

Course Planner



Blair H. Granger, Esq.^{1,2,3}
The Granger Firm, Paoli

The Granger Firm handles numerous construction defects and failure to disclose cases in the courts of Pennsylvania. The firm's clients include real estate and commercial brokerages, developers and builders, landlords and tenants, homeowners, business owners and businesses and individuals engaged in sophisticated transactions or litigation. Mr. Granger handles claims on behalf of several major title insurers for their insured owners and lenders and has litigated numerous complex title claims. He is a widely recognized expert on real estate issues, and he is a frequent lecturer for attorneys and other real estate professionals on real estate topics.

Faculty

Michael P. Coughlin, Esq.¹
Kaplin Stewart Meloff Reiter & Stein, PC, Blue Bell

James L. Goldsmith, Esq.²
Caldwell & Kearns, PC, Harrisburg

Edward J. Hayes, Esq.¹
Fox Rothschild, LLP, Philadelphia

Lauren P. McKenna, Esq.²
Fox Rothschild, LLP, Philadelphia

Jason G. Wehrle, Esq.³
Strassburger McKenna Cutnick & Gefsky, Pittsburgh

Kenneth J. Yarsky, II, Esq.³
Sherrard German & Kelly, PC, Pittsburgh

Speaking in: ¹Philadelphia, ²Mechanicsburg, ³Pittsburgh

Mark Your Calendar

15TH ANNUAL

Real Estate Institute

Philadelphia • Wed. & Thurs., Dec. 7-8, 2011
Pennsylvania Convention Center

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U.S. POSTAGE
PAID
Pennsylvania Bar
Institute

PHILADELPHIA
BAR ASSOCIATION

THE ALLEGHENY
COUNTY
BAR ASSOCIATION

PENNSYLVANIA BAR INSTITUTE
Continuing Education Arm of the Pennsylvania Bar Association
5080 Ritter Rd., Mechanicsburg PA 17055-6903

Litigating the Failed Real Estate Deal



Designed for:

- ✓ Commercial real estate attorneys
- ✓ Residential real estate attorneys
- ✓ Lender's Counsel
- ✓ Developer's Counsel
- ✓ Buyer's Counsel
- ✓ Seller's Counsel
- ✓ Litigators

▶ Afternoon program with lunch
12:30 pm to 3:45 pm

▶ 3 CLE credits including ethics

3 CLE CREDITS
including ethics

Litigating the Failed Real Estate Deal



Philadelphia
Tues., April 5, 2011

Mechanicsburg
Thurs., April 14, 2011

Pittsburgh
Wed., April 27, 2011

Live Webcast
Thurs., April 14, 2011

Simulcast
Thurs., April 14, 2011

Allentown

Doylestown

Honesdale

New Castle

Stroudsburg

▶ Afternoon program with lunch
12:30 pm to 3:45 pm

PHILADELPHIA • APRIL 5 ★ MECHANICSBURG • APRIL 14 ★ PITTSBURGH • APRIL 27
LIVE WEBCAST • APRIL 14 ★ SIMULCAST • APRIL 14 TO 5 LOCATIONS



Your Other Partner

PBI is pleased to cosponsor this program with the PBA Real Property, Probate & Trust Law Section

PENNSYLVANIA BAR INSTITUTE
Continuing Education Arm of the Pennsylvania Bar Association
BRINGING EXCELLENCE TO CLE



In today's economy, many real estate deals are ending at the litigation table instead of at the settlement table. In this new course, you will learn the practical considerations when representing buyers, sellers and agents in both commercial and residential real estate, along with the legal theories that are likely to come into play when a deal fails. Our experienced faculty will cover topics ranging from whether the cost to get the deposit back is more than the deposit, when filing a lis pendens is proper (and when it is not), the effect of litigation when remarketing the property, warranties and disclosure obligations (and the litigation they cause), and whether the lender has liability when it decided to pull out. You will receive a detailed course outline of the law along with a review of hypotheticals that will involve the following topics in both residential and commercial settings:

- Theories of suit
- Sellers who cannot clear title – what's a buyer to do?
- Disclosure obligations in the commercial deal: do they really exist?
- Default clauses and liquidated damage remedies: who is limited and who is not?
- Specific performance: available for buyers and sellers?
- How does a suit by the seller for the purchase price differ from specific performance?
- The lender who pulls out of the commercial deal – can the lender really be sued for that?
- Consumer Protection and Unfair Trade awards: for whom, for what?
- Traps for the unwary litigator

Register today • www.pbi.org

12:30 - 12:45	Evaluating and Assessing the Case
12:45 - 1:00	Electing the Seller's Remedy • liquidated damages clauses: is it enforceable? • specific performance v. a suit for the purchase price
1:00 - 1:30	Buyer's Case: Proving Fraud for the Buyer • fraud in the execution • fraud in the inducement Commercial Buyer's Case: It's a Whole Different Ballgame • what survives settlement and what does not
1:30 - 1:45	When the Seller Cannot Clear Title • marketable title v. insurable • lis pendens – what does it mean and when can a buyer use it? • What duties does the underwater seller have to clear title under common agreement of sale clauses?
1:45 - 2:00	Is the Lender Coming to the Litigation Party? • does the lender have a duty of good faith and fair dealing? • When is a defaulting borrower not in default? • suing the lender for withdrawing from the deal – can it be done?
2:00 - 2:15	Break
2:15 - 2:30	Arbitration Issues: Enforcing the Clauses and Who Gets to Go
2:30 - 3:00	Review of Recent Cases Involving Lender Liability; Discussion of Common Ethical Issues That May Arise in Cases Involving the Lender
3:00 - 3:45	Review of Hypotheticals with Common Ethical Issues • using a title issue to avoid settlement • use of lis pendens by the defaulting buyer • suing the lender before the lender sues you in a different jurisdiction • avoiding arbitration: to go or not to go? • settlement • is that really the end? • getting leverage to settle the dispute

