

**New York Residential Real Estate: Cooperatives
Selected Bibliography**

1. Laws and Regulations

- a. Martin Act, N.Y. General Business Law §§352(e) - 352(k)
- b. N.Y. Cooperative Corporations Law §1, et seq
- c. N.Y. Business Corporation Law, Articles 1 to 6 generally
- d. 19 N.Y.C.R.R. Parts 17, 18, and 21
 - i. Official Compilation of Codes, Rules and Regulations of the State of New York, Res. KFN5035 1960 .A22 (*last updated March 2006*)
 - ii. Lexis > States Legal - U.S. > New York > Statutes & Regulations > NY - New York Codes, Rules and Regulations (*last updated September 2006*)
 - iii. Westlaw Database ID: NY-ADC (*last updated March 2006*)

New York statutes can be found in
1) McKinneys Consolidated Laws of the State of N.Y. in hard copy at the BLS library, or on Westlaw: NY-CS, or in
2) The Consolidated Laws of N.Y., in hard copy at the BLS library, or on Lexis > States Legal - U.S. > New York > Statutes & Regulations. These two resources differ with respect to secondary sources, and both should be consulted for research purposes.

2. Co-op Specific Secondary Sources

- a. *New York Jurisprudence 2d*, Vol. 19A, Condominiums and Cooperatives (*last updated November 2006*)
Lexis > Legal > Secondary Legal > Jurisprudence & ALR > New York Jurisprudence 2d (*last updated May 2005*)
Westlaw Database ID: NYJUR-RP (*quarterly updates, exact dates not provided*)
 - i. §§ 1-71, 130-163
 - (1) § 135, Voluntary Dissolution
 - (2) § 137, Supervised Dissolution
- b. Vincent Di Lorenzo, *New York Condominium and Cooperative Law*, Res. KFN5142 .D54 1995. (*last updated October 2006*)
Westlaw Database ID: NYCONDO (*last updated October 2006*)

- c. Patrick J. Rohan & Melvin A. Reskin, *Cooperative Housing Law and Practice - Forms*
Lexis > By Topic > Real Estate > Treatises and Analytical Materials (*last updated August 2005*)

- d. Oscar Le Roy Warren & William Xenophon Weed, *Warren's Weed New York Real Property*, NY Coll. KFN5140 .W445 1950 (*last updated December 2006*)
Lexis > Area of Law - By Topic > Real Estate > Treatises & Analytical Materials > By State > New York > Warren's Weed New York Real Property (*last updated December 2006*)
 - i. Chapter 33, Cooperatives

- e. Kenneth M. Schwartz & Claire Samuelson Meadow, *Real Estate Transactions - Residential Property* (2006-2007), N.Y. Coll. KFN 5169 .A65 M43 (*not available online*)
 - i. Part V: Representing the Purchaser/Seller of a Cooperative Apartment, pp. 38-43
 - ii. Real Estate Transactions: Residential Property Forms Index, p. 139

- f. *New York Practice Guide: Real Estate*, Eugene J. Morris, ed., N.Y. Coll. KFN5140 .N48 1986 (*last updated November 2006*)
Lexis > States Legal - U.S. > New York > Treatises & Analytical Materials > All Treatises & Analytical Materials > New York Practice Guide: Real Estate (*last updated September 2005*)
 - i. Chapter 37, Common Interest Communities Generally

- g. *LexisNexis Answer Guide New York Real Property*. (*last updated December 2005, Release 2006*)
Lexis > Area of Law - By Topic > Real Estate > Treatises & Analytical Materials > By State > New York > LexisNexis Answer Guide New York Real Property
 - i. Chapter 3, Part F: Drafting and Negotiating Cooperative Apartment Contracts of Sale

- h. William Jay Lippman, *Condominium and Co-op Closings*
Lexis > Secondary Legal > Practising Law Institute > Condominium and Co-op Closings (*last updated August 2001*)
Westlaw Database ID:PLIREF-CONDO (*last updated August 2001*)

