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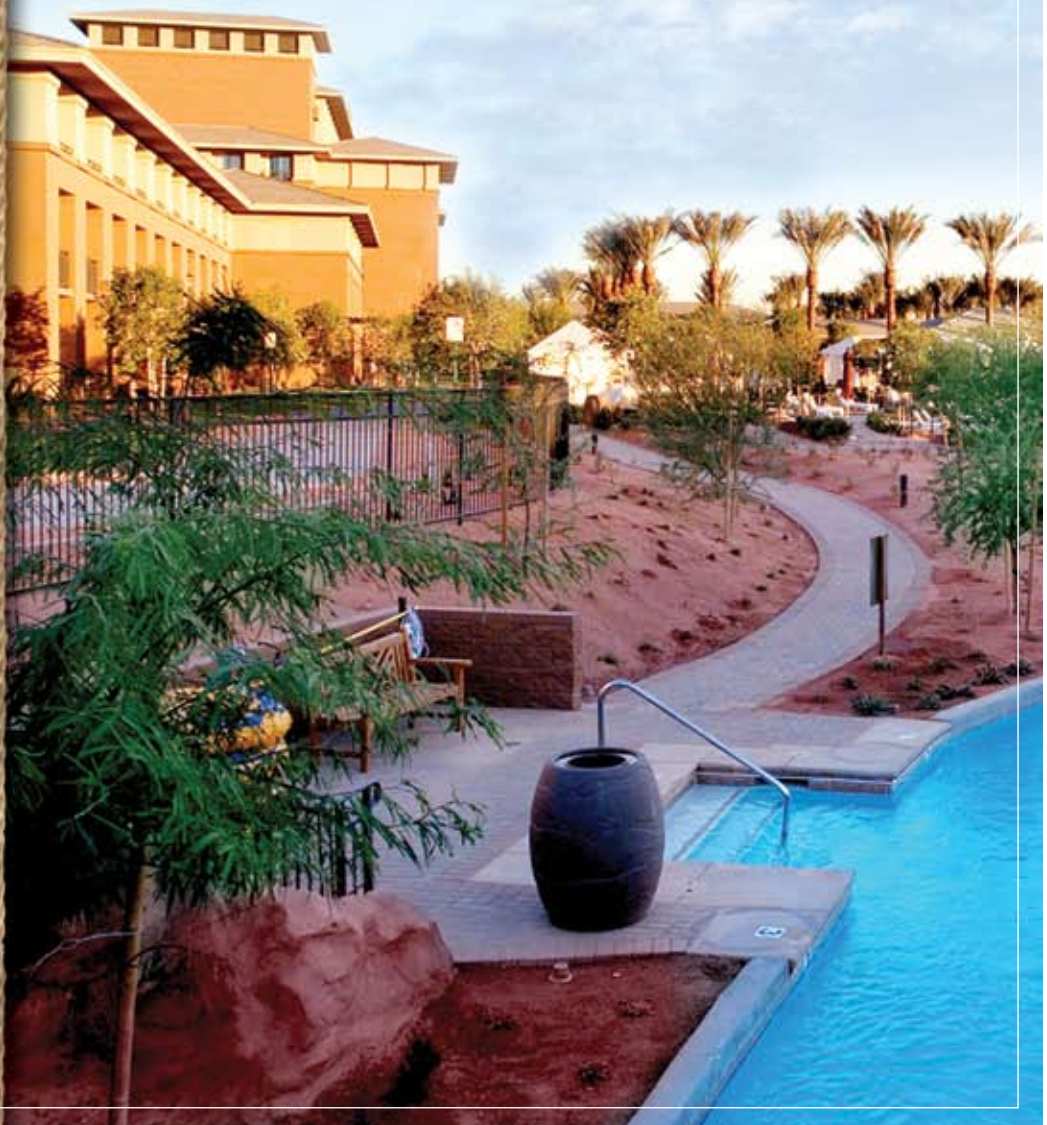
REAL PROPERTY LAW SECTION
STATE BAR OF MICHIGAN

Being An Agent of Change

The Westin Kierland Resort & Spa
Scottsdale, Arizona

March 11-13, 2010

2010 Winter Conference



SCHEDULE

Schedule



Being An Agent of Change

March 11-13, 2010

THURSDAY, MARCH 11, 2010

7:00 – 8:00 p.m. Welcoming Reception

FRIDAY, MARCH 12, 2010

8:30 a.m. Continental Breakfast

9:00 a.m. – Noon

Abundance vs Scarcity: Comparing and Contrasting Water Rights in Michigan and Arizona

Ronald E. Reynolds, Esq.

