

REAL ESTATE TITLES

THE PRACTICE OF REAL ESTATE LAW IN NEW YORK

EDITORS-IN-CHIEF

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DEDICATION OF REAL ESTATE TITLES
TO
JAMES M. PEDOWITZ, ESQ.*

The Real Property Law Section of the New York State Bar Association hereby dedicates *Real Estate Titles*, now in its third edition, to its initial editor-in-chief, James M. Pedowitz, Esq. Although his is a name well known and respected among real property lawyers, the publication contains no mention of his numerous accomplishments. This Section intends that this oversight be remedied and that this author, scholar, mentor, teacher and friend be more fully exposed, not only to his contemporaries but also to his professional “heirs, successors and assigns.”

Jim attained the age of 91 on October 29, 2006. Born and bred in Brooklyn, Jim was graduated from the Boys High School in Brooklyn in February 1932. He earned a B.A. degree from New York University, Washington Square College in 1935 and a J.D. degree from New York University Law School in 1938. He and his Welsh-born wife, Mary, have three children: Lawrence, Dinah and David.

Jim started his title and legal career with Title Guarantee and Trust Company. It was interrupted by service in the U.S. armed forces from 1941 to 1946. He entered military service as a private and left as a lieutenant-colonel commanding a truck battalion. He then served in the Army Reserve for an additional 16 years.

Those with longer memories associate Jim with the deans of the United States title insurance industry generally and more specifically with Tigor and its earlier incarnations. At the time of his title industry retirement, he was first vice president and chief counsel of the Title Guarantee Company and vice president and eastern regional counsel of Pioneer National Title Insurance Company, later known as Tigor. Those with shorter memories remember Jim as an adjunct professor of law at New York University Law School (1971–1985) and as a visiting professor of law at St. John’s University Law School (1988–1992); in private practice in New York City as a partner with Marshall, Bratter, Greene, Allison & Tucker; special counsel with Rosenman & Colin; and later as counsel to Berkman, Henoch, Peterson & Peddy, P.C. in Garden City, New York.

Jim was president of the Bar Association of Nassau County (1971–1972), a vice president (1974–1977) and chair of the NYSBA’s Real Property

Law Section (1971–1972); council member of the Real Property, Probate and Trust Law Section of the American Bar Association; member of the board of directors, New York County Lawyers' Association (1978–1984); and an active member of various real property law committees of all of the above, as well as The Association of the Bar of the City of New York, Suffolk County Bar Association and Queens County Bar Association. He was also a member of the Committee on Character and Fitness for the Second, Tenth and Eleventh Judicial Districts of the Appellate Division, Second Department (1973–1985).

Additional professional memberships include the New York State Land Title Association, the New York Board of Title Underwriters, the American Land Title Association, American College of Real Estate Lawyers (where he was secretary and a member of the board of governors) and Anglo-American Real Property Institute. He was also an adviser to the National Conference of Commissioners on Uniform State Laws, and he served on the arbitration panel of the United States District Court, Eastern District of New York.

Jim has written numerous articles and lectured extensively for Practising Law Institute, as well as the various associations and professional groups with which he has been associated. The subjects on which he has written and lectured include title examination, title insurance, condominiums, co-ops, mortgage foreclosure, creditors' and debtors' rights, rule against perpetuities, practice guides, easements, hazardous waste super liens, real property gains tax, hidden title risks, authentication of foreign documents, solar energy easements, uniform real property acts, Indian land claims, bankruptcy, transfer of air rights and development rights, plain English, equitable distribution, zoning lot mergers, New York State transfer gains tax, lands under water and riparian rights.

Throughout his career, Jim has given freely of his advice and counsel to others, and especially to young lawyers. He has responded unstintingly, promptly and without expectation of reward as mentor and counselor to countless numbers of his legal brethren and sisters. We will forever be in his debt. It is our hope that we may emulate his prowess and be able to transmit to our legal progeny that which he has given us.

It is with deep gratitude that his dedication is recorded as a perpetual record.

* This Dedication to James M. Pedowitz was included in the Third Edition of this book, published in 2007.

INTRODUCTION

As Editors to this update to Real Estate Titles, we understood the mantle we are carrying, as well as our duty to produce a book that meets the needs of every real estate practitioner no matter how difficult the issue. At the same time, we strove to make sure that even the most basic real estate topics had not been overlooked. This has been the greatest-selling book in New York State Bar history, and we believe that it will receive an even greater audience as a result of the latest e-book technology.

The editors thank and are in awe of the authors who have contributed to the vision and contents of this treatise. These authors are some of the most influential attorneys of our time who have participated in many of the most important transactions and real estate litigation that have shaped the New York landscape. This group of authors has been called an All-Star team, a Dream team, or simply the greatest group of lawyers ever to draft a book together. But to us, we saw no ego and simply the hard work and selfless attitude of these unpaid attorneys donating their time to contribute and improve the legal profession.

Notwithstanding, while the New York State Bar Association, the Editors of Real Estate Titles and the Chapters' authors have used their best efforts in preparing this book, they make no representations or warranties with respect to the accuracy or completeness of the contents of this book, and specifically disclaim any implied warranties of merchantability or fitness for a particular purpose. Any opinions expressed are each author's alone, individually, not as a representative of his or her firm or company, and do not constitute legal advice. The Editors' and authors' firms and companies have not endorsed and specifically disclaim any association related to the accuracy, the content, or any opinions stated in this treatise.