- i. Wayne S. Hyatt, *Condominium and Homeowner Association Practice: Community Association Law*, 3d ed., Main KF576. H9 2000 (2005- 2006 Supp., not available online)
- j. *Residential Real Estate Contracts and Closings 2006*, PLI Course Handbook, NY Coll. KFN5170.Z9 R47
Westlaw Database ID: PLI, "terms and connectors" search query: ti,pr(cooperative) includes pp. 463-626 of *RREC&C 2006: Cooperative Apartment Contracts and Closing*
- k. Sylvia Shapiro, *The New York Co-op Bible: Everything You Need To Know About Co-ops and Condos: Getting In, Staying In, Surviving, Thriving*, Res. HD7287.72.U6 S53 2005 (not available online)

3. Key Treatises on Real Property¹

- a. *Powell on Real Property*
Lexis > Area of Law - By Topic > Real Estate > Treatises & Analytical Materials > Matthew Bender > Powell on Real Property (last updated December 2006)
 - i. Chapter 54, The Creation of Common Interest Associations - Condominiums, Cooperatives, Homeowner Association Developments, and Time-Shares
 - ii. Chapter 54A, The Operation of Common Interest Communities - Condominiums, Cooperatives, Homeowner Association Developments, and Time-Shares
- b. *Thompson on Real Property*, Main KF 570 .T458 1994 (2006 Supp., not available online)
 - i. Chapter 36, Condominiums and Cooperatives
- c. Joseph Rasch, *New York Law and Practice of Real Property*, Res. KFN5140 .R32 1991 (last updated June 2006)
 - i. Westlaw Database ID: NYLPRP (last updated June 2006)

¹These treatises cover a broad range of topics--residential co-op law might be the focus of only one or two sections in such treatises. Consequently, these treatises are an excellent source to consult for background material on related issues. For example, *Thompson* contains a good section discussing subordination agreements within the scope of mortgages (see §101.06(d)).

- d. Karl B. Holtzschue, *Holtzschue on Real Estate Contracts*, 2d ed., N.Y. Coll. KFN 5169 .H65 1995 (last updated May 2006)
Lexis > Secondary Legal > Practising Law Institute > Holtzschue on Real Estate Contracts (last updated May 2006)
Westlaw Database ID: PLIREF-REALEST (last updated May 2006)

4. Forms

- a. *West's McKinney's Forms*, NY Coll. KFN5068 .W436 (updated 2006)
 - i. Business Corporation Law
 - (1) Westlaw Database ID: MCF-BCL (last updated February 2007)
 - ii. Selected Consolidated Laws Index > Cooperative Corporation Law
 - (1) Westlaw Database ID: MCF-SCL (last updated February 2007)
 - iii. Real Property Practice
 - (1) Westlaw Database ID: MCF-RPP (last updated February 2007)

- b. *New York Consolidated Laws Service*, N.Y. Coll. KFN 5030 .A4 L33 (last updated March 2006)
 - i. Consult the statute governing the transaction. Forms are reprinted after each statute that requires a form for compliance.
 - (1) Ex.: To find a form of incorporation for a company organized under N.Y. Business Corporation Law §402, turn to the end of that section for various forms of incorporation.

- c. *New York Forms: Practice-Oriented Forms for New York Legal and Business Transactions*, N.Y. Coll. KFN5068 .N43 (last updated November 2006)
Westlaw Database ID: NY-LF (last updated November 2006)
 - i. Chapter 4C, Cooperative Apartments
 - ii. Chapter 17, Corporations

- d. *New York Lawyers Formbook*, New York State Bar Association, 2d ed., N.Y. Coll. KFN .N47 (2006-2007 Supp., not available online)
 - i. Vol. 2, Real Estate 169, Contract of Sale for Cooperative
 - ii. Vol. 2, Real Estate 177, Riders to Contract of Sale
 - iii. Vol. 2, Real Estate 183, Rider Clauses to Contract of Sale