Berry Reynolds & Rogowski PC

Azim Q. Hameed, Esq.

Sherman & Howard LLC

Current Topics in Alternative Energy and Sustainable Design; What You Need to Know as a Real Estate Attorney

Moderator: **Margaret Van Meter, Esq.**

Warner Norcross and Judd LLP

Wind Farms

Vicki R. Harding, Esq.

Pepper Hamilton LLP

Turning REDD Credits into Green Carbon

Melissa B. Papke, Esq.

Varnum LLP

Financial Incentives for Sustainable Design

John V. Byl, Esq.

Warner Norcross and Judd LLP

7:00 – 8:30 p.m. Reception

SATURDAY, MARCH 13, 2010

7:30 a.m. Continental Breakfast

8:00 – 11:00 a.m.

Avoiding Pitfalls in Arizona Real Estate Transactions

Moderator: **M. Maureen Anders, Esq.**

Sherman & Howard L.L.C.

John K. Graham, Esq., Vice President and Regional Counsel

First American Title Insurance Company

John T. Lotardo, Esq., aka The TITLEMAN®,

Senior Vice-President/General Counsel

Stewart Title & Trust of Phoenix, Inc.

State Counsel for Stewart Title Guaranty Company

Real Time Trends in Judicial Foreclosures, Workouts, and Financing Opportunities

Moderator: **Laura McMahon Lynch, Esq.**

Law Office of Laura McMahon Lynch PLC

John J. Godwin, Vice President of Investments

Marcus & Millichap Real Estate Investment

John T. Haarala, Esq., Corporate Counsel

Capital Bancorp, Ltd.

David A. Handelsman, Esq., Associate General Counsel (Commercial Lending)

Flagstar Bank, FSB

Legislative Update

C. Kim Shierk, Esq.

Myers Nelson Dillon & Shierk PLLC

HIGHLIGHTS

Highlights



All resort photos: www.kierlandresort.com

FRIDAY, MARCH 12, 2010

Abundance vs Scarcity: Comparing and Contrasting Water Rights in Michigan and Arizona – Mr. Reynolds and Mr. Hameed will compare and contrast water rights in Michigan and Arizona. In the discussion of recent developments and current trends, the speakers will address the Great Lakes Compact and other evolving issues and initiatives, including at the Federal level.

Current Topics in Alternative Energy and Sustainable Design; What You Need to Know as A Real Estate Attorney – Ms. Van Meter will moderate a panel of attorneys having expertise in emerging areas of law relating to land use and development which are tied to climate change and sustainability initiatives and legislation.

Wind Farms – Ms. Harding will provide an overview of utility scale wind farms, and discuss associated real estate issues with an emphasis on the terms of wind farm leases and some of the economic incentives that may be available.

Turning REDD Credits into Green Carbon – Ms. Papke will address potential avenues for landowners to generate marketable carbon offset credits from forestlands and farmlands, including practical advice on procedures and options for financing land-based projects. She will also offer a brief update on the impacts of national and regional CO2 emissions reporting, and cap and trade policy on the market for carbon offsets, as well as the relevance and eligibility of REDD (Reducing Emissions from Deforestation and Degradation) credits in existing and emerging markets.

Financial Incentives for Sustainable Design – Mr. Byl will discuss new Michigan legislation that is expected to have a significant impact on future construction projects in Michigan. He will cover State of Michigan financial incentives for sustainable construction, including a new statute that he assisted in drafting which is expected to be enacted by the end of 2009, and will provide significant tax abatements and tax increment financing reimbursement for projects achieving varying levels of LEED certification.

SATURDAY, MARCH 13, 2010

Avoiding Pitfalls in Arizona Real Estate Transactions – This program will provide an overview of Arizona laws affecting real property transactions, as well as insights into local customs and practices affecting Arizona real property transactions. In addition to providing forms commonly used in Arizona, Ms. Anders, Mr. Graham, and Mr. Lotardo will discuss the terms of purchase contracts, the manner in which residential and commercial escrow transactions are handled in Arizona, the types of title insurance policies that are available, commonly used conveyancing deeds and deeds of trust, the laws that govern residential and commercial leasing practices, trends in foreclosure and non-judicial sales, and current cycles and trends in Arizona real estate law.

