

# REAL ESTATE TITLES

FIFTH EDITION

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THE PRACTICE OF REAL ESTATE LAW IN NEW YORK

EDITORS-IN-CHIEF

ADAM LEITMAN BAILEY, ESQ.

MICHAEL J. BEREY, ESQ.

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## DEDICATION TO MICHAEL J. BEREY, ESQ.



Mike Berrey died on the morning of June 17th after the 2025/2026 book had been drafted and fully edited and submitted to the New York State Bar Association for publication. The writing and editing of this book was, besides his love for his family, the most important task in Mike's life. He even wrote to me in an email, prophetically, that he was so glad that we could write and edit "this book as a team. When they write my epitaph, I hope they write 'and he collaborated with Adam Leitman Bailey.'" Mike and I were close friends and became even closer collaborating on the book. We spoke almost every day during its writing and then at least once a week during production and marketing—for two editions. So I am writing this dedication to this wonderful man with a heavy heart. He was much more than a legendary lawyer who helped everyone who asked and who happened to know title and real estate law better than everyone else to the extent that he could answer the most archaic question with a memo from the appropriate agency handy or case law in hand.

As real estate attorney Richard Fries defined the man so eloquently:

“Mike was our Oracle.

His mastery of real estate law, title, tax, administrative law, statutes and regulations was legendary. His recall of the most esoteric rules and sometimes decades-old judicial and administrative pronouncements astounded us all to this very day.

His love of real estate; law; development; and our town was evident in his every swift and tireless response to questions he received at all hours from near and far.

He yearned to assist us, to help us get it right. To make sure we did.

Hundreds of times we clamored, seemingly in unison, ‘Let’s ask Mike Berey. He’ll know.’ And he always did.

His dry wit (from the podium; in an e-mail; at lunch or the REBNY dinner) charmed us all.

He was prolific, beyond our ability to fathom.

And yet he never wasted a word.

He never sought an acknowledgment of his skill, insight, judgment or responsiveness. Indeed he gave credit and accolades to others for their thoughts and ideas, when that credit—those accolades—belonged singularly to him.

I don’t think Mike had an ego.

But what stood out most of all was Mike’s generosity.

Year after year he answered our call. He didn’t just muse an answer; he demonstrated it, with citations—and humility.

Those citations were always at his fingertips it seems. I actually think they were embedded in his mind.

His generosity to all of us did not recede one iota in his 'retirement.' He was always there for us; cheerfully; not a word wasted; an answer, citation in tow, never in doubt . . ."

A tremendous loss for the legal community, but at the same time, Mike Berey poured himself and his time into writing and editing Real Estate Titles and leaves behind what I am sure he considered the greatest book on real estate law every written. I am the one truly honored to write, edit and collaborate with a legend and master of real estate law—my good friend Mike Berey. And I am so glad that we have Real Estate Titles—not only to remember him by but to continue learn from his teachings.

This book is hereby dedicated to Michael J. Berey.

Adam Leitman Bailey



## DEDICATION 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 5th 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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### ADAM LEITMAN BAILEY, ESQ.

Actively at the helm of the law firm he built from scratch, Adam Leitman Bailey, Esq. practices residential and commercial real estate law. Among New York's most successful and prominent real estate attorneys, Mr. Bailey is one of two attorneys from a law firm with less than 30 attorneys that has been ranked in *Chambers & Partners*, honored with a Martindale-Hubbell "AV" Preeminent rating, a *Best Lawyers* ranking for himself and his law firm and selected by Super Lawyers as one of New York's "Top 100" attorneys, a list that included attorneys from only five real estate law firms.

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 been elected a Fellow of the American College of Real Estate Lawyers (ACREL), where he serves on the Insurance and Title Insurance Committees, and he is also a former member of the American College of Mortgage Attorneys (ACMA).

### MICHAEL J. BEREY, ESQ.

Michael J. Berey was in New York's title insurance industry for over 40 years. For almost two decades, he was First American Title Insurance Company's Chief Underwriting Counsel for New York State and a Senior Vice-President of the company. In 2014, he received the New York State

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A Fellow of the American College of Real Estate Lawyers, and formerly a member of the American College of Mortgage Attorneys, Mr. Berey authored numerous articles on issues relating to real property, including articles on New York's transfer and mortgage recording taxes and title insurance, and he was a frequent lecturer on those and other topics such as the transfer of development rights in New York City. For over 26 years concluding in July 2023 he authored *Current Developments*, a regularly issued bulletin on real estate and title insurance-related New York case law and legislation, which was distributed by email. He graduated from Boston College Law School in 1976.

## ABOUT THE AUTHORS

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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.