Understanding that this is the 4th Edition of this book, we were careful to maintain the integrity of the prior work while updating and making sure each sentence of each page had been checked for continued accuracy. At the same time, unlike in past editions, the real estate world has changed in significant ways since the last writing. As a result, several new Chapters have been added and other Chapters have been removed or completely rewritten to stay current with the law. Although certain new Chapters do not directly impact title, they are included because of their importance to the transaction of real property.

Adam Leitman Bailey and Michael J. Berey

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The internationally esteemed *Chambers & Partners* has repeatedly selected Mr. Bailey as one of New York's Leading Lawyers in Real Estate. The *Commercial Observer* named him as one of New York's Most Powerful Real Estate Attorneys. After Mr. Bailey's firm used a forgotten statute to prevail in a landmark case, the *Wall Street Journal* quoted a prominent New York developer's attorney who called the holding a "game changer" affecting real estate nationwide. In another case, the settlement Bailey received was the largest condominium settlement in history for one building, and in another transaction, he obtained the largest government grant (\$21 million) for a cooperative in New York history. *The Commercial Observer* ranked another victory among their "15 Most Fascinating New York Real Estate Cases of the 21st Century." Most recently, Mr. Bailey secured the largest settlement in New York City history for a property casualty lawsuit.

In 2011, Mr. Bailey wrote *Finding The Uncommon Deal: A Top New York Lawyer Explains How to Buy a Home for the Lowest Possible Price*. The book gained Bailey the 2012 "First Time Author" award granted by the National Association of Real Estate Editors. Mr. Bailey has also been elected a Fellow of the American College of Real Estate Lawyers (ACREL), where he serves on the Insurance and Title Insurance committees, and is a former member of the American College of Mortgage Attorneys (ACMA).

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Since 1973, Mr. Altschuler has represented numerous clients with respect to the acquisition, financing, mortgage securitization, disposition, and leasing of commercial real estate. He has represented lenders in connection with construction, interim and permanent financings of real estate (such as land assemblages, hotels, regional shopping centers, office buildings, industrial parks, mixed-use projects, and residential and commercial condominiums and cooperatives), workouts of nonperforming loans, foreclosures and acceptances of deeds in lieu of foreclosure, and dispositions of properties acquired in workouts and foreclosures.

Since joining Cadwalader in 1992, Mr. Altschuler has represented institutional lenders and investment banks in connection with the origination and securitization of commercial mortgage loans (both single-asset and pools), including the establishment of numerous commercial conduit programs. In addition, Fred has represented investors acquiring performing and nonperforming loans and properties, including the financing of such purchases, and restructuring and disposition of the purchased assets.

Mr. Altschuler is also active in the public sector, having represented Battery Park City Authority since 1981 with respect to the development of the area, including the World Financial Center, the Holocaust Museum, the first residential leasehold condominium project in New York State, and with the relocation of the New York Mercantile Exchange; the City of New York, including with respect to the Metrotech Project in downtown Brooklyn; and the State of New York and the Metropolitan Transportation Authority in connection with numerous mixed-use development projects. A graduate of Syracuse University with a B.A., Fred earned his J.D. at St. John's University.

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Mr. Bagwell is the author of over 70 published articles on real property and title insurance issues. He is a frequent contributor to the *New York Law Journal* for which he writes a quarterly article on title insurance. His articles have also been published in the *New York Real Estate Reporter* and in *Settlement Services Today*. He is also the editor of the updated section on title insurance in *Warren's Weed*. Mr. Bagwell is a Past President of both the New York State Land Title Association and of the Title Insurance Rate Service Association. Mr. Bagwell is also a nationally recognized lecturer on title insurance and real property law. He is a certified Continuing Legal Education instructor for Virginia and for Pennsylvania and has served as a lecturer for the City Bar, the State Bar and the Practicing Law Institute. Mr. Bagwell sits on the Executive Board of the Real Property Section of the New York Bar Association and serves as one of

the Editors of the Section's Journal. He was elected a Fellow of the American College of Real Estate Lawyers. Mr. Bagwell is licensed to practice law in Virginia and in New York.

LESTER M. BLIWISE, ESQ.

Lester M. Bliwise is a partner at Seyfarth Shaw LLP, resident in its New York City office. He has extensive experience in conventional and capital market mortgage lending, acquisitions and dispositions, joint venture investments, and debt restructurings and workouts. Mr. Bliwise's practice is national in scope and encompasses all property types, including office, retail, industrial, apartment, and hotel properties. He has served as counsel to insurance companies, commercial and investment banks, pension funds and their advisors, institutional owners and investors, and others.

Mr. Bliwise is a Fellow of the American College of Real Estate Lawyers and the American College of Mortgage Attorneys and was elected as a Fellow of the New York Bar Foundation. He has been recognized for real estate law in *The Best Lawyers in America* (since 2008) and is listed in *New York Super Lawyers* for Real Estate (since 2006).

Mr. Bliwise is a past Chair of the New York State Bar Association's Real Property Law Section as well as a past Chair of that Section's Real Estate Financing Committee. He presently serves as a member of the Real Property Law Section's Executive Committee. He is also a member of the New York City Bar Association, the CRE Finance Counsel, and the International Council of Shopping Centers and its U.S. Law Conference Program Committee.