Real Time Trends in Judicial Foreclosures, Workouts, and Financial Opportunities – Ms. Lynch will moderate a panel of experts in the commercial real estate lending industry, who will discuss their experiences with cutting edge workout arrangements, recent Federal legislation impacting the lending industry, new products for financing real estate development, and the direction of the financing markets. As the moderator, she will also address the changes in the efficacy of judicial foreclosure as a solution to collect bad debt.

How to Work with Banks to Negotiate a Favorable Loan Work-out for Your Client – Mr. Haarala will discuss the practical business and legal aspects of workouts from a lender's perspective, steps that a borrower should take before approaching its lender, and how best to pursue common ground and mutual solutions. He will also provide his insights regarding unforeseen forces that may prevent a workout, and the creative solutions that are available. Forms and documents will be reviewed.

Workouts That Work Better than Others or Why Would the Bank Want to do That? Using case studies of recent workouts and with reference to the latest (October 2009) official guidance from the federal banking regulators, Mr. Handelsman will identify and discuss various ways to navigate through the minefields confronting commercial real estate lenders and borrowers.

Commercial Real Estate Market Overview and Trends – Mr. Godwin will discuss, by property type, information including cap rate and rental rate trends and vacancy rankings, the direction that the financial markets are taking, formation of a new cycle, special assets, national and local market information, and new financing vehicles and trends that are emerging in the market.

Legislative Update 2009-2010 – Ms. Shierk will provide an update on both newly-adopted statutes and pending legislation that affect real estate attorneys.

FACULTY

Faculty



Laura McMahon Lynch, program coordinator, is managing member of Laura McMahon Lynch PLC located in Grosse Pointe, Michigan. A practicing attorney for over twenty-five years, Ms. Lynch specializes in the areas of real estate and construction litigation. Her practice involves prosecuting quiet title actions for lenders and property owners, defending lenders and property owners in foreclosure actions, prosecuting mortgage and construction lien foreclosures for lenders and lien claimants, and defending title insurers, title agents and the State of Michigan in civil actions. She is also a frequent speaker and lecturer at state and local conferences.

Margaret Van Meter, LEED, AP, program coordinator, is senior counsel with Warner Norcross & Judd LLP in Southfield, Michigan where she is a member of the firm's Real Estate Department and its Green/LEED Real Estate and Development practice group. Ms. Van Meter specializes in commercial real estate and has extensive experience on a national basis structuring, negotiating, documenting and closing corporate, retail, industrial, warehouse, distribution center, office, apartment, mixed use, and health care commercial real estate transactions. Meg is a member of the Commercial Real Estate Women (CREW) National Network and is currently a trustee of CREW Foundation.

Ronald E. Reynolds is a principal at Berry Reynolds & Rogowski PC in Farmington Hills, Michigan. He currently serves as Secretary of the State Bar of Michigan's Real Property Law Section Council, and is chair of the Section's Eminent Domain Committee, along with being a member of the Zoning and Land Use Committee. Ron is also a member of the Environmental Law Section. He has handled many cases involving water law issues and riparian rights, including arguing *Little v Kin* before the Michigan Supreme Court in 2003.

Azim Q. Hameed is a member of Sherman & Howard L.L.C practicing in the firm's office in Phoenix, Arizona. Mr. Hameed has 25 years of experience representing developers, lenders and end users in a variety of transactions, including purchases and sales, loans, leases, construction, resolution of title issues, analysis of water rights and environmental matters, and negotiation of development agreements with governmental entities and utility companies. Azim is an active member of the Commercial Real Estate Development Association (NAIOP) Arizona Chapter and a frequent speaker at the Arizona State University Del E. Webb School of Construction.

Vicki R. Harding is a partner in the Detroit office of Pepper Hamilton LLP. She is a member of the firm's Real Estate Practice Group and its Sustainability, CleanTech and Climate Change Team. Ms. Harding represents clients in a broad range of matters involving real estate, including real estate acquisitions and dispositions, financings and workouts, leasing and zoning, with an emphasis on bankruptcy and sustainability issues. She is one of a small number of attorneys who has qualified as a LEED (Leadership in Energy and Environmental Design) Accredited Professional.