### **LAURA E. AYERS, ESQ.**

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Mr. Bagwell is a 1976 graduate of Harvard College (*magna cum laude*) and a 1979 graduate of Harvard Law School. Mr. Bagwell began his career in title insurance in 1986 as a claims attorney and underwriting counsel with Title USA, and later advanced to the position of chief or senior counsel for TRW Title, Nations Title and Fidelity Title.

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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.

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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.

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A frequent contributor to legal and title-related organizations and periodicals, Vincent'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 others. Vincent 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.

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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.**

In five decades of private practice representing institutional mortgage lenders at several national and international law firms, Joe has been at the forefront of many major innovations and reforms in the real estate finance industry and has counselled real estate lenders, investors, and servicers



through downturns and subsequent recoveries in seven market cycles each with its unique market transitions and evolving regulatory regimes. He has a considerable range of experience and recognized expertise in all aspects of commercial real estate finance, including origination, securitization, workouts, foreclosures, restructurings, bankruptcies, mortgage servicing and advising on market and regulatory issues.

In the 80s and 90s, Joe advised Fannie Mac and Freddie Mac from time to time on a variety of legal issues. He has represented the nation's commercial real estate finance industry: as legal section co-chair in the development of the ASTM's original environmental risk assessment standards; testifying as a witness on behalf of the American Bar Association before U.S. Senate and House Committees concerning the EPA Secured Creditor Exemption; with an informal NYC real estate lawyer group in the adoption of the 1994 Bankruptcy Code amendments; as principal draftsman of the Capital Consortium's Capital Markets Ratable Mortgage; and in challenging and revising the American Land Title Association's original Creditors' Rights Exclusion to coverage under its title insurance policy forms.

He was involved: in obtaining the NY state tax authorities' acceptance of CMBS defeasance and the use of consolidated mortgage notes in NY commercial mortgage transactions; in the drafting of a standard co-lending agreement for the Life Insurance Company Task Force of the Mortgage Bankers Association (MBA); as amicus curia for the CRE finance industry in the GGP and ESH bankruptcies; serving as Chair of the Joint CMBS Document Integrity Task Force to investigate the increase of incomplete and defective loans in pools and recommended uniform industry guidelines and procedures; and in leading the Real Estate Roundtable (RER) High Volatility Commercial Real Estate (HVCRE) Task Force development of a legislative clarification of the HVCRE Rule as it affected bank construction lending, as part of its LIBOR Task Force in its meetings and correspondence with the US Treasury and IRS to develop a tax free safe harbour for financial contracts transitioning away from LIBOR, and working with its Bank Task Force in connection with regulator guidance concerning COVID-19 loan modifications, and obtaining reversal of the IRS policy on standard mortgage insolvency provisions rendering mortgage debt a recourse loan for tax purposes; as a member of the Commercial Real Estate Finance Council (CREFC) LIBOR Task Force involved in the transition to SOFR, the ARRC-sponsored benchmark replacement rate, from LIBOR at its Cessation; advises lenders, servicers, and mortgage loan purchasers and sellers

regarding the potentially adverse impact of the recently enacted NY Foreclosure Abuse Prevention Act on the foreclosure and the purchase and sale of NY commercial and residential mortgage loans as well as non-NY mortgages securing NY mortgage notes; and he now serves on the leadership team of the ASTM Committee on the Performance of Buildings' Property Resilience Assessment Task Group as its Legal and Regulatory Liaison in the development of a uniform standards guide for assessing the physical resilience of the as-built environment to the continuing impact of more frequent and intense climate events.

Joe has received the CREFC Founders Award (2001), the MBA Distinguished Service Award (1998), and the CREFC Leadership Award for his service as President (1998-1999), and is widely recognized as a leading real estate finance practitioner in national and international directories. Since 2000, he has regularly been highlighted by Chambers for his real estate finance practice and has been recognized as "a highly experienced and respected real estate finance specialist"...with..."notable expertise on the structuring, origination and workout of commercial mortgage loans." The Legal 500 United States has also recommended him for his real estate practice. Since 2000, Joe has been recognized annually by the international Who's Who Legal (WWL) as one of the top 10 most highly regarded lawyers. And, after seven years of being named its international "Real Estate Lawyer of the Year," in 2019 Joe received the Who's Who Legal's "Lifetime Achievement Award", its highest accolade as "A pioneering figure in real estate financing...at the forefront of commercial real estate reform," at its Global Awards Ceremony in London. Joe has also been recognized in the Euromoney Guides to the World's Leading Real Estate Lawyers, Construction and Real Estate Lawyers, Structured Finance and Securitization Lawyers and Banking Finance and Transactional Lawyers, as well as Best of the Best-United States, Best of the Best-Globally, and Best of the Best, and as a "Highly Recommended" by PLC Corporate Real Estate Leading Lawyers Guide. He has regularly been chosen as a Super Lawyer in New York and listed in The Best Lawyers in America.

