

**Keeping Projects Alive Workshop**  
February 20, 2009 | Phoenix, Arizona  
Wyndham Phoenix Hotel



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**Featuring Speakers From:**

- APEXCapital
- Arizona Department of Real Estate
- Arizona State Land Department
- City of Peoria
- Greenberg Traurig LLP
- Kutak Rock LLP
- Mariscal, Weeks, McIntyre & Friedlander, PA
- MCA Financial Group Ltd.
- Mesch Clark & Rothschild PC
- Stewart Title & Trust of Phoenix
- Stinson Morrison Hecker LLP

**Who Should Attend:**

*Attorneys, real estate professionals, agency officials, investors and others who are involved in real estate transactions*

*An Advanced One-Day Workshop on*

# Keeping Real Estate Projects Alive

Current challenges, survival strategies, and opportunities

**February 20, 2009**

**Phoenix, Arizona**

**Wyndham Phoenix Hotel**

**Credits:** AZ CLE 7 | AZ RE pending (call about others)

**Quick when/where:** 8:30 a.m., 50 East Adams Street



- 8:00 Registration and Continental Breakfast**
- 8:30 Introduction and Overview**  
**Donald E. Dyekman, Esq., *Program Co-Chair***  
 Mariscal, Weeks, McIntyre & Friedlander, PA ~ Phoenix, AZ  
**David M. Paltzik, Esq., *Program Co-Chair***  
 Greenberg Traurig LLP ~ Phoenix, AZ
- 8:45 Navigating a Difficult Market: Foreclosures and Workout Strategies**  
 Effective workout strategies for developers of troubled projects; complicating factors such as homeowner and securities litigation; lender perspectives  
**Morrie Aaron, CPA, *President***  
 MCA Financial Group Ltd. ~ Phoenix, AZ  
**John R. Clemency, Esq.**  
 Greenberg Traurig LLP ~ Phoenix, AZ  
**Bryan Neddoff, *Senior Vice President***  
 APEXCcapital ~ Scottsdale, AZ
- 10:30 Break**
- 10:45 Title Issues for Distressed Property Transactions: An “Ask the Titleman™” Presentation**  
 Mechanics’ liens and tax liens; special issues that arise with distressed sellers in a down market; problems from quitclaim deeds; special new services  
**John T. Lotardo, Esq.**  
*Senior Vice President and General Counsel*  
 Stewart Title & Trust of Phoenix ~ Phoenix, AZ
- 11:30 State Policies on Foreclosures and Workouts of Projects on State Lands**  
 State land department’s goals and policy perspectives; renegotiation and extension of state land purchases; budget effects  
**James L. Adams, *Director, Real Estate Division***  
 Arizona State Land Department ~ Phoenix, AZ
- 12:15 Lunch (on your own)**

- 1:30 Perspectives on Government’s Role in Keeping Projects Alive**  
 Vesting of development rights; renegotiating development agreements; what to do with a project that is partially through the plotting process; working with the DRE; lessons from recent litigation; finding workable solutions; bonds and assurances  
 Local government perspective  
**Stephen M. Kemp, Esq., *City Attorney***  
 City of Peoria ~ Peoria, AZ  
 Developer perspective  
**Lynn T. Ziolko, Esq.**  
 Kutak Rock LLP ~ Scottsdale, AZ
- 2:30 Public Reporting and Disclosure Issues for DRE Compliance**  
 Potential regulatory triggers when foreclosing lenders become subdividers; bonds, assurances, and replacements; escrowed deposits  
**Cindy Ferrin, *Manager***  
*Development Investigations and Services Division*  
 Arizona Department of Real Estate ~ Phoenix, AZ
- 3:15 Break**
- 3:30 Buying into Partly Done Projects: Avoiding Liabilities While Getting the Job Done**  
 Master Planned Community and condominium; completion deficiencies; homeowner association cash flows; renting units; Interstate Land Sales Full Disclosure Act  
**David M. Paltzik, Esq., *Program Co-Chair, Moderator***  
 Overview of issues for financial terms and risk management; transactions, representations and warranties; bulk sales issues  
**Donald E. Dyekman, Esq., *Program Co-Chair***
- 4:30 Perspectives from the Trenches on Practical Solutions**  
 Panel discussion and overview on practical solutions, with audience participation  
**David M. Paltzik, Esq., *Program Co-Chair, Moderator***  
**Alisa C. Lacey, Esq.**  
 Stinson Morrison Hecker LLP ~ Phoenix, AZ  
**Lowell E. Rothschild, Esq.**  
 Mesch Clark & Rothschild PC ~ Tucson, AZ
- 5:30 Evaluations and Adjourn**



About the Workshop

LAW SEMINARS INTERNATIONAL

Advanced Workshops

offer busy practitioners intensive up-to-date information in a one-day program.

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*The real estate development industry is under pressure from lack of financing for developers and buyers and mounting litigation. Claims include homeowner disputes against builders and developers, construction defects, failure to complete amenities, on-going warranties, and securities litigation.*

*This program focuses on the opportunities and challenges in the current market of foreclosures and stalled or failed development projects. Developer survival strategies are discussed and assessed, including delaying projects until the market comes back and conserving cash while maintaining enough existing deals to keep the business operating. Our distinguished faculty of attorneys and financial professionals address special considerations for a project that is part way through the entitlement process; impact on development agreements; special issues for condominiums and PUDs (planned unit developments); liabilities when you acquire a project at various stages of difficulty and loss of assessment income.*

*Learn how to recognize and address the unique circumstances of these times.*

*~ Program Co-Chairs: Donald E. Dyekman, Esq. and David M. Paltzik, Esq.*



**Donald E. Dyekman**, *Program Co-Chair*, shareholder at Mariscal, Weeks, McIntyre & Friedlander, PA, practices in common interest developments. He represents developers of new residential, commercial and mixed-use condominiums, planned communities and condominium conversions. He is listed in *Best Lawyers*.