Melissa B. Papke is a partner with Varnum, Riddering, Schmidt & Howlett LLP in the firm's office in Grand Rapids, Michigan. Ms. Papke is a member of the firm's Real Estate specialty group and handles a wide variety of corporate and real estate matters, including development, land use planning and conservation, sales and acquisitions, condominium projects, leasing, and mortgage financing. Ms. Papke currently serves as Co-Chair of the Environmental and Energy Law Committee of the State Bar of Michigan's Real Property Law Section and on the Board of the Real Estate Section of the Grand Rapids Bar Association, and was recently elected a fellow of the American College of Mortgage Attorneys.

John V. Byl is a partner at Warner, Norcross & Judd LLP in Grand Rapids, Michigan, practicing exclusively in the environmental area. He is currently chair of the firm's Environmental Practice Group and is involved in virtually all aspects of the firm's environmental practice. He is also co-chair of the firm's Economic Development Incentives Group. Mr. Byl has had extensive experience in Brownfield redevelopment, including the procurement of tax increment financing, grants, loans and credits, helping clients obtain over \$500 million in incentives. He frequently lectures on a wide variety of environmental topics at bar-related functions, chamber activities, trade association meetings, privately sponsored seminars, and other business group functions. He is the chair of the Policy and Legislative Committee of the Michigan Chapter of the National Brownfield Association, and the past Chair of the Environmental Section of the State Bar of Michigan.

M. Maureen Anders is a partner with Sherman & Howard LLC, practicing in the firm's office in Phoenix, Arizona. Having practiced real estate law in Arizona for 24 years, Ms Anders is certified by the Arizona State Bar as a specialist in commercial real estate law. Ms. Anders was recognized as The Best of the Bar, Real Estate Law, by The Business Journal, in 2003, as one of the Southwest's Super Lawyers, in 2009, and as one of The Best Lawyers in America® in the specialty of Real Estate Law, in 2010.

John K. Graham is a Vice President and Regional Counsel for First American Title Insurance Company, based in the Company's office in Phoenix, Arizona, and has been with First American for 33 years. John is a frequent speaker on real estate and title insurance issues and has served as an expert witness in a number of cases involving title insurance issues and escrow issues.

John T. Lotardo, The TITELMAN®, is Senior Vice-President/General Counsel for Stewart Title & Trust of Phoenix, Inc., and State Counsel for Stewart Title Guaranty Company, based in the Company's office in Phoenix, Arizona and is a regularly featured columnist. John is a frequent speaker and presenter on real estate-related topics.

John J. Godwin joined Marcus & Millichap Real Estate Investment Brokerage Services in March 2000 with a strong background in business, negotiation, and sales.

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State Bar of Michigan
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Lansing, MI 48933

2010 Winter Conference

FACULTY continued *Faculty*



John has been involved in leasing or selling in excess of 8.0 million square feet of office, high-tech, retail, and multi-family properties throughout the greater Michigan and Midwest marketplace. Prior to his real estate career, John held positions with Colliers International focusing on Investment and Leasing Brokerage, and Automated Data Processing and Tandem Computers marketing services to the Big Three Automotive Manufacturers. His technical background, coupled with an advanced business degree, has proven successful in building a strong foundation for his career in real estate. John has been active in founding and publishing *The Direct Source* (Blacks Guide), a Metropolitan Detroit Office Leasing Guide.

John T. Haarala works as in-house counsel for the litigation department of Capitol Bancorp, Ltd., a bank holding company co-headquartered in Lansing, Michigan and Phoenix, Arizona. He has held this position for the last three years. During this time, he has represented as many as 64 banks across the United States in hundreds of commercial loan workouts, collection lawsuits,

and real estate foreclosures. John has also taught several terms as an adjunct professor at the Thomas M. Cooley Law School.

David A. Handelsman has been practicing in Michigan since he graduated from U of M Law in 1983, including 16 years at Miro Weiner & Kramer. Since 2005, he has been an Associate General Counsel of Flagstar Bank, where he also sits on the bank's commercial loan and commercial loan workout committees.

C. Kim Shierk is a member of Myers Nelson Dillon & Shierk, PLLC in Bloomfield Hills, Michigan. She practices in the area of real estate law, with extensive experience in condominium law and other forms of community property developments. She is currently the vice chairperson of the State Bar of Michigan's Real Property Law Section and is past chair of the section's Committee on Condominiums, PUDs, and Cooperatives. Ms. Shierk has lectured extensively for ICLE and other organizations on real estate issues matters and has authored and coauthored a number of articles on real estate law.