

Maraziti, Falcon & Healey, LLP



We are a law firm that specializes in redevelopment and environmental matters for public and private clients. Our environmental experience includes the negotiation of well-constructed agreements that minimize ambiguity and missed issues, which may help limit future litigation. Our clients are often other attorneys who engage us to assist them as co-counsel for specialty assignments, which then broadens the scope of services that these attorneys can provide to their own client base.

Maraziti, Falcon & Healey, LLP
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Contaminated Property Transactions for the Small Firm Practitioner

Pitfalls and Solutions

Tuesday, July 21, 2009
8:00am to 10am
Short Hills Hilton, Short Hills, NJ
Free admission/breakfast
RSVP Emily 973-912-6801
ekunz@mfhenvlaw.com

Learn valuable strategies.



Go ahead and handle it.

Albert I. Telsey, Esq.

Partner, Maraziti, Falcon & Healey, LLP



Albert Telsey has been practicing environmental law for 25-years. He helps small firm practitioners handle contaminated real estate transactions in-house without the need to refer the matter elsewhere by providing assistance with regard to environmental issues affecting the sale, purchase, lease, mortgage, insurance, asset/stock sale, bankruptcy, condemnation, foreclosure, tax/estate planning, permitting and penalty issues affecting distressed properties. Mr. Telsey has negotiated hundreds of environmental sites, big and small. He is a regular lecturer for the NJ Redevelopment Authority Training Institute.

Glenn P. Brukart

Principal, Eikon Planning and Design, LLC

Glenn Brukart has been an environmental consultant in NJ for over 25-years. He has been involved with the investigation and cleanup of over 3,000 sites in NJ, including sites with complicated soil and groundwater issues. He brings a creative and cost effective approach to environmental problem solving.

Agenda

8:00am to 8:15am Registration

8:15am to 10:00am Presentation

Question/answer period afterwards

Continental Breakfast served

This presentation is for lawyers only. We will address current environmental issues as they impact sales/purchase agreements and lease agreements for contaminated or suspected contaminated property. We will take you through the tactical nuts and bolts of how to negotiate the environmental provisions in these agreements from the standpoint of the seller, buyer, landlord and tenant, with reference to the expectations of a lender and the NJDEP. Some of the issues we will weave into the documents are described.



Topics

- Knowing your motivation, bargaining power and end goals
- When/why should seller/landlord do cleanup
- When/why should buyer/tenant do cleanup
- How/when/why do you use/not use a Licensed Site Remediation Professional
- How do you manage pre-purchase audits
- How to write environmental representations/warranties/indemnities/releases/survival clauses
- Closing preconditions/lender/insurance
- How to capture all available statutory liability protections
- Cost sharing/escrow/funding sources
- How do you deal with environmental legacies (Deed Notices for soil, CEAs for groundwater, biennial certifications)
- Avoiding pitfalls
- Recommended dispute resolution techniques

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