In 2013, Joe was one of only two lawyers amongst 30 individuals named as the "most influential people in real estate" in Commercial Property Executives, recognizing those central to driving growth and innovation in the commercial real estate recovery after the Global Financial Crisis.

Joe frequently publishes and speaks on commercial real estate finance topics and is the recipient of several "Best Article" awards from legal and

industry publications. He has spoken at numerous conferences for ALI-ABA, PLI, MBA, ACREL, ACMA, AARPI, Real Estate Roundtable, ICSC, MIPIM and state bar associations. He served as Contributing Editor of Lexology's annual Getting the Deal Through - Real Estate publication and as author of its USA chapter and Global Overview Introduction from 2013 to 2020.

Since the mid-90s, Joe has planned and served as co-chair of the annual "CMBS & The Real Estate Lawyer" program for PLI (and its predecessor sponsor ALI/ABA). He planned and co-chaired weeklong Conferences sponsored by Peking University on Real Estate and its Securitization for Chinese financial institutions and PRC officials with U.S. and international panelists in Beijing 2004, 2005 and 2006 as well as serving as a moderator/speaker at the 2007 GRI Real Estate Conference held in Beijing.

He was one of the original founders of CREFC as well as the founder and publisher of its *CRE Finance World* magazine and continues to serve as Publisher for CREFC's new digital publication, *CRE and Multifamily Finance in the Spotlight*.

Joe is an active Fellow of the American College of Real Estate Lawyers, the American College of Mortgage Attorneys, and the former Anglo American Real Property Institute, which he served as Chair in 2015.

### **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 Associ-

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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 Ganfer Shore 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.

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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.

Chambers and Partners USA ranks her among the top lawyers in New York City in Band 2: Real Estate: Zoning/Land Use, as do Best Lawyers and Super Lawyers. 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."

Ms. Harris is a Member of the Board of Visitors of the University of Maryland Francis King Carey School of Law. She is past-president of Women in Housing and Finance and a former member of the Land Use Committee of the NYC Bar Association. Ms. Harris is Vice President of City Lore.

**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. JAKOBY, ESQ.**

Arthur G. Jakoby 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. Jakoby 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. Jakoby 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 (2006-2025) issued by

Thomson Reuters, Best Lawyers in America – Commercial Litigation (2023–2025) and Lawdragon 500 – Leading Litigators in America (2025).

**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 Pheter-son 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, Esq., co-founder and principal of Benchmark Title Agency, LLC, has been involved in the title insurance industry for over 40 years. Jean’s career began during law school when she worked at L & H Abstract Corporation, which eventually merged with First American Title Insurance Company of New York, where Jean remained until founding Benchmark Title Agency, LLC in 2005. During her tenure at First American, Jean served as a Senior Vice President and Branch Counsel, and was a member of First American’s Board of Directors.

Jean is active in many professional organizations, including her leadership positions in the New York Land Title Association (i.e., Past President, Vice Chair of the Agents Section, Chair of the Title Insurance Government Regulation committee, and co-chair of the Liaison Committee working with all County Clerks in the Hudson Valley Region). She is also a member of the New York State Bar Association, Westchester County Bar Association, Women’s Bar Association of Westchester County, White Plains Bar Association, and the National Association of Realtors.

Jean is AV rated for ethical standards and legal ability by Martindale-Hubbell peer review. She was formerly a member of the Advisory Board for the Real Estate Law Institute at Pace University School of Law, and is a frequent speaker on real estate matters, including as a CLE presenter for the New York State Bar Association, the New York State Land Title Association, and countless local bar associations. Additional achievements include being certified by the New York State Department of Financial Services as a 'Broad Scope Instructor', which qualifies Jean to teach on matters relating to title insurance, and to provide attendees Continuing Education credits. She is also a former board member of the National Agency Advisory Board for Stewart Title Guaranty Company, and was selected by First American Title Insurance Company to join 40 of the nation's largest title agents in celebrating the success of women in the title industry.

### **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 additional responsibilities extended to 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 encompasses 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 Work Group.

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 volumes on Commercial Real Estate and more than 100 articles on real estate, economics and finance, and has written monthly columns for *Habitat* and *The Mann Report*.

### **MICHAEL P. SASSO, ESQ.**

Michael P. Sasso is a Divisional Senior Vice President and Senior Underwriting Counsel at AmTrust Title Insurance Company, an AmTrust Financial company. Prior to joining AmTrust, 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](http://www.officeleasingusa.com) and [www.leasingnyc.com](http://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.