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ELDER LAW INSTITUTE XIII

## THE A-Z'S OF REAL PROPERTY ISSUES

*Sponsored with the  
Massachusetts Chapter of  
National Academy of Elder Law Attorneys*

Friday, March 16, 2007  
Suffolk University Law School  
Boston, MA

CENTER *for* ADVANCED LEGAL STUDIES  
*Comprehensive Learning Experience for a Changing Legal Environment*

This year's Institute addresses the practical implications of real estate transactions elder law attorneys face on a daily basis. Experts from the land court, the real estate bar and elder law share their experience with the alphabet of issues identified on the NAELA listserv as the most pressing to you.

All elder law attorneys are faced with navigating thorny issues related to the use of special powers of appointments in deeds, as well as the consequences of releasing a life estate interest. The checklist of issues varies from how to "dis-joint" joint interests to the practical implications of a petition to partition. The impact of DRA – 05 is addressed in the context of the myriad of concerns that arise in utilizing new planning strategies that now include the use of promissory notes and reverse mortgages. The use of life estates and nominee trusts as well as all other forms of real estate transfers including the homestead provisions will be presented so you will be better equipped to handle these issues. The Institute faculty is most sensitive to insuring that the all real estate transfer issues that are stumbling points for practitioners or raise anxiety levels are discussed, including the tax implications of various transactions.

The unique aspect of this year's Institute is the emphasis on real estate transactions, including potential title and conveyancing problems that go unnoticed by busy elder law practitioners. Do not miss this opportunity to enhance your professional skills in the highly specialized area of real estate transactions and learn how to avoid the many traps for the unwary.



CENTER *for* ADVANCED LEGAL STUDIES

120 Tremont Street, Boston MA 02108-4977



## SCHEDULE / AGENDA

### 9:00 WELCOME & INTRODUCTIONS

*Mark Worthington, President, Mass. NAELA*

### 9:10 TAX, MEDICAID AND TITLE CONSEQUENCES OF VARIOUS CONVEYANCES

The tax, Medicaid and title consequences arising out of various conveyances. Tax discussion includes stepped up basis, capital gain tax, and § 121 eligibility. Discussion of issues to watch for with respect to conveyance of primary residence v. vacation property v. residential rental property v. commercial property. Proper drafting of deeds and issues peculiar to Registered Land

- Conveying to and from Irrevocable, Revocable and Nominee Realty Trusts • Trustee Certificates • Conveying to and from an Individual, Corporation, Partnership, LLC, LLP or Other Entity
- Fiduciary Conveyances—Guardians, Conservators, Executors and Administrators, Trustees • Conveying a Partial Interest, including Life Estate, Remainder Interest, and Joint Interest
- Conveyance Subject to Use and Occupancy • Using a Durable Power of Attorney for Consideration and without Consideration
- Property Reserving a Special Power of Appointment

Ian S. Oppenheim, Esq. Moderator  
*Oppenheim & Cole, LLP, Halifax, MA*

Honorable Gordon H. Piper, Morning Commentator  
*Justice, Land Court*

Gina M. Barry, Esq., *Bacon & Wilson PC, Springfield, MA*

Jeffrey A. Campbell, Esq., *Vice President, Northern NE Agency Counsel, Fidelity National Title Insurance Company, Boston, MA*

Mark F. Cavanaugh, Esq., *Bass Doherty & Finks P.C., Boston, MA*

Martin A. Loria, Esq., *Adelson Loria & Weisman PC, Boston, MA*

Kathleen M. O'Donnell, Esq., *Kopelman and Paige, PC, Boston, MA*

Robert L. Reed, Esq., *Reed Adami & Kaiser, Brockton, MA*

### 11:30 Q & A

### 12:00 LUNCH—ON YOUR OWN

The faculty for Advanced Legal Studies programs are volunteers. They give generously of their time and expertise in support of the common goal of enhancing the quality of legal services and the competence of the practicing bar. - *Thank you!*