Mr. Bliwise has spoken at numerous programs and seminars throughout the country, including those for the International Council of Shopping Centers, the American College of Real Estate Lawyers, the Practicing Law Institute and the New York State Bar Association. He has also published articles on real estate and finance matters in various publications.

Mr. Bliwise earned a J.D. from Brooklyn Law School, where he was an editor of the *Brooklyn Law Review*. He also earned a B.A. from Rutgers College. He is admitted to practice in New York.

MATTHEW C. CAHILL, ESQ.

Matthew C. Cahill is a Vice President and Corporate Underwriting Counsel at First American Title Insurance Company. Mr. Cahill's respon-

sibilities include underwriting commercial transactions, overseeing the New York underwriting department as well as establishing underwriting policies and procedures in New York.

Mr. Cahill has been an underwriter at First American for over 17 years, serving as Senior Divisional Underwriting Counsel for the National Commercial Services Division and Senior Underwriting Counsel at the New York Division prior to that. He is an active lecturer in First American's Continuing Legal Education program.

Mr. Cahill formerly served as In-House Counsel to Superior Bank FSB/Alliance Funding Company providing counsel to the Servicing Division specializing in regulatory compliance as well as supervising contested litigation. Previously, Mr. Cahill was in private practice.

Mr. Cahill received his B.A. in Journalism from the State University of New York, College at Buffalo in 1991 and also studied at the University of South Australia. He received his J.D. from Thurgood Marshall School of Law in 1994. He is admitted to the bar in the state of New York.

S.H. SPENCER COMPTON, ESQ.

S.H. Spencer Compton is a vice president and special counsel at First American Title Insurance Company in New York City.

He is the Secretary of the New York State Bar Association's Real Property Law Section, as well as a frequent contributor to Lexis/Nexis electronic publications, NYSBA's *Real Property Law Journal*, and *The Practical Real Estate Lawyer*. Mr. Compton is a frequent lecturer for First American as well as The Practising Law Institute and ICSC-LAW.

Prior to joining First American, he practiced real estate law in New York City for 11 years, with an emphasis on commercial leasing and financing transactions. Mr. Compton earned his undergraduate degree in 1972 from New York University and his law degree in 1989 from Brooklyn Law School, where he graduated *cum laude*. Prior to attending law school, he was a screenwriter and film producer.

DANIEL J. EVANS, ESQ.

Daniel J. Evans is a partner in Seyfarth Shaw LLP's New York City office. His practice concentrates on representing members of the lending and borrowing communities in connection with real estate finance matters, workouts and restructurings. In recent years, this work has empha-

sized the structuring and closing of mortgage and mezzanine loan transactions for securitization in the capital markets, as well as interim/bridge loans, construction and permanent loan transactions. He has closed numerous fee and leasehold financings of commercial and residential developments, industrial centers, shopping centers, resorts, hospitality properties, condominiums and office buildings and has extensive experience with financing real estate projects across the United States. His experience also includes the representation of institutional investors in the sale of mortgage loans, mezzanine loans, B-notes and participation interests in whole loans, and numerous mortgage and mezzanine workouts and restructurings.

Mr. Evans recently moderated the “Bridging the Gap: Bridge Lending and the CRE CLO Market” panel at Commercial Observer’s 2019 Fall Financing Commercial Real Estate Forum and has lectured on various commercial real estate finance topics for several years. He has also previously published articles on real estate finance matters in other publications.

Mr. Evans earned a J.D. from the University of California, Hastings College of the Law, where he was a member of the *Constitutional Law Quarterly*, and a B.A. from Lehigh University. He is admitted to practice in New York.

VINCENT G. DANZI, ESQ.

Vincent G. Danzi is Chief UCC Counsel at AmTrust Title Insurance Company (AmTrust Title), an AmTrust Financial company. Mr. Danzi is also the corporate counsel of AmTrust Title’s sibling company, First Nationwide Title Agency, LLC. He is a member of the Executive Committee of the New York State Land Title Association (NYSLTA), the Chairperson of the Law Committee of the NYSLTA and is a member of several committees at the American Land Title Association: including the Government Affairs Committee, the State Legislative/Regulatory Affairs Committee, and the Data and Analytics Workgroup.

Prior to joining AmTrust Title, Mr. Danzi was Senior Vice President and General Counsel at the Manhattan-based OneTitle National Guaranty Company. Before OneTitle, for nearly a decade Mr. Danzi served as General Counsel to Long Island-headquartered Equity Settlement Services, Inc., a national title insurance agent and settlement services provider.

A frequent contributor to legal and title-related organizations and periodicals, Mr. Danzi's articles have appeared in such publications and media outlets as the *New York Law Journal*, *National Public Radio*, the *New York State Bar Association Real Property Law Journal*, *The Legal Description*, *ALTA's TitleNews*, *The Title Report*, *RespaNews.com*, and many others. Mr. Danzi has many speaking engagements to his credit, including at venues such as October Research's National Settlement Services Summit, the American Land Title Association's Annual Convention, American Conference Institute's conferences on Class Actions and Mortgage Servicing, the New York State Land Title Association Annual Convention, the 10th International Legal Alliance Summit & Awards, and others.

