

Bansbach Law P.C. is a Client - oriented law firm Formed in 1990. We serve individuals, families, businesses, developers, citizens' groups and municipalities.



**Bansbach Law P.C.**  
Attorneys at Law  
31 Erie Canal Drive, Suite A  
Rochester, NY 14626-4604  
(585) 227-2610 • (585) 227-2629 fax  
[www.BansLaw.com](http://www.BansLaw.com)

# Real Estate



## Bansbach Law P.C.



31 Erie Canal Drive, Suite A  
Rochester, NY 14626  
Phone: (585) 227-2610  
Fax: (585) 227-2629  
[www.BansLaw.com](http://www.BansLaw.com)

## REAL ESTATE PRACTICE AREAS

*We help individuals, businesses and developers in the purchase, sale, lease or gift of residential and commercial property.*

*We represent developers, citizens' groups and municipalities in issues related to the development of real property.*

### REAL ESTATE PURCHASES & SALES

We provide all of the legal services needed to buy or sell your home or commercial property. This typically includes:

- reviewing the purchase and sale contract and all included addenda,
- speaking with the clients, realtors and other attorneys regarding the purchase and sale contract,
- preparing the attorney approval letter; reviewing the other attorney approval letter,
- reviewing the mortgage commitment letter, abstract of title, bankruptcy and judgment searches and tax bills,
- identifying issues relevant to good and marketable title,
- assisting in the calculation and preparation of closing figures and communications with the other attorney and mortgage lender's attorney about closing figures,
- seeking to schedule the closing with the mortgage lender and other side, meeting with the client in advance of a closing to review sale papers,

- attending the transfer of title and mortgage closing, and
- providing the client with a written closing statement showing money received and money paid out.

### TRANSFERS OF CONTAMINATED PROPERTY

Under New York law, current property owners can be forced to investigate and clean up contamination on property they own. If the property owner does not do so, the DEC or EPA may investigate and clean up the property and then sue the property owner for this expense. Moreover, subsequent purchasers may have a claim against prior owners and operators. If contamination migrates off-site, adjacent property owners may also have a claim for the cost to investigate and clean up contamination on their property.

Liability for site investigation and clean up may be imposed on anyone who owned real estate or operated a business when the contamination took place, even if it occurred years before a claim is made.

- We help clients who own, purchase, develop or use contaminated property.
- We recommend ways to minimize potential liability for past discharges of environmental pollutants.
- We help purchasers of contaminated property recover the cost to investigate and clean up contamination caused by others.

### DUE DILIGENCE

The doctrine of “buyer beware” probably will not protect someone who unwittingly buys contaminated property. Innocent purchasers often are held responsible for the cost to investigate and clean up property they bought.

Environmental due diligence must be performed in connection with significant business transactions such as mergers, acquisitions, and the purchase or sale of real estate.

If a previous property owner is responsible for causing all or part of the environmental contamination on your property, and failed to disclose it as a matter of due diligence during the sale of the property, we will work to hold these culpable parties (or their insurance companies) liable.

### COST RECOVERY ACTIONS

We represent purchasers in “cost recovery” actions to recover the cost to investigate and clean up contamination. Typically cost recovery claims are made against prior owners and operators, or adjacent owners or operators.

It may be possible to recover attorneys' fees in certain types of cost recovery actions.