

PUBLICATION UPDATE

Route to: _____ _____ _____ _____
 _____ _____ _____ _____

Real Estate Transactions: Purchase and Sale of Real Property

Publication 658 Release 26 April 2013

HIGHLIGHTS

Release 26 of *Real Estate Transactions: Purchase and Sale of Real Property* includes updates throughout the publication.

New TIP: Advise the seller giving a PCDS to consider adding explanations of the answers to the questions, in the space provided in the form after the last question. 1.01[11]

N.Y. Court of Appeals held that purchaser alleging repudiation was not entitled to summary judgment until it showed it was ready, willing and able to perform, on which it had burden of proof). *Pesa v. Yoma Development Group, Inc.*, 18 N.Y.3d 527 (2012). 39.01[2][a]

N.Y. Court of Appeals held that decedent acquired title by adverse possession due to construction of dock and boardwalk; mutual mistake as to title did not negate hostility element. *Estate of Becker v.*

Murtagh, 19 N.Y.3d 75 (2012). 35.01[2][b][vi][B]

N.Y. Court of Appeals held that OTS regulations for federal savings associations did not impliedly preempt Attorney General’s authority to assert common law and statutory state law claims against provider of real estate appraisal services, eAppraiseIT, for WaMu loans, alleging that appraisers were pressured to raise appraisal values. 36.01[5]

In New York, a person who violates a prohibition against unauthorized practice of law and causes monetary loss or damages exceeding \$1000 of other material damage resulting from impairment of a legal right may be guilty of a Class E felony. 25.02[5], 37.09

Cases re discipline of attorney escrow agents. 2.02[7][b], 8.02[7][b]

Cases re duties of attorney escrow agents. 6.04A

Cases and author’s article on caveat emp-

tor and N. Y. Property Condition Disclosure Act. 40.01[1]

Failure by insured to cooperate with title insurance company was breach of policy. 35.03[2][a]

Cases re mortgage commitment contingency clause. 36.01[5]

Cases re brokers and brokerage commissions. 25.04

Cases on statute of frauds. 32.02

Cases on covenants, restrictions and easements. 34.04

Georgia Court of Appeals stated that claimant can pierce the veil and asset claim against LLC's members if they have suffi-

ciently disregarded its separate existence and there is injustice, fraud or wrongdoing. 24.07A

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).



www.lexis.com

**Copyright © 2013 Matthew Bender & Company, Inc., a member of the LexisNexis Group.
Publication 658, Release 26, April 2013**

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 26

April 2013

**Check
As
Done**

- 1. Check the Title page in the front of your present Volume 1. It should indicate that your set is filed through Release Number 25. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 25, 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 26 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"/> | 1-21 thru 1-23 | 1-21 thru 1-23 |
| <input type="checkbox"/> | 2-78.1 thru 2-81. | 2-79 thru 2-81 |
| <input type="checkbox"/> | 8-79 thru 8-81 | 8-79 thru 8-81 |
| <input type="checkbox"/> | 8-123. | 8-123 |

VOLUME 12A

Revision

- | | | |
|--------------------------|---------------------|------------|
| <input type="checkbox"/> | Title page. | Title page |
|--------------------------|---------------------|------------|

VOLUME 12B

Revision

- | | | |
|--------------------------|--------------------------------|----------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 24-37 thru 24-47 | 24-37 thru 24-45 |
| <input type="checkbox"/> | 25-43. | 25-43 |
| <input type="checkbox"/> | 25-57 thru 25-61 | 25-57 thru 25-62.1 |
| <input type="checkbox"/> | 27-9 thru 27-17 | 27-9 thru 27-17 |
| <input type="checkbox"/> | 31-11 thru 31-15 | 31-11 thru 31-15 |
| <input type="checkbox"/> | 31A-43 thru 31A-46.1 | 31A-43 thru 31A-45 |
| <input type="checkbox"/> | 32-21 thru 32-29 | 32-21 thru 32-30.1 |
| <input type="checkbox"/> | 34-35 thru 34-37 | 34-35 thru 34-38.1 |
| <input type="checkbox"/> | 34-49 thru 34-50.1 | 34-49 |
| <input type="checkbox"/> | 34-71 thru 34-79 | 34-71 thru 34-81 |
| <input type="checkbox"/> | 35-15 thru 35-17 | 35-15 thru 35-18.1 |
| <input type="checkbox"/> | 35-29. | 35-29 thru 35-30.1 |
| <input type="checkbox"/> | 35-56.1 | 35-56.1 |
| <input type="checkbox"/> | 36-33 thru 36-41 | 36-33 thru 36-42.1 |
| <input type="checkbox"/> | 36-151 | 36-151 |
| <input type="checkbox"/> | 36-179 thru 36-180.1 | 36-179 thru 36-180.1 |
| <input type="checkbox"/> | 36-281 thru 37-12.1 | 36-281 thru 37-12.1 |
| <input type="checkbox"/> | 37-27 thru 37-29 | 37-27 thru 37-29 |
| <input type="checkbox"/> | 39-5 thru 39-6.1. | 39-5 thru 39-6.1 |
| <input type="checkbox"/> | 40-3 thru 40-24.1 | 40-3 thru 40-24.1 |

FILE IN THE FRONT OF THE FIRST VOLUME
OF YOUR SET

To order missing pages log on to our self service center, www.lexisnexis.com/printcdsc 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/printcdsc

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

Copyright © 2013 Matthew Bender & Company, Inc., a member of the LexisNexis Group.
Publication 658, Release 26, April 2013

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.