Mr. Danzi earned a B.A. in History from the University of Texas at Austin and then a J.D. from the State University of New York University at Buffalo Law School.

DAVID S. FITZHENRY, ESQ.

David Fitzhenry is a partner at the New York law firm of Ganfer Shore Leeds & Zauderer LLP. He practices primarily in transactional real estate matters and cooperative and condominium law. A graduate of New York Law School, he represents a wide variety of clients, including lenders, developers, sponsors, purchasers, sellers, landlords, tenants, condominium associations, and cooperative apartment corporations. He often acts as special counsel to major retailers, educational corporations, medical centers, and various nonprofit organizations pursuing conversions of existing properties to commercial condominiums, including the creation of complex leasehold condominium structures. In addition, he regularly counsels privately held businesses on the bulk purchase of unsold cooperatives shares and unsold condominium units, as well as the subsequent required filings with the New York State Department of Law. He is a member of the Real Property Law Section of the New York State Bar Association and a member of the New York City Bar Association's Cooperative and Condominium Committee.

JOSEPH PHILIP FORTE, ESQ.

Joseph Philip Forte became the General Counsel of AmTrust Title Insurance Company in January 2020 after 47 years as a real estate finance partner in several major New York City law firms. He has worked through six cycles of downturns and recoveries of real estate markets that began with the failure of the early mortgage REITs in the mid-70s; the interest rate spike and disintermediation crisis in the late 70s and early 80s; the

partnership syndication crisis subsequent to the adoption of the Tax Reform Act of 1986; the savings and loan crisis and the RTC workouts in the early 90s; the market disruption after the Russian debt crisis in August 1998 through the most recent financial crisis.

Mr. Forte has advised FNMA and FHLMC on a variety of issues. He has also represented the nation's commercial real estate finance industry in the development of the ASTM's original environmental risk assessment standards; with others in the adoption of the 1994 Bankruptcy Code amendments; as principal draftsman of the Capital Consortium's Capital Markets Ratable Mortgage form; and in challenging the American Land Title Association's original Creditors' Rights Exclusion to its title insurance policies across the U.S. He was also involved in obtaining the New York state tax authorities' acceptance of CMBS defeasance and the use of consolidated mortgage notes in commercial mortgage transactions in New York; in the drafting of a standard co-lending agreement for the Life Insurance Company Task Force of the Mortgage Bankers Association; as amicus curia in the GGP and ESH bankruptcies; as a draftsman in the CMBS industry effort to establish standard mandatory nonbinding mediation procedures governing mortgage putbacks for representation and warranty breaches in CMBS transactions; and as co-chair of the Real Estate Roundtable (RER) High Volatility Commercial Real Estate (HVCRE) Working Group developing regulatory/legislative clarification of the HVCRE Rule as it affects bank construction lending; and member of CREFC LIBOR Task Force involved in the transition to new replacement benchmark rate in place of LIBOR and as chair of the RER's LIBOR Working Group on its meeting and correspondence with the U.S. Treasury and IRS to develop a tax free safe harbour for financial contracts transitioning away from LIBOR.

Mr. Forte frequently publishes and speaks on mortgage finance and workouts, capital markets, regulatory and related issues and is the recipient of several "*Best Article*" awards from legal and industry publications on commercial real estate finance topics; is co-chair of PLI's annual "CMBS & The Real Estate Lawyer" program; is the founder and publisher of CREFC's *CRE Finance World* magazine since 1999; and has been the Contributing Editor of Lexology's annual *Getting the Deal Through - Real Estate* and author of that publication's Global Overview and USA Chapter since 2013. He is a fellow of the American College of Real Estate Lawyers, the American College of Mortgage Attorneys, and the Anglo-American Real Property Institute (served as 2015 Chair), as well as the New York City and New York State Bar Associations. He is

also active in the leadership of several real estate and mortgage finance industry associations.

JOHN A. FRATES, ESQ.

John A. Frates has worked in the title insurance industry since 1985 as a title closer, examiner and reader. From 1990 to 1998, he served as a regional claims counsel, commercial underwriting counsel and operations manager for two national title companies in New York as well as other states. Since joining Stewart Title Insurance Company in 1998, he has served in several capacities: Claims Counsel, Direct Operations Manager, and New York State Counsel. Following those positions John was named Executive Vice President and General Counsel for the New York Underwriter. In 2018, John was promoted to Agency District Manager for New York and New Jersey, President and General Counsel of Stewart Title Insurance Company. John also serves as Senior Vice President and Regional Underwriting Counsel/Senior Underwriter for Stewart Title Guaranty Company for New York and New Jersey.

Mr. Frates is a sustaining member of the New York State Bar Association, and an officer and member of the New York State Land Title Association (NYSLTA) executive committee. He also served as President of the Title Insurance Rate Service Associations, Inc. from 2016–2017 and is currently a member of the executive committee.

Mr. Frates earned his B.A. from Franklin and Marshall College and his J.D. from the University of Dayton School of Law. He is admitted to practice law in the states of New York and Connecticut.

JASON A. GANFER, ESQ.

Jason A. Ganfer is Co-Chair of the Complex Title Litigation Practice at GanferShore Leeds & Zauderer, LLP. He is a seasoned attorney whose practice focuses on representing clients in complex disputes relating to real estate and title including fraud, boundary disputes, forgery and lien priority disputes. Mr. Ganfer effectuates creative strategies to cure title defects or “clouds on title” for insureds, title companies and owners of real property. He also advises on coverage matters relating to title insurance.