### 1:00 TAX, MEDICAID AND TITLE ISSUES ARISING FROM NON-CONVEYANCING ISSUES AND THE IMPACT ON ELDER LAW PRACTICE

- Bankruptcy • Divorce • Asset Protection
- Environmental Concerns – 21E and Title 5
- “Lifetime” (Notice) Liens by DMA
- Estate Recovery • Homesteads • Different Types of Tenancies
- Lost Schedules of Beneficial Interest • Petitions to Partition
- Cost Sharing Arrangements between Parents/Children
- Real Estate Tax Exemptions and Deferrals under MGL c. 59 §5
- Out of State Real Estate • Use & Occupancy Agreements

Alex L. Moschella, Esq., Moderator  
*Moschella & Winston, Somerville, MA*

Edmund A. Williams, Afternoon Commentator  
*Chief Title Examiner, Land Court*

Richard Keshian, Esq., *Keshian & Reynolds, PC, Arlington, MA*

Leslie S. Madge, Esq., *Leslie S. Madge, PC, Acton, MA*

Francis X. Small, Esq., *Heaney & Small LLP, Milford, MA*

Amanda Zuretti, Esq., *CATIC, Wellesley, MA*

### 3:00 PLANNING STRATEGIES USING REAL ESTATE

- Promissory Notes and Mortgages
- Rental Real Estate and Business Property
- Refinancing and Home Equity Loans
- Reverse Mortgages
- Allowable Transfers under Medicaid Regulations
- Purchasing an Interest in a Child's or Elder's Home
- Irrevocable Trusts
- QPRTS, LLCs, and FLPs
- Duty for Clearing or Examining Title
- MassHealth Valuation Issues
- Use & Occupancy Agreements

Suzanne R. Sayward, Esq. Moderator  
*Samuel, Sayward & Baler LLC, Dedham, MA*

Brian Barreira, Esq., *Plymouth, MA*

Mark F. Cavanaugh, Esq., *Bass Doherty & Finks P.C., Boston, MA*

Ruth A. Dillingham, Esq., *First American, Boston, MA*

Leslie S. Madge, Esq., *Leslie S. Madge, PC, Acton, MA*

Stephen J. Spano, Esq., *Spano & Davicki, Saugus, MA*

### 4:30 Q & A

### 5:00 Conclude

## INFORMATION

**DATES:** Friday, March 16, 2007, 9:00 a.m. - 5:00 p.m.

**TUITION:** Tuition is \$249; \$199 alumni, attorneys admitted to the Bar after 2004, members of MA Chapter of NAELA and members of the Social Law Library. Centennial Scholarships provide a \$100 discount off the regular tuition and are available to any attorney or professional employed in public service or unable to afford the tuition. For information on how to apply call 617-573-8627 or email als@suffolk.edu

**LOCATION:** Suffolk University Law School, 120 Tremont St., Boston, MA

**CREDIT:** Approved for CLE credit in RI, NH, VT & ME.

**WALK-INS:** Space is limited. Registrations at the door are welcome, but please register in advance to reserve a seat and your written course materials or call to confirm space availability.

**REFUNDS:** Written requests for cancellations received via fax or email 24 hours prior to the program will be granted a refund, minus a \$15 charge. If you cannot attend, you can send a substitute, otherwise you will receive the written course materials.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans with Disabilities Act, please notify us as soon as possible.

**BOOK ORDERS:** If you are unable to attend, you may order the course materials for \$79 (includes shipping.) The course book will be sent after March 16.

QUESTIONS OR COMMENTS PLEASE CALL 617-573-8627  
OR VISIT US AT WWW.LAW.SUFFOLK.EDU/ALS

Year admitted to the Bar \_\_\_\_\_ NAELA? \_\_\_\_\_

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Please register me for **Elder Law Institute XIII**

Please check here if you plan to attend the reception

I'm unable to attend, but would like to purchase the course book

Payment Method:  Check payable to *Suffolk University*

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