Dates & Locations ▶ **12:30 pm to 3:45 pm**; check-in and lunch begin at noon

Philadelphia Tues., April 5, 2011 The CLE Conference Center Wanamaker Building, 10th Fl. Suite 1010, Juniper St. entrance	Mechanicsburg Thurs., April 14, 2011 PBI Conference Center 5080 Ritter Rd. Rossmoyne Exit, Rt. 15	Pittsburgh Wed., April 27, 2011 PBI Professional Development Conference Ctr. Heinz 57 Center 339 Sixth Ave., 7th Floor
Simulcast • Thurs., April 14, 2011		
Allentown Bar Assn. of Lehigh Co. 1114 Walnut St.	Honesdale Wayne Co. Courthouse 925 Court St.	Stroudsburg Monroe Co. Bar Center 913 Main St.
Doylestown Bucks Co. Bar Assn. 135 E. State St., Conf. Rm. C	New Castle Penn State Coop. Ext. of Lawrence Co. Lawrence Co. Cthse. 430 Court St., 3 rd Fl.	

LUNCH INCLUDED AT ALL LOCATIONS

Live Webcast • Thurs., April 14, 2011
Go to webcasts.pbi.org to register.

Registration Policy: We encourage early registration. Save \$25 on registrations received 3 or more business days before the presentation date. Early registration helps us ensure there will be sufficient course materials, seating and refreshment. Walk-in registrations will be accepted on a space-available basis. Pre-registered customers receive priority on the distribution of course materials. Those intending to register at the door should check www.pbi.org or call (800) 247-4724 to ensure that the course has not sold out and that there have been no schedule changes.

Cancellation Policy: In order to receive a refund for cancellation (less a \$25 administrative fee), you must notify PBI by mail or FAX no later than 2 business days prior to the course presentation date for the appropriate site. Otherwise, you will receive the course materials in full consideration of tuition paid.

Weather Related Cancellations: Check www.pbi.org or call (800) 932-4637 ext. 2205.

Registration Transfers: Requests for transfers will be honored if they are received prior to the date of the course.

Services for Persons with Disabilities: If special arrangements are required, please contact Customer Service at (800) 932-4637 at least ten days prior to the presentation date.

Registration Confirmation: Be sure to include your email address on the registration form to receive a confirmation. Expedite your check-in by bringing this confirmation to the seminar, but is not required for admission.

Speaker Substitutions: PBI reserves the right to substitute speakers at all programs.

PBI Scholarships: PBI offers substantially reduced tuition for most PBI seminars to allow attorneys experiencing financial hardship to fulfill their mandatory education requirement. For details and an application, contact Scholarship Administrator at scholarships@pbi.org or (800) 932-4637 Ext. 2284 at least 30 days before the program. (Please note scholarships are not available for Online CLE.)

clw/bkt-1/3/11

Litigating the Failed Real Estate Deal

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Locations

- Philadelphia April 5, 2011
 Mechanicsburg April 14, 2011
 Pittsburgh April 27, 2011
 Simulcast • April 14, 2011
 Allentown Doylestown Honesdale
 New Castle Stroudsburg

Tuition (includes course book and lunch)

Early*		<i>Standard</i>
\$229 <input type="checkbox"/> Member — Pa., or any co. bar assn.		<input type="checkbox"/> \$254
\$209 <input type="checkbox"/> Member admitted after 1/1/07		<input type="checkbox"/> \$234
\$249 <input type="checkbox"/> Nonmember		<input type="checkbox"/> \$274
\$99 <input type="checkbox"/> Paralegals attending with an atty.		<input type="checkbox"/> \$124
\$129 <input type="checkbox"/> Paralegals attending alone		<input type="checkbox"/> \$154
\$115 <input type="checkbox"/> Judges and judicial law clerks		<input type="checkbox"/> \$140
\$105 <input type="checkbox"/> Judges and judicial law clerks (admitted after 1/1/07)		<input type="checkbox"/> \$130

or Go to webcasts.pbi.org for webcast tuition and to register.
Online tuition differs from live course tuition.

*Registrations received 3 or more business days before the presentation qualify for the **Early Registration Discount**.

Book & Audio CD

- Course Book** (2011-6665) — \$69 plus \$6.00 S&H & \$4.50 tax (\$79.50)
- Audio CD** (ACD-6665) — \$39 plus \$6.00 S&H & \$2.70 tax (\$47.70)
- Audio CD & Book Set** (ACDS-6665) — \$99 plus \$6.00 S&H & \$6.30 tax (\$111.30)

If you are ordering course materials separately, please allow two weeks after the first program for the shipment of books and 4 to 6 weeks for shipment of the CDs and book/CD sets.

Name _____ Atty. # _____
 Firm _____
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