Mr. Ganfer additionally represents purchasers, sellers and developers in real estate transactions including purchases, sales, leases, financing and the establishment of cooperatives and condominiums.

Prior to joining Ganfer Shore Leeds & Zauderer, he worked in house at Fidelity National Title Insurance Company as a claims counsel on the Mid-Atlantic team and New York-Connecticut Team and subsequently as an Associate Major Claims Counsel.

Mr. Ganfer has spoken on title insurance and mortgage fraud before various bar associations as well as at various title insurance companies. He is presently co-chair of the American Bar Association Real Estate, Condemnation and Trust Litigation sub-committee on title insurance.

Mr. Ganfer is a 2002 graduate of Columbia College and a 2005 graduate of Brooklyn Law School. He has been named a 2017, 2018, and 2019 Super Lawyers Rising Star.

MAUREEN GARVEY, ESQ.

Maureen Garvey, Esq. serves as Underwriting Counsel and Director of Title Operations for First American Title Insurance Company's Direct Division Office in Rochester New York and in this capacity provides underwriting and title clearance guidance in connection with residential and commercial matters throughout New York State.

Ms. Garvey attended Brooklyn Law School and throughout her career has focused on real estate, foreclosure and title matters. She is a member of the Monroe County Bar Association's Real Estate Council and chairs the Council's survey subcommittee. She also serves on the Board of the Mortgage Bankers Association of Greater Rochester and is active in facilitating the organizations community outreach and charitable endeavors.

THOMAS A. GLATTHAAR, ESQ.

Thomas A. Glatthaar has been a Senior Vice President and Chief Commercial Underwriting Counsel (New York) for Fidelity National Title Insurance Company since 2007. Prior to that, he was President of Title Resource Agency, Inc., a title insurance agency based in New York City, and prior to that, he was Vice President and Chief Counsel for First American Title Insurance Company of New York.

Mr. Glatthaar is a graduate of Providence College (B.A., 1980) and received his J.D. from Fordham University School of Law (1988). He was admitted to the New York Bar Association in 1989, and is a member of the Title and Transfer Committee.

CAROLINE G. HARRIS, ESQ.

Caroline G. Harris is the Managing Partner of GoldmanHarris LLC and Goldman Harris II LLC (a WMBE), NYC zoning and land use boutiques. She has a combination of public and private sector experience, providing her clients with in-depth zoning and land use analyses; representation in public land use approvals; and negotiation of private zoning lot mergers and transfers of development rights.

Ms. Harris is considered an expert in zoning, serving as an expert witness or special counsel in litigation. She has published articles, taught continuing legal education seminars, and been a panelist about zoning at a variety of programs.

Crain's New York Business recognized her in Crain's 2018 Legal List—Leading Women Lawyers in NYC, "100 New Yorkers named to the inaugural list of Leading Women Lawyers in New York City" (December 2017). The Real Deal, "Land-Use Royalty, A Look at the Top Planning and Zoning Lawyers in NYC" (2011) "crowned" her one of NYC's "zoning royalty." She is recognized by Super Lawyers and the International Advisory Experts Award: Land Use Law Award (2018).

Ms. Harris is Vice-President of City Lore and a member of the Urban Design Forum. She is past-president of Women in Housing and Finance; a recent board member of the Coalition of Women's Initiatives in Law; and a former member of the Land Use Committee of the NYC Bar Association.

KARL B. HOLTZSCHUE, ESQ.

Karl B Holtzschue, was partner and head of real estate departments at Webster & Sheffield (1966-1988) and O'Melveny & Myers in New York City (1988-1990). He was Chair, Committee on Real Property Law of the Association of the Bar of the City of New York (1987-1990), Chair, NYSBA Real Property Law Section (2007-2008), recipient of the NYSBA RPLS Professionalism Award in 2012, and a Member of the American College of Real Estate Lawyers. He is the author of *Holtzschue on Real Estate Contracts and Closings* (PLI). He is a former Adjunct Professor at Columbia Law School, Columbia Business School, and Fordham Law School. Mr. Holtzschue graduated from Dartmouth College in 1959 and Columbia Law School in 1966.

ARTHUR G. JACKOBY, ESQ.

Arthur G. Jackoby is chair of Herrick, Feinstein LLP's Real Estate & Title Insurance Litigation Group, which represents numerous real estate developers, commercial real estate owners and real estate managers and all of the major title insurance companies in New York and New Jersey in complex real estate litigation. In his 30-year career, he has successfully litigated and resolved hundreds of real estate and corporate court, arbitration and mediation disputes in the Northeast.

Prior to joining Herrick, Mr. Jackoby was Special Trial Counsel in the SEC's Division of Enforcement. While at the SEC, he prosecuted stock and accounting frauds, insider trading matters and stock market manipulation cases involving individuals, public companies, broker dealers and their principals. He was also assigned as a special Assistant U.S. Attorney to the U.S. Attorney's Financial Crimes Unit for the District of New Jersey.

Mr. Jackoby taught trial practice at Cardozo Law School, a class on insider trading and securities law at NYU's School of Continuing Education, and has been a lecturer on title insurance at New York Law School. He has consistently been ranked as one of New York City's leading commercial litigation attorneys by Super Lawyers (2006-2019) issued by Thomson Reuters.

