

Provide informed guidance through these crucial issues.

# DEVELOPING AND MANAGING CONDOMINIUM AND HOMEOWNERS' ASSOCIATIONS

**Philadelphia, Pennsylvania**

**July 9, 2008**



**Continuing Education**

CLE - 6.0

IACET - 0.6

*See inside for details!*

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**PRESENTED BY**

Robert M. Mulhern Jr.  
*Steven L. Sugarman & Associates*

D. Barry Pritchard Jr.  
*High Swartz*

Carl N. Weiner  
*Hamburg, Rubin, Mullin, Maxwell & Lupin*

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# KEY BENEFITS

## Create a Firm Footing for Condominium Establishment and Administration

- Resolve disagreements by distinguishing between common element problems and individual owner complaints during the development stage.
- Proactively decide the board's authority over budgets, assessments, rulemaking, meeting requirements and other issues.
- Deal properly with ambiguities in association governing documents.
- Advise knowledgeably on the condominium statute and personal liability of owners.

# IMPORTANT DETAILS

## PHILADELPHIA – July 9

### The Radisson Plaza Warwick

1701 Locust Street, Philadelphia PA 19103

Phone 215-735-6000

#### TIME

##### REGISTRATION

8:30 - 9:00 a.m.

##### PROGRAM

9:00 a.m. - 4:30 p.m.

Complimentary snacks and refreshments are provided. Lunch is on your own.

#### TO REGISTER

##### MAIL

Registration form on back of this brochure

##### FAX

715-835-1405

##### PHONE

800-930-6182

##### ONLINE

[www.nbi-sems.com](http://www.nbi-sems.com)

*Pre-registration is encouraged. If you need to register at the door, you may wish to call us first to confirm availability and to receive information regarding schedule or location changes.*

#### TUITION

\$355 for the first registrant, \$345 for each additional registrant, \$335 for new professionals.\*

\*A new professional is anyone with three or less years of professional experience.

#### DIRECTIONS/PARKING

To obtain directions and parking information please contact the facility listed above.

#### REFERENCE MANUAL

*Developing and Managing Condominium and Homeowners' Associations*

Our comprehensive course manual, written specifically to accompany this program, allows you to use it as a reference back at the office!

#### AUDIO RECORDINGS

This seminar will be recorded in its entirety. If you can't attend, you can still obtain the benefits of the information provided by purchasing the manual and CD. See the registration form to order.

#### CANCELLATION

Has your schedule changed? Visit us on the web or call one of our Customer Service Representatives to learn more about your cancellation options.

### The NBI Guarantee.

If you aren't satisfied with a seminar or training resource, call or write us and we'll make it right.



## WHO SHOULD ATTEND

This **basic-to-intermediate level seminar** is designed for attorneys, property managers, real estate developers, homeowners' associations, contractors and real estate and construction professionals who want a comprehensive look at development and effective management of condominiums and homeowners' associations.

# WHAT YOU WILL LEARN

## I. TYPES OF COMMUNITIES

9:00 - 9:25 Carl N. Weiner

- A. Condominiums: Substantial Regulatory Structure and Guidelines
- B. Subdivisions: Limited Case Law and Guidelines
- C. Attached Housing and Other Hybrids

## II. ISSUES WHEN TRANSITIONING FROM DEVELOPER CONTROL TO OWNER CONTROL

9:25 - 10:05 Carl N. Weiner

- A. Last Chance for Easy Change of Indenture/Declaration/Bylaws
- B. Completion of Developer's Work on Common Elements
- C. Involving Regulatory Authorities and Construction Escrow
- D. Sorting Out Common Element Problems from Individual Owner Complaints
- E. Status of Budget and Accounting at Turnover: Developer Duties
- F. Watch for Developer "Reserved Powers"
- G. To Sue or Not to Sue, That is the Question

## III. GOVERNING DOCUMENT ISSUES

10:20 - 11:20 D. Barry Pritchard Jr.

- A. Strong Board vs. Town Hall Democracy: Scope of Owner Participation
  - 1. Budget Decisions
  - 2. Assessments
  - 3. Rulemaking
  - 4. Open Meeting Requirements for the Board
  - 5. Residential Councils, Building Reps and Sub-Committees
  - 6. Any Callback Power or Check on the Board?
- B. Board Fiduciary Duty
- C. Quorum Requirements for Valid Action
- D. Dealing with Unworkable or Archaic Document Provisions: The Amendment Process

## IV. USING A CASE STUDY TO UNRAVEL THE TENSION BETWEEN LAND LAW UNANIMITY REQUIREMENTS AND BUSINESS JUDGMENT FLEXIBILITY

11:20 - 12:00 Robert M. Mulhern Jr.

- A. Land Law Requires Unanimous Consent to Change Recorded Property Rights
- B. Business Judgment Rule for Board and Community
- C. High Tension and Uncertainty in the Law

## V. DETERMINING THE LINE BETWEEN COMMUNITY AND INDIVIDUAL OWNER RESPONSIBILITY FOR MAINTENANCE

1:00 - 1:25 D. Barry Pritchard Jr.

- A. Dealing with Unclear Documents
- B. Maintaining Boundary Lines and Setting Liability Coverage
- C. Importance of Rulemaking

## VI. RULEMAKING POWER OF THE BOARD

1:25 - 2:05 D. Barry Pritchard Jr.

- A. How Are Rules Created?
  - 1. Political and Legal Concerns
  - 2. Notice to Owners
- B. Correcting Ambiguities in the Governing Documents
- C. Owner Control or Check on Board Power
- D. Annual Meeting Considerations and Voting Power
- E. What Control Do Boards Have Over Pets, Parking, Pools and Other Issues?

