

SECTION ON REAL ESTATE TRANSACTIONS

WINTER 2016
NEWSLETTER



Tanya Marsh
Wake Forest University
School of Law | Section Chair

A NOTE FROM THE CHAIR

JOIN US FOR OUR SECTION PROGRAM

on *Keeping the "Real" World in Real Estate Transactions: New Ideas, Best Practices, and Partnership Opportunities to Strengthen Teaching and Scholarship* will be held on **Thursday, January 5, 2017, from 8:30 – 10:15 a.m.** at the AALS 2017 Annual Meeting in San Francisco, California.

We are looking forward to an excellent discussion from an amazing group of real property scholars as we explore new and innovative ways to forge partnerships between the academy and the participating bar when it comes to teaching real estate-related courses in law school.

The discussions resulting from our panel will be published in a special issue of the *Wake Forest Law Review*.

We are delighted to have the following featured speakers on the panel: **Celeste Hammond**, professor of law and director of the Center for Real Estate Law at the John Marshall Law School; **Daniel B. Bogart**, associate dean for academic affairs, professor of law, and the Donley and Marjorie Bollinger chair in real estate law at the Chapman University Dale E. Fowler School of Law; and **Gregory M. Stein**, the Woolf, McClane, Bright, Allen & Carpenter distinguished professor of law at the University of Tennessee College of Law (chosen from a competitive call-for-papers).

The panel will be moderated by **R. Wilson Freyermuth**, the John D. Lawson professor of law and the curators' distinguished teaching professor at the University of Missouri School of Law.

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PROFESSORS' CORNER

UPCOMING PROGRAMS OF INTEREST TO SECTION MEMBERS

RECENT DEVELOPMENTS IN FRACKING

DATE: JAN. 10 @ 11:30 CST

RETIREMENT ASSET PLANNING

DATE: FEB. 14 @ 11:30 CST

PARTITION OF HEIRS PROPERTY

DATE: MAR. 14 @ 11:30 CST

VIRTUAL CURRENCY

DATE: AUG. 8 @ 11:30 CST



CONFERENCE ANNOUNCEMENTS

CONFERENCES, WORKSHOPS, AND SYMPOSIA OF INTEREST:

American Bar Association Section on Real Property, Trust & Estate Law Spring Symposium

RPTE's annual spring conference will take place from April 20-21, 2017 at the Four Seasons Hotel in Denver, CO. Click [here](#) for more information.

Association of Law, Property, and Society

What has become one of the largest gatherings of property scholars in the world, ALPS will host its 2017 scholarship conference from May 19-20, 2017 at the University of Michigan in Ann Arbor, MI. Click [here](#) for more information.

Law & Society Association

LSA's 2017 conference, titled *Walls, Borders, and Bridges: Law and Society in an Inter-Connected World*, will be from June 20-23, 2017 in Mexico City, Mexico. Click [here](#) for more information.

Texas A&M University School of Law's Real Property Law Schmooze

The recently launched Program in Real Estate and Community Development Law will host its first annual real property law "Schmooze" conference at the Texas A&M University School of Law from February 2-4, 2017 in Fort Worth, TX. For its first year, the Schmooze will consist only of scholars from southern law schools, but next year's Schmooze will be expanded to participants from across the country.

SECTION OFFICERS:

CHAIR:

Tanya Marsh
Wake Forest University School of Law

CHAIR-ELECT:

Kristen Barnes
University of Akron School of Law

SECRETARY:

Chris Odinet
Southern University Law Center

TREASURER:

Sarah Schindler
University of Maine School of Law

EXECUTIVE COMMITTEE:

Danny Bogart
Chapman University Fowler School of Law

Pamela Foohey
Indiana University Maurer School of Law

Julie Forrester (Past-Chair)
SMU Dedman School of Law

Greg Stein
University of Tennessee College of Law

RECENT SCHOLARSHIP

KRISTEN BARNES

University of Akron School of Law

Breaking the Cycle: Countering Voter Initiatives and the Underrepresentation of Racial Minorities in the Political Process, 12 DUKE J. CONST. L & PUB. POL'Y (forthcoming 2017).

Reconfiguring Property Theory and Legal Rules in the Sharing Economy, JOTWELL-JOURNAL OF THINGS WE LIKE (LOTS)-PROPERTY BLOG (2016).

CARL CIRCO

University of Arkansas School of Law

Interpreting Stale Preferential Rights to Acquire Real Estate: Beyond the Restatement of Property, 62 VILL. L. REV. (forthcoming 2016). [[SSRN](#)]

Preferential Purchase Rights in Practice and Theory, CEB REAL EST. L. REP. 108 (Sept. 2016). (lead article).

ARKANSAS CONSTRUCTION LAW HANDBOOK (2016) (with David M. Powell & John Dewey Watson).