ANTHONY C. LEE, ESQ.

Anthony C. Lee, Esq. is an attorney in private practice and a licensed Title Insurance Agent in Rochester, New York and Of-Counsel to Phetereson Spatorico, LLP, focusing his practice on real estate and title matters. Prior to returning to private practice, Mr. Lee spent almost six years as Underwriting Counsel for First American Title Insurance Company in their Rochester, New York, office covering residential and commercial matters throughout New York State. Prior to joining First American, Mr. Lee was in private practice focusing on real estate and title matters, as well as small business law and writing title insurance as an agent for Ticor Title Insurance Company, and Monroe Title Insurance Company (now part of Stewart).

Mr. Lee received his undergraduate degree from the State University of New York at Buffalo and his JD from Boston University School of Law. He is a member of the respective real estate sections of the Monroe and Erie County Bar associations, as well as the New York State Bar Association and American Bar Association.

JEAN M. PARTRIDGE, ESQ.

Jean M. Partridge, co-founder and principal of Benchmark Title Agency, LLC, has been in the title insurance business for over 30 years. Prior to establishing Benchmark Title Agency, LLC, in 2005, she was a Senior Vice President and Branch Counsel of First American Title Insurance Company of New York and a member of their Board of Directors.

Ms. Partridge began her career in the title insurance industry while attending law school at Pace University School of Law. Upon graduation, she continued working at L & H Abstract Corporation. She remained with First American Title Insurance Company of New York after they acquired L & H Abstract Corporation.

Presently, Ms. Partridge serves on the Executive Committee of the New York Land Title Association as Vice Chair of the Agents Section and President Elect. She also chairs the title insurance Government Regulation committee and is the co-chairperson of their liaison committee with all County Clerks of the Hudson Valley Region. Additionally, she serves on the Associations newsletter and E Recordings committees. Additional affiliations include the New York State Bar Association; Westchester County Bar Association, Women's Bar Association of Westchester County, White Plains Bar Association; and National Association of Realtors. Formerly, Jean served on the Board of Directors of the Westchester Women's Bar Association.

Ms. Partridge earned her undergraduate degree from the State University of New York at Stony Brook and her law degree from Pace University School of Law. She is admitted to practice law in New York State and Connecticut. She is also rated AV for ethical standards and legal ability by Martindale-Hubbell peer review.

LANCE R. POMERANTZ, ESQ.

Lance R. Pomerantz is a sole-practitioner whose practice has focused on land title law for more than 25 years. Mr. Pomerantz attended Boston University School of Law and was admitted to the Massachusetts Bar in 1981. He then served as Special Assistant Corporation Counsel to the Collector-Treasurer of the City of Boston. Responsible for a staff of 10, he supervised and performed title examinations for tax lien enforcement proceedings while also participating in litigation in both state and federal trial and appellate courts, and various state agencies. His responsibilities included most matters involving City finances, serving as general trust

counsel to various municipal trustees and participating in bankruptcy and admiralty litigation in federal district court.

Since his admission to the New York State Bar, his practice has focused on land title transactions and litigation. His expertise is in the title aspects of many practice areas, including sales and mortgage transactions, land-use, foreclosures, Torrens matters, co-op transfers, subdivision map and street abandonments, real estate taxes, Surrogate Court matters, adverse possession, beach access, rights-of-way, mineral rights, feudal grants and colonial charters, land under water, and condemnations. He regularly consults on and/or testifies as an expert in title disputes pending in the New York State courts.

Mr. Pomerantz is a longstanding member of the Suffolk County Bar Association, where he was instrumental in drafting the legislation suspending the use of Torrens registration in New York, as well as serving as chair of the Real Property Committee. He is also a member of the New York State Bar Association, serving on the Title and Transfer Committee of the Real Property Law Section. He has served on the Law Committee of the New York State Land Title Association since 2013 and, as a member of the American Land Title Association, is one of the longest-tenured members of the Title Counsel Committee as well as the Real Property Records Committee.

Throughout his career, Mr. Pomerantz has published articles on a wide-ranging variety of topics in *Title News*, *The Docket*, *Title Law Quarterly* and *The Suffolk Lawyer*. Since 2011, he has been the editor and publisher of *Constructive Notice: the Land Title Law Newsletter*. In 2016, he testified against a proposed change to the Federal Rules of Evidence before a committee of the Judicial Conference of the United States.

JOSHUA A. RIKON, ESQ.

Joshua Rikon, a partner at Goldstein, Rikon, Rikon & Houghton, P.C., has practiced eminent domain law in New York since 2003, when he was admitted to practice as an attorney and counselor at law. He received his Juris Doctor degree from the Thomas M. Cooley Law School in 2002 and his Bachelor of Arts degree from Hofstra University in 1999. Prior to being admitted to practice, Joshua completed his law school's externship requirement at Steinhardt Pesick & Cohen, P.C., one of Michigan's finest eminent domain, condemnation, and land use law practices.

Mr. Rikon is a member of the New York State and American Bar Associations as well as the New York City and Westchester County Bar Associations. He served as the Vice-Chairman of the Condemnation Committee of the ABA Section of Real Property, Trust and Estate Law. Joshua has taught continuing legal education courses, he was awarded the CRE designation from The Counselors Of Real Estate, he is a member of Scribes, the American Society of Legal Writers, and he has also been designated a “Rising Star” by Super Lawyers, a lawyer rating company. Joshua serves on the Board of Governors of the Shames Jewish Community Center on the Hudson.

