Another ‘Unsigned Agreement’ Held Enforceable Where the Parties Intended to be Bound, Despite Not Signing

News

Written agreements without the “not bound until signed or executed” clause is risky business, James W. Wicks of Farrell Fritz writes.

The Devil is in the Details (or Lack Thereof): A Costly Lesson in Allocating Environmental Responsibility in Contracts

Insight

The seller could have more carefully crafted the language of the rider to limit its remediation obligations.

Contractual Insurance Requirements: Traps for the Unwary

Insight

Lyndon Bittle of Carrington Coleman discusses “traps for the unwary” lurking in construction contract insurance requirements, focusing on the ubiquitous commercial general liability policy.

Real Estate Executives Remain Bullish as Tax Reform Measures Take Shape, Akerman Reports

Insight

The tenth annual Akerman U.S. Real Estate Sector Report shows that developments such as federal tax reform and evolving technology have taken root and spurred growth, even amid mounting uncertainty and the likelihood of a market correction.

Lease Agreements: Beware of the Lease Renewal Language

Insight

A recent appellate ruling points out that parties must be specific in negotiating renewal terms and what the rent to be paid during the renewal period will be.

Chicago Lawyer, Client Sanctioned More Than $1M for Frivolous Condo Association Lawsuits

News

The *Cook County Record* is reporting that a county judge has ordered more than $1 million in sanctions and penalties against a lawyer and his client in connection with a litany of legal actions against a condo association.

A Lesson in Property Stipulations

insight

The Energy & the Law blog of Gray Reed & McGraw discusses a

case that sums up what is required for an instrument to be a conveyance and what is required for a stipulation to be effective.

Proposal for Flood-Prone Areas Would Affect Texas Consumers and Insurance Industry

News

A bill filed in the Texas Senate would require home sellers to disclose if their property is in a flood-prone area or if it has already flooded.

Border Wall Needs Private Property. But Some Texans Won’t Give Up Their Land Without a Fight.

News

Previous eminent domain attempts along the Texas border have led to more than a decade of court battles, according to *The Washington Post*.

Electronically Signed Email Exchange May Constitute Enforceable Real Estate Contract

Insight

If you don’t want your emails to be binding contracts, don’t sign them, or better yet, don’t write them in the first place, warns a post in the Ohio Real Estate Law Blog of Kohrman, Jackson & Krantz.

Best Practices in Commercial Real Estate: Commitment Letter

Insight

While a commitment letter in the real estate lending process fleshes out any issues or misunderstandings between the parties prior to the preparation of the ultimate loan documents, it is important to be aware of some potential pitfalls and issues that it can present.

Fifth Circuit Allows Non-Signatories to Enforce Arbitration Agreement

News

The Fifth Circuit has affirmed an order compelling arbitration, despite the fact that the parties seeking to compel arbitration were not signatories to the relevant arbitration agreement, according to Carlton Fields.

What Does Your Reservation Clause Mean?

Insight

Two Locke Lord lawyers authored a discussion about a court decision that emphasizes the importance of properly phrasing a reservation clause, as to avoid inadvertently granting an interest in a mineral estate.

J. David Hitchcock Joins Buchalter As Shareholder in

Los Angeles Office

News

David Hitchcock has joined Buchalter Nemer’s Los Angeles office as a shareholder in the Real Estate practice group.

Akerman Expands Real Estate Group with Addition of Four Lawyers in Denver

News

Akerman LLP announced the the addition of partners Allison Nelson and Lori Albert and associates William Garehime and Kelly Adams from Fennemore Craig to the firm’s Real Estate Practice Group.

Austin Jury Finds Danish Woman Was Defrauded in $1.35M Condo Sale

News

A Travis County jury has returned a verdict against Chicago Title of Texas, LLC and other real estate-related businesses, finding they defrauded a young Danish woman of all proceeds from the sale of her $1.35 million condominium at the

exclusive Residences at W Austin, according to a post on the website of Androvett Legal Media & Marketing

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5 Points: Arbitration Clauses in Real Estate Contracts

Insight

While consumers may not have many choices when signing agreements that contain arbitration clauses, commercial parties often negotiate every last term of their agreements, according to a post on Shutts & Bowen LLP's website.

Two New Cases: Fractional Royalty, Fraction of Royalty, or Mineral Interest?

Insight

Two new opinions, one from the San Antonio Court of Appeals and one from the El Paso Court of Appeals, again tackle the task of construing mineral and royalty conveyances and reservations, reports John McFarland in his Oil and Gas Lawyer Blog.

Small-Firm Office Leasing Reality Check

Insight

While base rent and escalations seem like an obvious starting point, due to sky-high demand and flush competition, prospective tenants better serve their interests by focusing on other points, writes Laura Drossman of Drossman Law in San Francisco.

Judge Fines Foreclosure Law Firm $1.8 Million for Bogus Billings

News

A Denver judge has fined one of the city's prolific foreclosure attorneys $1.8 million for billing thousands of consumers facing the loss of their homes for title-insurance policies that did not exist, reports *The Denver Post*.