

THIS BOOKLET CONTAINS THE  
FILING INSTRUCTIONS AND PUBLICATION UPDATE

Route to:  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  
 \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_

---

# Real Estate Transactions: Purchase and Sale of Real Property

---

Publication 00658

Release 19

June 2006

---

## HIGHLIGHTS

**Release 19 of *Real Estate Transactions: Purchase and Sale of Real Property* includes new Practice Tips throughout the treatise as well as expert discussion of new cases and updates on such topics as:**

- **Revised provisions of ABCNY Commercial Contract of Sale** (Ch. 2 and Ch. 8),
- **Broker's Commissions** (Ch. 25),
- **UCC Title Insurance Policies** (Ch. 34),
- **Insurance Requirements of Commercial Mortgage Lenders** (Ch. 36),
- **Mortgage Commitment Conditions** (Ch. 36),
- **New York's Property Division Disclosure Act** (Ch. 40),
- *See* § 15.01[1] for the updated version of the Contract of Sale—Office, Commercial and Multi-Family Residential Premises. *See* § 15.02[19][e] for the revised Capital Standard Form

Contract. *See* § 18.01[2], for the Minimum Standard Detail Requirements for ALTA/ASCM Land Title Surveys.

**Choice of the Entity Acquiring Title to Real Estate.** Updates to Chapter 24 include new cases and discussion related to:

- partnership property (*See Rinaldi v. Casale*, § 24.03[2], and *Briarpatch Ltd, L.P. v. Frankfurt Garbus Klein & Selz, P.C.*, § 24.04[2]).

**Options.** Updates to Chapter 27 include new cases and discussion related to:

- right of first refusal (§ 27.01[2], *Jeremy's Ale House Also, Inc. v. Luchnick Irrevocable Trust*);
- time element (§ 27.05[1], *Barnes v. Oceanus Navigation Corp., LTD*);
- binding contracts (§ 27.07, *1319 Third Ave Realty Corp. v. Chateaubriant Restaurant Dev. Co.*).

**Environmental Regulation.** Updates to

Chapter 31A include new cases and discussion related to:

- liability for oil spills (§ 31A.03[4], *Starnella v. Heat*);
- contractual liability for environmental risks (§ 31A.03[7], *Rent Stabilization Ass'n of N.Y.C., Inc. v. Miller*).

**Property Description, Encroachments and Fixtures, Covenants, Restrictions, and Easements.** Updates to Chapter 34 include new cases and discussion related to:

- restrictive covenants (§ 34.04[1], *Chateau Rive Corp. v. Enclave Development Assocs.*);
- conservation easements (§ 34.04[2], *Thomas Bang, Inc. v. State*).

**Financing.** Two new subsections, Mortgage Insurance and Insurance Against Risks, have been added to Chapter 36. *See*

§§ 36.01 and 36.04. In addition, the chapter includes new cases related to:

- mortgage commitment condition (§ 36.01[5], *Severini v. Wallace*);
- disclosure requirements (§ 36.02[1][b], *McAneny v. Astoria Financial Corp.*).

---

Matthew Bender provides continuing customer support for all its products:

- Editorial assistance—please consult the “Questions About This Publication” directory printed on the copyright page;
- Customer Service—missing pages, shipments, billing or other customer service matters (1-800-833-9844).
- Outside the United States and Canada, (518) 487-3000, or fax (518) 487-3584;
- Toll-free ordering (1-800-223-1940).



Matthew Bender®

[www.lexis.com](http://www.lexis.com)

---

---

Copyright © 2006 Matthew Bender & Company, Inc., a member of the LexisNexis Group.  
Publication 00658, Release 19, June 2006

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

## FILING INSTRUCTIONS

# PURCHASE and SALE OF REAL PROPERTY

---

Publication 658 Release 19

June 2006

---

**Check  
As  
Done**

- 1. Check the Title page in the front of your present Volume 12. It should indicate that your set is filed through Release Number 18. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 18, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.
- 2. This Release Number 19 contains only White Revision pages.
- 3. Circulate the "Publication Update" among those individuals interested in the contents of this release.