MICHAEL RIKON, ESQ.

Michael Rikon, a partner at Goldstein, Rikon, Rikon & Houghton, P.C., was selected for the prestigious Lifetime Achievement Award for 2020 by the International Association of Top Professionals (IAOTP) for his outstanding leadership, proficiency, influence and dedication to the legal profession. Mr. Rikon is being recognized for this honor for dedicating over 52 years of his life’s work as a practicing attorney. While in the legal field, Mr. Rikon has inspired many and excelled in every position he has ever served. His impressive background of previous roles include: Serving with the SSGT 99th Signal Battalion in the US Army Reserves, Assistant corporation counsel for the city of New York, Law Clerk for the New York State Court of Claims, Partner of Rudick and Rikon where he also specialized in Real Estate Law and litigation in the Court of Claims.

Mr. Rikon earned a Bachelor of Science at New York Institute of Technology and Doctor of Jurisprudence at Brooklyn Law School, followed by a Master of Laws at New York University. Mr. Rikon was admitted to the New York Bar Association, the Southern and Eastern Districts of the US District Court, the Second, Fifth and 11th Circuits of the US Court of Appeals, and the US Supreme Court.

Mr. Rikon is a sought-after lecturer, public speaker and contributor to numerous articles and professional journals. He is also a blog contributor for *Bulldozers at Your Doorstep* and contributor to the *New York Law Journal*. Currently, Mr. Rikon is the New York State designated eminent domain attorney for the Owners’ Council of America, Former Assistant corporation counsel of condemnation law special committee member of the New York Bar Association, member and condemnation committee member of the Association of the Bar of the City of New York and member and director of the Owners Counsel of America.

Throughout his career, Mr. Rikon has been active in his community and recognized worldwide for his outstanding leadership and commitment to the legal profession. He has received many awards, accolades and has been featured in numerous publications and magazines. For 2020 he was featured on the famous Reuters Building in Times Square, NYC and graced the front cover of TIP (Top Industry Professionals) Magazine. For 2019, he was honored by the International Association of Top Professionals (IAOTP) as Top Attorney of the Year at their annual awards gala at the Bellagio Hotel in Las Vegas. For 2018 he was selected for the Albert Nelson Marquis Lifetime Achievement Award by Marquis Who's Who and listed in more than 60 editions of Who's Who in America, Who's Who in American Law and Who's Who in the World. Named Top Lawyer of New York, to Best Lawyers in Eminent Domain and Condemnation Law in New York, Mr. Rikon has also been listed in Super Lawyers for Eminent Domain. In 2006, Mr. Rikon received the Business Leadership Award from NYIT Alumni Federal and has been an AV Preeminent rating with Martindale Hubbell.

STUART M. SAFT, ESQ.

Stuart M. Saft, practice group leader of Holland & Knight's New York Real Estate Practice Group, co-chair of the Condominium Development and Conversion Team, and former co-chair of the Hospitality, Resort and Timeshare Group, has extensive experience in the development, financing, leasing, conversion-to-condominium and cooperative ownership, exchange, syndication, sale-leaseback, timeshare, restructuring, acquisition and sale of residential, commercial and hospitality property throughout the United States. Mr. Saft also represents lending institutions in mortgage lending and workouts.

Mr. Saft is the former chair of the board of directors of the National Cooperative Bank and the New York City Workforce Investment Board. Mr. Saft has written 40 books on Commercial Real Estate and more than 100 articles on real estate, economics and finance, and writes a monthly column for *Habitat* and *The Mann Report*.

MICHAEL P. SASSO, ESQ.

Michael P. Sasso is a Divisional Senior Vice President and Senior Underwriting Counsel at First Nationwide Title Agency LLC, an AmTrust Financial company. Prior to joining First Nationwide, Mr. Sasso was Senior Underwriting Counsel with First American Title Insurance Company, serving as a member and ultimately chairman of its Bankruptcy Practice Group.

Prior to moving into the title insurance industry Mr. Sasso was in private practice where he concentrated on real estate and bankruptcy law. Prior to his private practice Mr. Sasso was a senior associate at a boutique bankruptcy firm on Long Island in the bankruptcy and reorganization department where he participated in many “single asset” real estate reorganizations as debtor’s counsel. Subsequently, he joined the staff of a Bankruptcy Panel Trustee in New York City.

Mr. Sasso is a graduate of Brooklyn Law School, and earned a B.S. in finance from St. John’s University.

DOUGLAS P. SCHNEIDMAN, ESQ.

Douglas P. Schneidman, a partner at Sullivan & Wooster LLP, represents individuals, family businesses, and banks and trust companies in trust and estate matters. His practice includes estate planning for high-net-worth individuals, formation and administration of charitable foundations, as well as all aspects of estate and trust administration. Doug also handles probate and other Surrogate’s Court matters, including estate and trust litigation.

ALFRED C. TARTAGLIA, ESQ.