- e. *Carmody-Wait 2d New York Practice with Forms*, N.Y. Coll. KFN5995 .C30 1965 (*last updated September 2006*)
 - i. Westlaw Database ID : CW2D (*last updated September 2006*)

- f. *Cooperative Housing Law and Practice - Forms*
 Lexis > By Area of Law > Real Estate > By Subtopic > Condominiums, Coops;
 Homeowners Associations > Cooperative Housing Law and Practice - Forms (*last updated August 2005*)

- g. *Current Legal Forms for Real Estate*
 Lexis > Secondary Legal > Matthew Bender(R) > By Area of Law > Real Estate > Current
 Legal Forms for Real Estate (*updated August 2006*)

- h. Gladys Glickman, Gloria C. Markuson & Oscar Le Roy Warren, *Warren's Forms of
 Agreements*, Res. KF886 .W36 1954 (*updated September 2006*)
 Lexis > Secondary Legal > Matthew Bender(R) > By Area of Law > Forms > Lexis Forms:
 Warren's Forms of Agreements (*updated August 2005*)

- i. Irving I. Steinman, Milton M. Bergerman & Morton Roth, *New York Real Property Forms,
 Annotated*, Res. KFN5140.A65 B437 1948 (*last updated November 2006*)
 Lexis > States Legal - U.S. > New York > Treatises & Analytical Materials > View More
 Sources > Real Estate > Steinman's Bergerman & Roth New York Real Property Forms
 Annotated (*last updated November 2006*)
 - i. Chapter 32, Cooperatives

- j. *Real Estate Closing Deskbook*
 Westlaw Database ID: RECDB (*last updated 2003*)

- k. LEXIS Clause Library - Real Property Law (*ongoing updates*), Lexis > Area of Law - By
 Topic > Real Estate > Clauses

5. Case Law

- a. *New York Law Journal*, Circ. P N39
 - i. Most recent four months:
<http://www.law.com/jsp/nylj>
 - (1) User Name: **Ask a Librarian for user name and password**
 - (2) Password:
 - ii. Westlaw Database ID: NYLJ (*updated within 24 hours of publication*)
 - (1) Suggested Search: pr(court +3 decision) & [add your keywords]

- b. *New York Real Estate Law Reporter* (Digests N.Y. case law)
 - i. Westlaw Database ID: NYRELR (*published monthly, exact dates not provided*)
 - (1) Suggested Search: pr(cooperatives & condominiums) & [add your keywords]

- c. Lexis
 - i. States Legal - U.S. > New York > Cases > NY State Cases, Combined
 - ii. Shepardize appropriate cases

- d. Westlaw
 - i. Database ID: NY-CS
 - ii. KeyCite appropriate cases

- e. New York State Unified Court System: Decisions,
<http://www.courts.state.ny.us/decisions/index.shtml>

Case Files Note: After identifying New York cases similar to your client's case, you might wish to obtain case files to review model documents prepared by experienced practitioners. Access to case files varies by court. Before visiting a record room, verify hours of public access. When you visit a record room, bring photo I.D. and change for photocopies.

Example of why you should verify hours of public access to court records:
Records of cases filed in New York State Supreme Court, Civil Branch, New York County: Many case files from 1998-present are kept in the Record Room (Room 103B) in the basement at 60 Centre Street, hours: 9 A.M. to 3 P.M. Archived files for cases from 1990-1997, however, are stored at 31 Chambers Street, 7th Floor, hours: 9:00 A.M. to 5:00 P.M., Tuesdays and Thursdays. Files from 1989 and earlier are located in storage.

See:
http://www.nycourts.gov/supctmanh/county_clerk_records.htm.