**David M. Paltzik**, *Program Co-Chair*, shareholder at Greenberg Traurig LLP, represents homebuilders, developers, investors and business owners in a wide variety of real estate, financing, and commercial transactions. He has represented public and private homebuilders in the acquisition, subdivision and development of residential property. He is listed in *Best Lawyers*.

**Morrie Aaron, CPA**, founder and President of MCA Financial Group Ltd., is an expert in business restructuring, interim and crisis management, mergers and acquisitions, and capital formation. Previously he was Chief Financial Officer, Treasurer, General Manager and Director of Employee Solution, Inc. and Global Technologies, Inc and a Senior Manager at Arthur Andersen specializing in bankruptcy and turnaround consulting, corporate finance and accounting.

**James L. Adams** is Director of the Real Estate Division of the Arizona State Land Department. Previously he was Deputy Land Commissioner of the Department.

**John R. Clemency**, shareholder at Greenberg Traurig LLP, concentrates his practice on workouts of troubled loans, business bankruptcies, and commercial litigation. He is certified as a commercial bankruptcy specialist by the Arizona State Bar Board of Legal Specialization.

**Cindy Ferrin**, Manager of the Development Investigations and Services Division of the Arizona Department of Real Estate, supervises the public employees who administer the laws, regulations and policies applicable to the sale of subdivided and unsubdivided lands and timeshares in the state of Arizona.

**Stephen M. Kemp** is the City Attorney for the City of Peoria, Arizona. Previously he was Chief Civil Deputy County attorney for Pinal County, Arizona.

**Alisa C. Lacey**, partner at Stinson Morrison Hecker LLP in the Bankruptcy and Creditors Rights Division, represents clients in every aspect of bankruptcy. She also supervises and negotiates out of court restructuring of debt for multiple enterprises.

**John T. Lotardo**, aka the "TITLEMAN"™, Senior Vice President and General Counsel for Stewart Title & Trust of Phoenix, is also State Underwriting and Claims Counsel for Stewart Title Guaranty Company. He practices all aspects of real estate, title and escrow proceedings and was editor for the *Real Property Journal* for the State Bar of Arizona and author of numerous columns including "Ask the TITLEMAN"™.

**Bryan Neddoff**, Senior Vice President at APEXCapital, works in real estate and lot banking with public and private home builders. Previously he was Senior Vice President at JP Morgan Chase & Co..

**Lowell E. Rothschild**, senior shareholder and founder at Mesch, Clark & Rothschild PC, concentrates on bankruptcy and business reorganization. He is a Fellow in the American College of Bankruptcy and has represented debtors, creditors and creditor committees on a wide range of issues. He acts as Judge Pro Tempore, Special Master and Mediator for the Pima County Superior Court for the State of Arizona.

**Lynn T. Ziolk**, partner at Kutak Rock LLP, has extensive experience in all forms of real estate development, including residential, office, retail and master plan developments, acquisitions, dispositions, construction and environmental matters.



## Registration & Other Workshop Information

### To Register:

Call us at: 800-854-8009 or 206-567-4490

Fax the registration form to us at: 206-567-5058

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Web site: www.lawseminars.com

Mail the registration form on the front page.

Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

**Tuition:** Regular tuition for this program is \$695 with a group rate of \$595 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$495. For students and people in their job for less than a year, our rate is \$347.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

**Substitution & Cancellation:** You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we

receive your cancellation by 5:00 p.m. on Friday, February 13, 2009. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The workshop will be held at the Wyndham Phoenix Hotel at 50 East Adams Street in Phoenix, AZ 85004. Call the hotel directly at (602) 333-0000 for reservations. Rooms are on a first come, first served basis.

### Continuing Education Credits:

This program qualifies for 7 AZ CLE credits. AZ real estate credits are pending. Upon request, we will apply for CLE credits in other states and other types of credits.

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$705. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).



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Current challenges, survival strategies, and opportunities

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(602) 333-0000

## You Will Learn About:

- Effective workout strategies for owners and developers of troubled projects
- AZDRE goals and policy perspectives
- Title issues for distressed property transactions
- Vesting and renegotiating development agreements with government on partially completed projects
- Completing the project while avoiding pitfalls
- The Interstate Land Sales Full Disclosure Act
- Practical solutions to issues of greatest concern

## Watch for our telebriefings on major legal developments.

Members of our distinguished faculties will present analyses of major decisions and other developments as soon as they happen in a one-hour telephone conference.

If you wish to receive announcements for telebriefings that affect you, please make sure we have your email address—send it to me, H. Kate Johnson, President:

[kate@lawseminars.com](mailto:kate@lawseminars.com)

## Law Seminars International News:

### Upcoming Seminars:

Complex and Mixed-Use Developments	April 15, 2009	Walnut Creek, CA
Buying and Selling Hotels	May 6, 2009	San Francisco, CA
Legal Issues in Green Development	June 12 & 13, 2009	Portland, OR
Land Use and Climate Change	June 15 & 16, 2009	Los Angeles, CA
Keeping Real Estate Development Projects Alive	July 29, 2009	San Francisco, CA
Commercial Real Estate Remedies	August 5, 2009	Seattle, WA
Land Use in Southern California	October 8 & 9, 2009	San Diego, CA

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