Alfred Tartaglia is principal law clerk to the judge in the supreme court of the state of New York. He has worked in the Appellate Division, First Department; the Appellate Term, First Department; and the Law Department of Supreme Court, New York County. At the Appellate Division, Mr. Tartaglia was editor-in-chief of all published memoranda, civil and criminal, and the author of the official court training manual for court attorneys, titled *The Preparation of Civil Appeals*. He continues to research complex legal issues, and draft decisions pertaining to both criminal and civil law issues.

From 1998 to 2002, Mr. Tartaglia taught a three-hour writing course to law students designed to develop proficiency in legal writing, at the New York County Lawyers’ Association writing workshop, where his curriculum and written materials are still used. Mr. Tartaglia is a frequent speaker at the Judicial Institute, where he has moderated programs and lectured to attorneys and judges on topics such as trial practice, jury charges and verdict sheets, ethics, settlement skills and techniques, labor law indemnity and no-fault law. He writes for a number of legal publications, including *Warren’s Weed New York Real Property*.

A graduate of Duke University and New York Law School, Mr. Tartaglia is a former board member and present chair of the Continuing Legal Education Committee, Columbian Lawyers Association, First Department and serves on the Executive Committee of the Real Property Law Section of the New York State Bar Association.

JACKIE HALPERN WEINSTEIN, ESQ.

Jackie Halpern Weinstein, a partner in Adam Leitman Bailey, P.C.'s Foreclosure and Title Litigation Groups, has expertise in title litigation and prosecuting residential and commercial mortgage foreclosure proceedings throughout New York State. She is admitted to practice law in the states of New York and New Jersey and is admitted to practice federally in the Southern District, Eastern District, and Northern District of New York, United States District Courts, as well as the United States Court of Appeals for the Second Circuit.

Mrs. Weinstein represents many of the largest banks in the world, both directly and with the most prominent mortgage loan servicing companies. Mrs. Weinstein handles the foreclosure proceeding as early as ensuring proper service of the § 1304 Ninety Day Notice, action commencement, and loss mitigation, all the way through transferring the premises by Referee's Deed, REO closings, and claiming and obtaining surplus funds. Additionally, Mrs. Weinstein negotiates, structures, and drafts Purchase and Sale Agreements for the transfer of Notes, Forbearance Agreements between Lenders and Borrowers, and Agreements to Assign Foreclosure Bids between the highest bidders and interested purchasers prior to closing. She continues to represent the lenders and note holders after bankruptcy filings as well, including moving for relief from the automatic stays imposed, filing proofs of claim, and spearheading 363 sales.

Extensively trained in investigation and fraud detection, Jackie Halpern Weinstein also represents leading lenders in defending their priority lien positions against title defects. Her title insurance defense work covers a substantial breadth, ranging from lien priority disputes, boundary discrepancies, and non-recording defects to mortgage fraud, mortgage rescue schemes, and forgeries. Ms. Weinstein is named a Super Lawyer Rising Star and was featured as one of the "Top 50 Women Attorneys in the New York Metropolitan Area."

Ms. Weinstein received a Bachelor of Science in Communication Studies from Boston University and achieved her Juris Doctorate at New York

Law School, where she was a member of both the Law Review and the Harlan Scholars Honors Program.

JOHN BUSEY WOOD, ESQ.

John Busey Wood is a member of the commercial real estate group in the New York City office of the national law firm Akerman LLP and advises public and private companies on national real estate transactions, development of mixed use and retail projects, retail centers and portfolio property master and ground leasing. For over 40 years, Mr. Wood has represented owners and tenants in the design and negotiation of commercial leases covering in excess of 100 million square feet of retail, industrial, office and mixed-use projects. He has national experience in developable land, property acquisitions, and large scale retail and office developments. He is a noted authority on ground leases and portfolio master leases and helped lead a national team on a purchase, sale and master lease transaction involving 327 super market properties and several hundred dealerships. In addition, Mr. Wood has advised, directed teams, and designed correlated construction contracts for conversions and renovations in New York City, exceeding 8 million square feet, with values greater than \$4 billion. Mr. Wood is a licensed Class “A” commercial real estate broker, a Certified Public Accountant and holds B.B.A. (Accounting and Economics), M.B.A. (Accounting and Finance), and J.D. degrees.

Mr. Wood frequently lectures on commercial leasing and construction contract techniques, transaction structuring and master leasing at Columbia University-ISDE Graduate Law and Economics Program and at the New York University Graduate School and Schack Real Estate Institute. He also lectures at PLI, where he is the New York and national Chairman of the Milton Friedman Leasing Lectures, and at the executive and annual meetings of the ABA and AICPA. Mr. Wood has frequently served as a “party selected” and federal arbitrator and is an American Arbitration Association Commercial Panelist and formerly on the board of legal advisers to the former National Title Guaranty Company.

Mr. Wood is the senior author of the national treatise *Negotiating and Drafting Office Leases*, published by Law Journal Seminars-Press and supplemented two times per year. He is the author of the textbook, *Navigating the Dangerous Shoals of a Commercial Lease*, published by New York University Graduate School, and hosts the commercial leasing educational websites www.officeleasingusa.com and www.leasingnyc.com, which supplement his lectures. Mr. Wood is listed in Who's Who Registry of Global Business Leaders, NY Super Lawyers and ALM Distinguished

Lawyers. Mr. Wood is AV Preeminent® peer rated by Martindale-Hubbell and was peer-nominated and elected an American Bar Foundation Fellow.