**Check  
As  
Done**      Remove Old  
Pages Numbered

Insert New  
Pages Numbered

*For faster and easier filing, all references are to right-hand pages only.*

## VOLUME 12

### Revision

|                          |                              |                    |
|--------------------------|------------------------------|--------------------|
| <input type="checkbox"/> | Title page . . . . .         | Title page         |
| <input type="checkbox"/> | 2-15 thru 2-17 . . . . .     | 2-15 thru 2-18.1   |
| <input type="checkbox"/> | 2-79 . . . . .               | 2-79 thru 2-80.1   |
| <input type="checkbox"/> | 2-157 thru 2-158.3 . . . . . | 2-157 thru 2-158.3 |
| <input type="checkbox"/> | 7-7 . . . . .                | 7-7 thru 7-8.1     |
| <input type="checkbox"/> | 8-17 . . . . .               | 8-17 thru 8-18.1   |
| <input type="checkbox"/> | 8-87 . . . . .               | 8-87 thru 8-88.1   |
| <input type="checkbox"/> | 8-171 thru 8-172.1 . . . . . | 8-171 thru 8-172.1 |
| <input type="checkbox"/> | 9-3 thru 9-9 . . . . .       | 9-3 thru 9-10.1    |
| <input type="checkbox"/> | 10-7 . . . . .               | 10-7 thru 10-8.1   |
| <input type="checkbox"/> | 15-3 thru 15-15 . . . . .    | 15-3 thru 15-16.5  |

## VOLUME 12A

### Revision

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| <input type="checkbox"/> | Title page . . . . .                      | Title page                         |
| <input type="checkbox"/> | 15-346.24(9) thru 15-346.24(19) . . . . . | 15-346.24(9) thru 15-346.24(20)(c) |
| <input type="checkbox"/> | 18-7 thru 18-14.1 . . . . .               | 18-7 thru 18-14.3                  |

## VOLUME 12B

### Revision

|                          |                                |                      |
|--------------------------|--------------------------------|----------------------|
| <input type="checkbox"/> | Title page . . . . .           | Title page           |
| <input type="checkbox"/> | 24-13 thru 24-21 . . . . .     | 24-13 thru 24-22.3   |
| <input type="checkbox"/> | 24-45 . . . . .                | 24-45                |
| <input type="checkbox"/> | 25-13 thru 25-31 . . . . .     | 25-13 thru 25-32.3   |
| <input type="checkbox"/> | 25-45 thru 25-51 . . . . .     | 25-45 thru 25-52.1   |
| <input type="checkbox"/> | 25-63 thru 25-66.3 . . . . .   | 25-63 thru 25-66.5   |
| <input type="checkbox"/> | 26-13 thru 26-14.1 . . . . .   | 26-13 thru 26-14.1   |
| <input type="checkbox"/> | 27-3 thru 27-21 . . . . .      | 27-3 thru 27-22.3    |
| <input type="checkbox"/> | 28-31 . . . . .                | 28-31 thru 28-32.1   |
| <input type="checkbox"/> | 31-1 . . . . .                 | 31-1 thru 31-2.1     |
| <input type="checkbox"/> | 31-25 thru 31-26.1 . . . . .   | 31-25 thru 31-26.1   |
| <input type="checkbox"/> | 31A-9 thru 31A-10.1 . . . . .  | 31A-9 thru 31A-10.1  |
| <input type="checkbox"/> | 31A-17 . . . . .               | 31A-17 thru 31A-18.1 |
| <input type="checkbox"/> | 31A-27 thru 31A-28.1 . . . . . | 31A-27 thru 31A-28.1 |
| <input type="checkbox"/> | 31A-45 thru 31A-52.5 . . . . . | 31A-45 thru 31A-52.7 |
| <input type="checkbox"/> | 31A-65 thru 31A-66.1 . . . . . | 31A-65 thru 31A-66.1 |
| <input type="checkbox"/> | 32-21 thru 32-40.1 . . . . .   | 32-21 thru 32-40.3   |

