertheim*

408 *1.0 ethics credit applied for*  
**Multijurisdictional Practice, Working Remotely and Meeting Virtually – An Ethics Primer for the Real Estate Lawyer**  
*Susan M. Humiston*

2:15 – 2:30 P.M.

BREAK

3:30 – 3:45 P.M.

BREAK

4:45 – 6:00 P.M.  
INSTITUTE RECEPTION

# DAY 2 – FRIDAY, NOVEMBER 12

MORNING  
PLENARY SESSIONS

7:30 – 8:10 a.m.  
CHECK-IN -OR- JOIN ONLINE

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

8:30 – 9:00 a.m.  
**Title Standards Update – Including Work on New Guidelines**

*Robert L. Russell & Alison M. Schubring*

9:00 – 9:30 a.m.  
**2021 Legislative Update**

*Jennifer L. Carey & Kevin J. Dunlevy*

9:30 – 10:30 a.m.  
**The Annual Real Estate Case Update (continued)**

*Katherine A. Johnson, Paul B. Kilgore, Nancy K. Landmark & Samuel J.H. Sigelman*

10:30 – 10:45 a.m.  
BREAK

**REGISTER TODAY!**

[www.minncle.org](http://www.minncle.org)

10:45 – 11:45 A.M.  
BREAKOUT SESSION E

501  
**7 Tips for Navigating Federal Indian Land Issues – With Lessons From The Lower Sioux Agency Transfer**  
*Shauna L. Coons*

502  
**TODDs: Exploring All the Things They Can Do, and a Few Things They Can't Do – With Forms**  
*Marty G. Helle*

503  
**Residential Lease Terminations and Eviction Actions in the COVID Era – Practice Pointers, Applicable Law, Update on Financial Assistance, and the View from Housing Court**  
*Referee Melissa J. Houghtaling & Robin Ann Williams*

504  
**What Real Estate Lawyers Need to Know About Municipal Law and How Cities Work – Helping You With Project Approvals, Rezoning, Street Vacations, Variances and More**  
*Matthew J. Foli & Corrine A. Heine*

505  
**8 Non-Real Estate Things You Need to Know: Practical Answers to Client Questions – Work-From-Home Risks, Service and Support Animals, Vaccine Mandate Exemptions, and More**  
*Shannon D. Hoagland*

506  
**10 Essential Things Real Estate Attorneys Should Know About Bankruptcy Law**  
*Benjamin J. Court & George E. Warner, Jr. Karl J. Johnson (moderator)*

507  
**Purchase Agreement Defaults: Commercial Rights, Remedies and Creative Solutions**  
*Tammera R. Diehm & Katherine A. Johnson*

508 *1.0 ethics credit applied for*  
**It's (NOT) a Trap: Common Ethical Pitfalls in the Beginning, Middle and End of Representation – How attorneys fail to comply with specific ethics rules in real estate matters including retainers, conflicts, confidentiality and withdrawal**  
*Nicholas M. Ryan*

11:45 A.M. – 12:00 P.M.  
BREAK

12:00 – 1:00 P.M.  
BREAKOUT SESSION F

601  
**Torrens 101 – Understanding the Torrens System and Purpose – Plus the Basics of the Torrens Process and Proceedings Subsequent**  
*Kimberly E. Brzezinski & Racheal M. Holland*

602  
**New and Approved ALTA Title Insurance Forms**  
*John F. Nielsen*

603  
**Lessons Learned from the Tragic Collapse of Champlain Towers in Florida: Advising Board of Directors Regarding Safety, Reserves, and More**  
*Angela M. Christy & Gretchen S. Schellhas*

604  
**Determining the Impact on Medical Assistance Eligibility for Various Real Property Interests – How ownership of contracts for deed, mortgages, LLCs member units and other property arrangements are treated for medical assistance eligibility as well as planning options for medical assistance applicants holding such interests**  
*Mary Frances Price*

605  
**The Commercial Tenant Isn't Paying – Unlawful Detainer and Collection Practice in Troubled Times**  
*Scott D. Blake & Jeffrey J. Maleska*

606  
**Survey of Short-Term Rentals and the Present State of Regulation and Enforcement in Minnesota**  
*Kurt W. Porter & Mark A. Severson*

607  
**Representing Parties in Residential Real Estate Arbitrations – Tips for Success for You and Your Clients**  
*John H. Brennan*

608 *1.0 elimination of bias credit applied for*  
**Understanding Stress, Trauma, Addiction and Bias in the Legal Profession**  
*Joan M. Bibelhausen*

1:00 P.M.  
INSTITUTE ADJOURNS

# FREE POST-INSTITUTE WEBCASTS IN JANUARY

Attendees of the 2021 Real Estate Institute may view 4 of the following 6 webcasts for FREE after the Institute! Instructions on how to register for free will be provided to attendees during the Institute.

