## The Florida Bar Continuing Legal Education Committee and the Young Lawyers Division



# **Basic Real Property**

**COURSE CLASSIFICATION: BASIC LEVEL** 

March 15, 2019
Live Presentation
Tampa Airport Marriott
4200 George J. Bean Parkway
Tampa, FL 33607

### **LECTURE PROGRAM**

8:30 a.m 8:50 a.m.	Late Registration
8:50 a.m 9:00 a.m.	Welcome/Introduction Web Melton, Tampa
9:00 a.m 9:50 a.m.	<b>Title Litigation</b> <i>Melissa Giasi, Tampa</i>
9:50 a.m 10:40 a.m.	Condominium and HOA Law Tiffany McElheran, Tampa
10:40 a.m 10:50 a.m.	Break
10:50 a.m 11:40 a.m.	Contract to Closing Stephanie Martin, Tampa
11:40 a.m 1:00 p.m.	Lunch (on your own)
1:00 p.m 1:50 p.m.	Construction Contracting/Litigation  Erick Szabo, Orlando
1:50 p.m 2:40 p.m.	Landlord/Tenant Eric Page, Tampa
2:40 p.m 2:50 p.m.	Break
2:50 p.m 3:40 p.m.	Zoning and Land Use Richard Davis, Tampa

3:40 p.m. - 4:30 p.m.

Edward Peterson, Tampa

Real Property Issues in Bankruptcy

### **TABLE OF CONTENTS**

	LE LITIGATION ssa Giasi, Tampa	
I.	Litigating Title Issues – Overview	1.1
	NDOMINIUM AND HOA LAW ny McElheran, Tampa	
I.	Basics of: Community Association Law – Overview	2.1
	NTRACT TO CLOSING hanie Martin, Tampa	
I. II.	Contract Negotiation and Preparation	3.6
III. IV.	Buyer Responsibilities: Due Diligence, Inspections, Financing and Insurance  Title Review	3.17
V. VI.	Preparation and Review of Closing Documents  Pre-Closing	3.40
VI. VII. VIII.	Closing	3.47
	NSTRUCTION CONTRACTING/LITIGATION & Szabo, Orlando	
I.	Outline	4.1
	NDLORD/TENANT Page, Tampa	
I.	Is Thee a Written Lease?	
II. III.	What is the Lease Term, and When Is Rent Due?	5.7
IV. V.	Are There Issues of Claims Concerning The Habitability of the Premises?	
VI.	Litigation: Necessary Steps and Potential Options	5.15
	NING AND LAND USE ard Davis, Tampa	
I.	Zoning and Permitting	
II. III.	Comprehensive Planning	

IV. V. VI. VII.	Growth Management and the Florida Legislature  163.3180 Concurrency  163.3182 Transportation Deficiencies  163.3184 Process for Adoption of Comprehensive Plan or Plan Amendment	6.21 6.30 6.33
VIII.	Statutory Standards for Ex Parte Communications	
IX.	Conclusion	6.44
X.	Appendix	6.45
	d Peterson, Tampa	
I.	Introduction	7.1
II.	Specific Real Estate Issues – Chapter 11 – Single Asset Real Estate	7.6
III.	Real Estate Issues in Chapter 7 and 13	7.13

#### **AUTHORS/LECTURERS**

RICHARD DAVIS has over 40 years of experience in land use law practice in Florida having worked in many municipalities throughout the state. For over 20 years he has been board certified in City, County and Local Government law and has served as a mediator in land use matters as well. He began his career in the Hillsborough County Attorney's Office then continued as a partner at Holland & Knight before establishing his own firm, Richard E. Davis P.A. in 1997. He is a recognized expert in developments of regional impact. He has been selected as a Florida Superlawyer, received an AV rating in Martindale-Hubbel and recognized in the Bar Registry of Pre-eminent Lawyers.

MELISSA GIASI'S practice focuses on state and federal appellate work as well as commercial litigation. In her appellate practice, Melissa helps clients and litigators seeking to protect their appellate record and to properly prepare a case should the litigation result in an appeal. In the event of an appeal, Melissa partners with trial counsel to protect a favorable ruling, seek a reversal, or obtain other appellate relief. In her litigation practice, Melissa assists individuals, small businesses and large corporations by prosecuting or defending lawsuits involving contracts, consumer litigation, real property and insurance coverage. Melissa is admitted to practice in all Florida state courts, the United States District Courts and Bankruptcy Courts for the Middle and Southern Districts of Florida and the Eleventh Circuit Court of Appeals.

**STEPHANIE MARTIN** focuses her practice on assisting real estate and business clients with their legal needs. Stephanie is board certified in real estate law and began practicing law in 2006. Her practice consists of both litigation and transactional matters; and she has extensive experience in real estate litigation, commercial and business litigation, and financial services litigation

**TIFFANY LOVE MCELHERAN** serves as general counsel for residential community associations throughout the state and routinely assists association officers, directors and property managers with corporate operations, including litigation, mediation and transactions. Mrs. McElheran's practice concentrates primarily on civil litigation, involving real property, condominium associations, homeowner associations, real estate disputes, foreclosures, insurance disputes, deed restriction enforcement, contract disputes, and collections. She regularly presents to both lawyers and directors regarding community association and litigation issues and has written articles on property rights and community association law.

ERIC PAGE is a partner in the Tampa office of Shutts & Bowen, a statewide firm of approximately 280 attorneys with offices in eight locations. His litigation practice includes commercial litigation involving landlord/tenant disputes, contractual matters, land use & zoning matters, other real property related litigation, trust & estate disputes, and other commercial litigation. Mr. Page has been on the Florida Trend's Legal Elite and Florida Super Lawyer lists each year since 2011, and in 2018 was named one of the Top 50 Tampa Bay Super Lawyers. Mr. Page graduated *cum laude* from Stetson University College of Law, where he was on Law Review and competed as a Moot Court Board member. He is the former Co-Chair for the RPPTL Section of the Hillsborough County Bar Association, and is Chair of the Real Estate Development Committee of the Corporation to Develop Communities of Tampa. This is Mr. Page's third time presenting on landlord/tenant law for The Florida Bar's Basic Skills CLE.

**EDWARD J. PETERSON, III** specializes in the representation of debtors and creditors, in outof-court workouts, bankruptcy cases and proceedings, and state court proceedings. Edward also has experience representing creditor committees. In addition, Edward has represented both assignors and assignees in assignments for the benefit of creditors. Currently, Edward serves as conflicts counsel in the Butler & Hosch assignment cases.

ERIK SZABO ("zay-bo") is a Partner with Shutts & Bowen in Orlando. He is a Board Certified Construction Attorney and is rated AV-Preeminent by Martindale-Hubbell. Mr. Szabo has also received several awards as a Florida Super Lawyers Rising Star in Construction Litigation. Mr. Szabo represents owners, general contractors, design professionals, subcontractors, and material and equipment suppliers in residential and commercial construction. His practice includes, among other things, construction liens, construction defects, contract drafting and revision, contract disputes, and surety bonds. Mr. Szabo is a member of The Florida Bar Association Real Property, Probate and Trust Law Section's Construction Law Committee. He also currently serves as an Associate Director on the Board of the Greater Orlando Builders Association.