NESTOR M. DAVIDSON

Fordham University School of Law

Affordable Housing Law and Policy in an Era of Big Data, 44 FORDHAM URB. L.J. (forthcoming 2017).

Localist Administrative Law, 126 YALE L.J. (forthcoming 2017).

The Place of Flourishing Families, 43 FORDHAM URB. L.J. (forthcoming 2016) (with Clare Huntington).

Resetting the Baseline of Ownership: Takings and Investor Expectations After the Bailouts, 75 MARYLAND L. REV. 722 (2016).

The Sharing Economy as an Urban Phenomenon, 34 YALE L. & POL'Y REV. (forthcoming 2016) (with John Infranca).

Department of Housing and Urban Development v. Rucker: *Public Housing as Housing of Last Resort*, in THE POVERTY LAW CANON: EXPLORING THE MAJOR CASES (Marie Failing & Ezra Rosser eds., Univ. of Michigan Press 2016).

LAW BETWEEN BUILDINGS: EMERGENT GLOBAL PERSPECTIVES ON URBAN LAW (co-ed., with Nisha Mistry) (forthcoming 2016).

Property, Wellbeing, and Home: Positive Psychology and Property Law's Foundations, in THE PRECARIOUS HOME: SOCIO-LEGAL PERSPECTIVES ON THE HOME IN INSECURE TIMES (forthcoming Hart Publishing 2017).

The Urban in Law, in DEFINING THE URBAN: PERSPECTIVES ACROSS THE ACADEMIC DISCIPLINES AND PROFESSIONAL FIELDS (forthcoming Routledge Publishing 2017).

STEVEN J. EAGLE

George Mason University Antonin Scalia School of Law

2015 Supplement to REGULATORY TAKINGS (5th ed. New York: Lexis Publishing 2012).

Advancing Judicial Review of Wetlands and Property Rights Determinations: U.S. Army Corps of Engineers v. Hawkes, 2015-16 CATO SUPREME COURT REVIEW 257-77 (2016).

Conflation, Intractability and Affordable Housing, 44 FORDHAM URB. L.J. (forthcoming 2017). [[SSRN](#)]

Property Rights After Horne, 10 NYU JOUR. OF LAW & LIBERTY (forthcoming 2016). [[SSRN](#)]

KATHLEEN C. ENGEL

Suffolk University Law School

Local Governments and Risky Home Loans, 69 SMU L. REV. 609 (2016).

JULIE PATTERSON FORRESTER

Southern Methodist University Dedman School of Law

Forward: Perspectives on Mortgage Lending Regulation, 69 SMU L. REV. 585 (2016).

ROBIN PAUL MALLOY

Syracuse University College of Law

Law, Markets, and Marketization, 2 UNIVERSITY OF BOLOGNA LAW REVIEW (Fall 2017).

Land Use Law and Sidewalk Requirements Under the Americans with Disabilities Act, 51 REAL PROPERTY, TRUST & ESTATE LAW JOUR. 3 (Winter 2017).

REAL ESTATE TRANSACTIONS: PROBLEMS, CASES, AND MATERIALS (Wolters Kluwer 5th ed., forthcoming 2017) (with Robin Paul Malloy).

CHRIS ODINET

Southern University Law Center

BitProperty and Commercial Credit, WASHINGTON UNIVERSITY L. REV. (forthcoming 2017). [SSRN]

Of Progressive Property and Public Debt, WAKE FOREST LAW REVIEW (forthcoming 2017). [SSRN]

The Unfinished Business of Dodd-Frank: Reforming the Mortgage Contract, 68 SMU LAW REVIEW 653 (2016). [SSRN]

Gay Marriage and the Problem of Property, 93 WASHINGTON UNIVERSITY L. REV. (2016) (with Andrea Carroll) [SSRN]

Community Collateral: Security Rights in Common Interest Community Declarations, PROBATE & PROPERTY (July/August 2016) (with Randy P. Roussel). [SSRN]

Fiscal Policy and Urban Growth Challenges: U.S. Perspectives on Property Tax Reform in Warsaw, 61 STUDIA IURIDICA (Spring 2016) (peer reviewed). [SSRN]

SECURED CREDIT: LOUISIANA AND AMERICAN PERSPECTIVES (Aspen 2016) (with L. David Cromwell, John Randall Trahan, & Dian Tooley-Knoblett).

DAVID REISS

Brooklyn Law School

Ensuring Homeownership is Sustainable, 22 WESTLAW J. 6 (2016).

Sloppy, Sloppy, Sloppy: The State of The Mortgage Market, CAL. REAL PROPERTY LAW REPORTER 60 (2016).

The Federal Housing Administration (FHA) and Private Mortgage Insurance (PMI): A Bibliography (2016).

Federal Housing Finance Agency, Proposed Collection for National Survey of Mortgage Originations (Nov. 10, 2016) (No. 2016-N-06).

