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**CLE,
Faculty of Law,
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Property Law Master Class: Mortgage Transactions and Easements, Covenants and Deposits

Friday 31 July 2009

9.30am – 1.00pm

Grace Hotel, 77 York Street, Sydney

Course cost includes tuition, materials and refreshments

\$297

I cannot attend but please provide the papers

\$165

Total Price includes GST

Total \$

Payment Options

I enclose a cheque payable to "CLE, UNSW",

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THE UNIVERSITY OF
NEW SOUTH WALES

FACULTY OF LAW
CONTINUING LEGAL EDUCATION

Property Law Master Class: Mortgage Transactions and Easements, Covenants and Deposits

Friday 31 July 2009

9.30am – 1.00pm

Grace Hotel,
77 York Street, Sydney

www.cle.unsw.edu.au

Audience

- Solicitors in General Practice
- Accredited specialists in Property Law
- Commercial Property Lawyers
- Property Lawyers
- Conveyancing Specialists
- Corporate Counsel or Company Secretaries
- Senior Executives of Financial & Property Corporations
- Precedent managers

Objective

This seminar provides practitioners with a valuable update on issues in relation to Property Law and conveyancing practice. This examination of the most important issues and concepts involved in Mortgage transactions secured over real estate is most useful in the current market. Additional analysis of other issues that are of current interest include Deposits, easements and covenants.

CLE/CPD Points: Three (3)

About the Presenter

Tony Cahill is highly regarded as an experienced practitioner with an exceptional depth of understanding. With his guidance you will undertake a close review of issues in three core areas of practical concern, **Mortgage Transactions and Easements, Covenants and Deposits**

These focused and highly relevant assessments of the problems that arise will add significantly to the store of knowledge you bring to this area of practice, so that you can add value to any property transactions

Tony Cahill is a part-time lecturer at the Sydney and Northern Sydney Institutes of TAFE in various law subjects. He has taught at Universities and advises Government and served on Law Society committees. He is a leading and well respected expert in Property and Conveyancing Law. In 2006 Tony became a co-author of *Conveyancing Service NSW* published by LexisNexis Butterworths.

Property Law Master Class: Mortgage Transactions and Easements, Covenants and Deposits

Friday 31 July 2009

9.30am Introduction from Facilitator, Tony CAHILL

Part 1: Mortgages – advising the Mortgagor

- Legislative developments
- Testing the duty of mortgagee exercising power of sale – good faith or negligence?
- Releases during the term of Mortgage
- Issues for the Guarantor
- Unconscionability as a ground for avoidance
- S92 Conveyancing Act and s57(2) (b) Real Property Act
- Priorities
- Mortgagors Right to sell when Mortgagee in possession
- S42 Indefeasibility – to what?
- Mortgages executed under power of attorney

11.00am Morning tea

Part 2: Easements

- Interests capable of being protected by easement

- Statutory Easements and overriding the register – *Real Property and Conveyancing Legislation Amendment Bill 2009*
- Suspension of covenants (and easements?) – section 28 EP&A Act
- Section 88K *Conveyancing Act* 1919
- Cases
- Traps and pitfalls

Part 3: Covenants

- Creation of covenants
- Use of covenants to facilitate planning
- Removal of covenants

Part 4: Deposits

- Nature of a deposit
- Use of deposit bonds and guarantees
- Drafting deposit conditions
- Defaults

1.00pm Q&A Close

For more information visit our website: www.cle.unsw.edu.au