6. Current Awareness and Education

- a. Law Review Articles
 - i. LegalTrac,
<http://www.brooklaw.edu/librarylinks/dbjournals.php>
 - ii. Westlaw Combined Databases: CILP, LRI

- b. *New York Law Journal*, Circ. P N39 (N.B.: *The Realty Law Digest* column appears each Wednesday; *the Cooperatives & Condominiums* feature appears irregularly throughout the year)
 - i. Most recent four months:
<http://www.law.com/jsp/nylj>
 - (1) User Name: **Ask a Librarian for user name and password.**
 - (2) Password:
 - ii. Westlaw Database ID : NYLJ
 - (1) Suggested Search: “realty law digest” & [add your keywords]
 - (2) Suggested Search: “cooperatives & condominiums” & [add your keywords]

- c. *New York Times Real Estate Desk*,
<http://www.nytimes.com/pages/realstate>
 - i. Lexis > News and Business > New York Times
 - (1) Suggested Query: Section(real estate desk) and [insert your keywords]
 - ii. Westlaw Database ID : NYT

- d. *New York Real Estate Law Reporter*,
 - i. Westlaw Database ID: NYRELR
 - (1) Suggested Search: pr(“cooperatives & condominiums”) & [add your keywords]

- e. *The Cooperator: The Co-op and Condo Monthly*. Yale Robbins, ed.,
<http://www.cooperator.com>

- f. *Habitat Magazine* (monthly) & postings made at *Habitat's Board Talk*,
<http://www.habitatmag.com/index.html>
 - i. Most articles require payment of a fee.

- g. *Practical Real Estate Lawyer*, Westlaw, Database ID: PRACREL

- h. *Real Estate Law Journal*, Circ. & Law Rev P R177. Westlaw, Database ID: WGL-RELJ

- i. Association of the Bar of the City of New York,
<http://www.nycbar.org/index.htm>
 - i. Each year, the Cooperative and Condominium Law Standing Committee sponsors the program: "Hot Topics Affecting Cooperatives & Condominiums"
 - ii. Scholarship details will appear in the registration information for this program.

- j. Council of New York Cooperatives & Condominiums,
<http://www.cnyc.com>

- k. Practising Law Institute,
<http://www.pli.edu>
 - i. For upcoming programs, see <http://www.pli.edu> > Upcoming Programs
(1) i.e., cntl + f "real estate"
 - ii. For scholarship details, see <http://www.pli.edu/public/scholarships/default.asp>

7. Web Sites To Investigate Property and Property Owners

- a. NYC Department of Buildings, *Building Information Search*,
<http://a810-bisweb.nyc.gov/bisweb/bispi00.jsp>
 - i. Provides information about property status and restrictions, building complaints, building violations, building jobs/filings and selected building records.

Best of the Web:
Practitioners Adam Leitman Bailey and Colin E. Kaufman highlight key internet sites for real estate litigation and transactions in their article: *Harnessing the Internet: Must-know, useful Web sites for Real Estate Lawyers*, 03/12/2007 *New York Law Journal* 9.
Westlaw Database ID : NYLJ

- b. NYC Department of Finance, *ACRIS: Online City Register*,
<http://www.nyc.gov/html/dof/html/jump/acris.shtml>
 - i. Contains property records and document images for properties in Manhattan, Queens, Bronx and Brooklyn from 1966–present. Provides information about mortgages and filed liens. Includes sales prices of individual cooperative apartments in all boroughs from July 2004–present.

- c. NYC Department of Finance, *NYC Property*,
<http://nycserv.nyc.gov/nycproperty/nynav/jsp/logonpage.jsp>
 - i. Provides information about property ownership and tax payments.

- d. NYC Housing Preservation and Development, *HPD Building Info*,
<http://167.153.4.71/hpdonline>
 - i. Property search results include link: Registration (listing key officers, managing agents and emergency contacts for cooperative corporations). Other notable links include Charges; Complaint Status; Litigation/Case Status; and Open Violations.

- e. NYS Department of State, *Corporation and Business Entity Database*,
<http://www.dos.state.ny.us> > Search For Corporations or Business Entities

- f. NYS Department of State, *Uniform Commercial Code Public Inquiry System: UCC Lien Search*,
<http://www.dos.state.ny.us> > UCC > UCC Search