| <b>Check<br/>As<br/>Done</b> | <i><u>Remove Old<br/>Pages Numbered</u></i> | <i><u>Insert New<br/>Pages Numbered</u></i> |
|------------------------------|---|---|
| <input type="checkbox"/>     | 34-31 thru 34-36.1 . . . . .                | 34-31 thru 34-36.1                          |
| <input type="checkbox"/>     | 34-59 thru 34-60.1 . . . . .                | 34-59 thru 34-60.1                          |
| <input type="checkbox"/>     | 34-69 thru 34-77 . . . . .                  | 34-69 thru 34-79                            |
| <input type="checkbox"/>     | 35-17 thru 35-23 . . . . .                  | 35-17 thru 35-24.1                          |
| <input type="checkbox"/>     | 35-55 . . . . .                             | 35-55 thru 35-56.1                          |
| <input type="checkbox"/>     | 36-1 thru 36-3 . . . . .                    | 36-1 thru 36-4.1                            |
| <input type="checkbox"/>     | 36-31 . . . . .                             | 36-31 thru 36-32.1                          |
| <input type="checkbox"/>     | 36-39 thru 36-45 . . . . .                  | 36-39 thru 36-46.1                          |
| <input type="checkbox"/>     | 36-57 . . . . .                             | 36-57 thru 36-58.1                          |
| <input type="checkbox"/>     | 36-159 thru 36-160.1 . . . . .              | 36-159 thru 36-160.1                        |
| <input type="checkbox"/>     | 36-179 . . . . .                            | 36-179 thru 36-180.1                        |
| <input type="checkbox"/>     | 36-203 . . . . .                            | 36-203 thru 36-204.1                        |
| <input type="checkbox"/>     | 36-221 . . . . .                            | 36-221 thru 36-222.1                        |
| <input type="checkbox"/>     | 36-257 . . . . .                            | 36-257 thru 36-258.1                        |
| <input type="checkbox"/>     | 36-281 thru 36-283 . . . . .                | 36-281 thru 36-283                          |
| <input type="checkbox"/>     | 37-1 thru 37-3 . . . . .                    | 37-1 thru 37-4.1                            |
| <input type="checkbox"/>     | 37-11 thru 37-12.1 . . . . .                | 37-11 thru 37-12.1                          |
| <input type="checkbox"/>     | 37-27 . . . . .                             | 37-27 thru 37-29                            |
| <input type="checkbox"/>     | 39-3 thru 39-6.1 . . . . .                  | 39-3 thru 39-6.1                            |
| <input type="checkbox"/>     | 39-21 thru 39-25 . . . . .                  | 39-21 thru 39-26.1                          |
| <input type="checkbox"/>     | 39-51 thru 39-52.3 . . . . .                | 39-51 thru 39-52.5                          |
| <input type="checkbox"/>     | 40-3 thru 40-26.1 . . . . .                 | 40-3 thru 40-26.3                           |
| <input type="checkbox"/>     | I-1 thru I-79 . . . . .                     | I-1 thru I-79                               |

FILE THE PUBLICATION UPDATE AND FILING INSTRUCTIONS IN THE  
FRONT OF THE FIRST VOLUME OF YOUR SET.

To order missing pages log on to our self service center, [www.lexisnexis.com/printedsc](http://www.lexisnexis.com/printedsc) or call Customer Services at 1 (800) 833-9844 and have the following information ready:

- (1) the publication title;
- (2) specific volume, chapter and page numbers; and
- (3) your name, phone number, and Matthew Bender account number.

Please recycle removed pages.

MISSING FILING INSTRUCTIONS?  
FIND THEM AT [www.lexisnexis.com/printedsc](http://www.lexisnexis.com/printedsc)

Use the search tool provided to find and download missing filing instructions, or sign on to the Print & CD Service Center to order missing pages or replacement materials. Visit us soon to see what else the Print & CD Service Center can do for you!



[www.lexis.com](http://www.lexis.com)

---

---

Copyright © 2006 Matthew Bender & Company, Inc., a member of the LexisNexis Group.  
Publication 658, Release 19, June 2006

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.