**1** **7 Things Every Real Estate Lawyer Should Know About Energy Law – Including Key Statutes, Regulations and Contracts**

*Lisa A. Crum*

*1.0 standard CLE credit applied for  
1.0 advanced real estate specialist credit applied for*

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

*Tammy J. Schemmel*

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**3** **Notarization of Documents in Minnesota – An Overview and Update**

*Wayne D. Anderson*

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**4** **Packing a Punch: How to Grow Your Law Firm Digitally in 2022**

*Adam Chubak & Ryan Tauer*

*1.0 standard CLE credit applied for*

**5** **The Latest Word on Companion and Service Animals – What Are the Rules of the Road?**

*Robin Ann Williams*

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**6** **Commercial Real Estate Remedies – Step-by-Step Introduction: A How-To Guide for Foreclosure Without Falling Prey to Common Missteps**

*Steven W. Meyer*

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*Mark your calendar for next year's Institute!*

## 2022 REAL ESTATE INSTITUTE

OCTOBER 27 & 28, 2022 ■ SAINT PAUL RIVERCENTRE

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# Other Minnesota CLE Products Helpful to Minnesota Real Estate Attorneys

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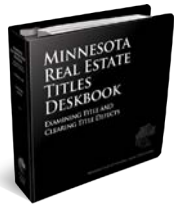


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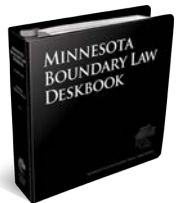
## Minnesota Real Estate Titles Deskbook

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. New Home Construction Agreement
9. Purchase Agreement for Vacant Land

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To order, visit [www.minncle.org](http://www.minncle.org) or call Minnesota CLE at 800-759-8840 or 651-227-8266.

**DATE**

Thursday & Friday,  
November 11 & 12, 2021

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Minnesota CLE is applying to the Minnesota State Board of CLE for **10.0 total CLE credits**. We anticipate that breakouts #408 and #508 each will qualify for 1.0 ethics credit, and that breakout #608 will qualify for 1.0 elimination of bias credit. In no case may you claim more than 10.0 total credits for the Real Estate Institute. Application also is being made to the MSBA for **10.0 advanced real estate specialist credits**.

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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.

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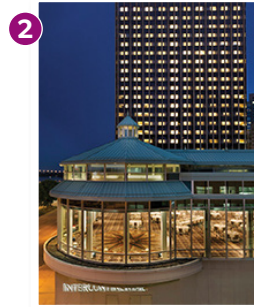
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The 2021

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THURSDAY & FRIDAY, NOVEMBER 11 & 12, 2021

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- \$475 MSBA member
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- \$575 standard rate
- I have an In-person or Super Minnesota CLE Season Pass<sup>SM</sup> and will attend in-person at no charge.
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## 3 FREE WEBCASTS IN JANUARY:

1. 7 Things Every Real Estate Lawyer Should Know About Energy Law
2. Remedies for Landlords and Tenants for Non-Monetary Breach of Lease Obligations
3. Notarization of Documents in Minnesota – An Overview and Update
4. Packing a Punch: How to Grow Your Law Firm Digitally in 2022
5. The Latest Word on Companion and Service Animals – What Are the Rules of the Road?
6. Commercial Real Estate Remedies – Step-by-Step Introduction: A How-To Guide for Foreclosure Without Falling Prey to Common Missteps

### FREE!

Attendees of the 2021 Real Estate Institute may view 4 of the 6 webcasts listed here for free! Instructions on how to register for free will be provided at the Institute.

## 4 CONTACT & PAYMENT INFORMATION:

Please complete if registering by mail for the In-Person Institute.

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