Federal Housing Finance Agency, Update on Implementation of the Single Security and the Common Securitization Platform Comment Letter (Aug. 29, 2016).

Federal Financial Institutions Examination Council, Comment Letter on Uniform Interagency Consumer Compliance Rating System (July 2016) (Docket # FFIEC-2016-0001).

Consumer Financial Protection Bureau, Collection Activities Comment Letter (April 14, 2016) (Docket No. CFPB-2016-0011).

Federal Housing Finance Agency, Duty to Serve Comment Letter (Mar. 17, 2016) (Comments/RIN 2590-AA27).

SARAH SCHINDLER

University of Maine School of Law

Architectural Exclusion, 124 YALE L.J. 1934 (2015). [SSRN]

Regulating the Underground: Secret Supper Clubs, Pop-Up Restaurants, and the Role of Law, 82 U. CHICAGO L. REV. DIALOGUE 16 (2015). [SSRN]

Comments on When God Isn't Green, B.U. L. REV. ANNEX (Aug. 2, 2016). [SSRN]

STEVEN L. SCHWARCZ

Duke University School of Law

Macroprudential Regulation of Mortgage Lending, 69 SMU L. REV. 595 (2016).

JIM SMITH

University of Georgia School of Law

Green Home Standards: Information and Incentives, 54 HOUSTON L. REV. (forthcoming 2017). [SSRN]

Making Existing Homes Greener, TEXAS A&M JOURNAL OF PROPERTY LAW (forthcoming 2017)

Energy Efficiency, Conservation, and Fuel Switching in Existing Buildings in LEGAL PATHWAYS TO DEEP CARBONIZATION IN THE UNITED STATES (Michael B. Gerrard & John C. Dernbach eds.) (forthcoming).

REAL ESTATE TRANSACTIONS: PROBLEMS, CASES, AND MATERIALS (Wolters Kluwer 5th ed., forthcoming 2017) (with Robin Paul Malloy).

JOHN G. SPRANKLING

University of the Pacific McGeorge School of Law

Property and the Roberts Court, 65 U. KAN. L. REV. (forthcoming 2016).

UNDERSTANDING PROPERTY LAW (4th ed. forthcoming 2017).

GREGORY STEIN

University of Tennessee College of Law

A PRACTICAL GUIDE TO COMMERCIAL REAL ESTATE TRANSACTIONS FROM CONTRACT TO CLOSING (American Bar Association, 3d edition forthcoming 2016). (with Morton P. Fisher, Jr., & Michael D. Goodwin).

What Will China Do When Land Use Rights Begin to Expire?, VANDERBILT J. OF TRANSNAT'L LAW (forthcoming 2017).

Chinese Real Estate Law and the Law and Development Theory: A Comparison of Law and Practice, FLA ST. J. TRANSNAT'L L. & POL'Y (forthcoming 2016).

Do Progressive Property Scholars Really Want to Limit Nollan and Dolan to Administrative Exactions?, JOTWELL-JOURNAL OF THINGS WE LIKE (LOTS) (May 17, 2016).

ROGER BERNHARDT

Golden Gate University School of Law

Liability for Negligent Loan Modifications, CAL. REAL PROPERTY LAW REPORTER 60 (Nov. 2016).

Yvanova: All That Was Not Said, CAL. REAL PROPERTY LAW REPORTER 60 (Nov. 2016).

Bankruptcy Stays and Unlawful Detainer, CAL. REAL PROPERTY LAW REPORTER 60 (Nov. 2016).

Using a Long Arm to Undo A Fraudulent Conveyance, CAL. REAL PROPERTY LAW REPORTER 60 (Nov. 2016).

His, Hers, or Theirs?, CAL. REAL PROPERTY LAW REPORTER 60 (Nov. 2016).

Rethinking Rescission, CAL. REAL PROPERTY LAW REPORTER 60 (Nov. 2016).

Short Sales & Deficiency Judgments, CAL. REAL PROPERTY LAW REPORTER 60 (Nov. 2016).

Dual Tracking & Tenders, CAL. REAL PROPERTY LAW REPORTER 60 (Nov. 2016).

Sales Contract of Lease, CAL. REAL PROPERTY LAW REPORTER 60 (Nov. 2016).

Truth In Lending & Rescission, CAL. REAL PROPERTY LAW REPORTER 60 (Nov. 2016).

SARA C. BRONIN

University of Connecticut School of Law

RATHKOPF'S THE LAW OF ZONING AND PLANNING (4th ed. Thomson Reuters 2016) (with Dwight H. Merriam).

LAND USE REGULATION (2d ed. University Casebook Series 2016) (with Eduardo Peñalver & Stewart Sterk).

Solar Rights in the United States, in DELIVERING ENERGY POLICY IN THE EU AND US: A MULTI-DISCIPLINARY READER (Raphael Heffron & Gavin Little, eds.) (2016).