## VII. INCORPORATION OF AN OWNERS' ASSOCIATION

2:05 - 2:30 Robert M. Mulhern Jr.

- A. Line of Defense for Community
- B. The Condominium Statute and Personal Liability of Owners

## VIII. ADHERING TO ETHICAL STANDARDS

2:45 - 3:45 Robert M. Mulhern Jr.

- A. Understanding Who the Client Is
- B. Avoiding Conflicts of Interest
- C. Conflicts Between the Law, the Documents and Common Sense
- D. Guidelines for Attorney Fee Arrangements in a Community Context

## IX. ENFORCEMENT AND COLLECTION ISSUES IN COMMUNITY ASSOCIATIONS

3:45 - 4:30 Carl N. Weiner

- A. Fines and Show Cause Orders
  - 1. Due Process Requirements
  - 2. Conducting a Board Hearing
- B. Collection of Sums Owed the Community
- C. Other Means of Enforcement

\*If needed, the above agenda may be changed to best accommodate all of our attendees.

# Developing and Managing Condominium and Homeowners' Associations

July 9 — Philadelphia

Provide informed guidance through these crucial issues.



## WHO WILL TEACH YOU

**ROBERT M. MULHERN JR.** is an attorney at the Berwyn law firm of Steven L. Sugarman & Associates. He practices in the areas of condominium law, community association law and real estate. Mr. Mulhern is admitted to practice in Pennsylvania and before the U.S. District Court, Eastern District of Pennsylvania. He has been a co-speaker at seminars relating to the formation, administration and management of planned community and associations. Mr. Mulhern earned his B.A. degree from Villanova University and his J.D. degree from Delaware Law School of Widener University. He is a member of the Chester County and Pennsylvania bar associations.

**D. BARRY PRITCHARD JR.** is a partner in the law firm of High Swartz, in Norristown, Pennsylvania. He practices in the areas of real estate, community association, municipal law and real estate litigation. Mr. Pritchard is admitted to practice in Montgomery County, Pennsylvania, in the state of Pennsylvania and before the United States District Court for the Eastern District of Pennsylvania. He has represented condominium associations in litigation matters for 25 years, including claims involving declarants and disputes with unit owners over responsibilities and obligations. Mr. Pritchard earned his B.A. degree from the University of Pennsylvania and his J.D. degree from The Dickinson School of Law.

**CARL N. WEINER** is a partner at Hamburg, Rubin, Mullin, Maxwell & Lupin, where his practice is focused on all aspects of real estate including zoning, land development and real estate transactions. He also has created over 100 condominium and community associations, and represents associations on an ongoing basis. Mr. Weiner is past president of the Pennsylvania/Greater Delaware Valley Chapter of the Community Associations Institute. He also has served as chairman of the Montgomery Bar Association Real Estate and Land Use Committee. Mr. Weiner has participated on panels for numerous seminars for the Montgomery Bar Association, the Pennsylvania Bar Institute, National Business Institute and the Community Association Institute. He earned his A.B. degree, cum honoribus, from Brown University and his J.D. degree from Boston University School of Law.

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For additional questions regarding continuing education credits, please contact us at **866-240-1890**.

### CLE - 6.0

This program has been approved by the Pennsylvania Continuing Legal Education Board for a total of 6.0 hours, including 5.0 hours of substantive law, practice and procedure CLE credit and 1.0 hour of ethics, professionalism or substance abuse CLE credit.



NBI, Inc. has been approved as an Authorized Provider by the International Association for Continuing Education and Training (IACET), 8405 Greensboro Drive, Suite 800, McLean, VA 22102. NBI, Inc. DBA National Business Institute has awarded 0.6 CEUs to participants who successfully complete this program. (Provider #4558)

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manual — \$99 cd and manual — \$199 *Note: Prices may vary by topic when looking online.*

### OPERATIONS AND CONFLICT RESOLUTION IN CONDOMINIUMS AND HOMEOWNERS' ASSOCIATIONS

© December 2007 — 276 Pages (FP41381)

Representing community associations is hard work. Disagreements abound, and emotions always run high. Let our distinguished authors ease your mind with this practical instruction on enforcing the rules and protecting the rights of the members. Order the reference materials today!

*By: Marjorie A. Brown, James T. Giblin, Robert M. Mulhern Jr. and Elizabeth U. Witmer.*

### REAL ESTATE TRANSACTIONS MADE PAINLESS AND EFFICIENT

© December 2007 — 175 Pages (FP38787)

These vital materials will delve into the particulars of what the seller's and buyer's roles and responsibilities are so you know who should be doing what, when and how. Learn what financing options are available and the documentation required for each so your buyer can get the best deal. Examine the ethical issues that surround a real estate transaction in order to avoid future litigation. Understand the significant role that title insurance plays in every closing and how that information can help you help your client. Be prepared for a smooth "close" to the transaction and ultimately, happy clients.

*By: Rebecca A. Bowman, Susan M. Swick and Kenneth J. Yarsky.*

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**July 9**

Philadelphia, PA

Seminar Number: 44115

## SEMINAR TUITION

**\$355** — first registrant  
**\$345** — each adt'l registrant  
**\$335** — for new professionals  
(see tuition details inside brochure)

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# REGISTRATION FORM

Does this confirm a phone or fax registration?  Yes  No

## ATTENDEE INFORMATION

Please photocopy this form for multiple registrants.

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A Division of NBI, Inc.  
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