

**MINUTES**

**CBA Real Estate Law Section Council**

**Date: Tuesday, November 15, 2022 – 3:00 p.m.**

**Colorado Bar Association**  
1290 Broadway, Ste. 1700  
Denver, Colorado 80203

**Call to Order** ..... Amy Brimah

1. **Introductions** ..... Amy Brimah

2. **Approval of October Minutes** ..... Amy Brimah

Joan Fritsche moved to approve the minutes for October 20, 2022, Reagan Larkin seconded the motion the motion passed unanimously.

3. **Financial Report (\$ 74,428.71 as of October 31, 2022)**.....Angie Schmitz

Angela Schmitz presented the financial report. Approximately \$10,000 was expended last month for the symposium. \$4,000 income has been received for memberships.

4. **Chair’s Report** ..... Amy Brimah

a. Symposium Speaker Ideas (July 13-15, 2023, the Hythe, Vail).....Jim Meseck

Susie McNulty (CBA-CLE) presented an update on the symposium. The theme is “marketplace of ideas”. Attendees are invited to send her ideas for groups that would purchase sponsorships. Ms. McNulty is reaching out to the usual sponsors, such as mediation groups.

Ron Jung asked whether Habitat for Humanity could have a table at no cost. Ms. McNulty responded that was possible and she would follow up on that.

James Meseck provided an update on the keynote speaker for symposium: Bob Wells, author of Nomadland, advocate for living in vehicles. Mr. Meseck will moderate a Q and A. There will be a book club discussion as well, that Erin Clark will lead. Mr. Wells is a well-known figure.

In addition, symposium will include a wide range of traditional topics and many council members are participating as presenters.

b. Diversity Resources.....Amy Brimah

Amy Brimah provided information for the group on Equity and Diversity resources on the bar web page, available at:

<https://www.cobar.org/For-Members/CBA-Sections/Trust-Estate/Committees/Diversity-and-Inclusion-Committee/Equity-Diversity-Inclusivity-Resources>

- c. Happy Hour, following the meeting, Bar Offices (in January 2023 Happy Hour will be at Art Hotel)

Ms. Brimah announced that Happy Hour for January 2023 will be at Cap City.

- d. Holiday Party December 8, 2022 .....Amy Brimah  
Location: Catherine Hance’s Home, One Cheesman Park, 1201 N Williams St, 19th floor party room

**5. ACTION ITEMS:**

- 6. Legislative** .....Tyler Mounsey

Tyler Mounsey (CBA) announced that a training will be held for legislative liaisons on December 6, 2022. The Legislative year starts January 9, 2023

- a. Election Update .....Tyler Mounsey

Mr. Mounsey provided an update on legislative elections. Several CBA members are serving in the General Assembly.

The House makeup is 46 D – 19 R. The Senate makeup is 23 D – 12 R. Governor Polis (D) was reelected with 58% of the vote.

Julie McCluskey will be the Speaker of the House

There are 32 new legislators. This means education is needed about what CBA does. Because one party dominates, bills with support will move fast.

- b. Update to draft amendments to HB 1137 (HOA bill) .....Tyler Mounsey

Mr. Mounsey reported that CBA is part of a discussion group regarding HB 1137, and possible reforms to that legislature.

Holly Ryan reported that she has attended 4 meetings on possible legislature. The group has not yet identified priorities for the legislative changes, and does not yet have a draft bill.

**7. In the News**

- a. FinCen Geographic Targeting Order.....Amy Brimah, Andy Toft

Andy Toft reported on targeting orders by FinCen (Financial Crimes Enforcement Network). They require title insurance companies to report info about parties to transactions with certain criteria, such as transactions in case of \$300,000 or more. Denver is not within the scope of the current order.

- b. Formal Opinion 503, ABA (cc’ing clients on email).....Amy Brimah

Ms. Brimah noted that the ABA issued this opinion which states that if you include a client as a recipient in an email along with an opposing party, you have impliedly consented to your inclusion of your client in a reply-all response by the other party.

**REPORTS AND INFORMATIONAL ITEMS**

**8. Interprofessional Committee** ..... Reagan Larkin, Eric Snyder

Reagan Larkin reported that member of the committee are concerned about a requirement that a notary who speaks the same language as a signer needs to be physically present with the signer. Issues are expected to heat up during the legislative session.

**9. Education CLE Committee** ..... Steve Nagy, Ron Jung, Miro Kovacevic, Michelle DeVoe

Steve Nagy reported that the Spring Update CLE will have a theme of climate change/water scarcity issues. Several of the presentations will include non-lawyer experts. The committee is still looking for more speakers.

**10. Education/Topical Lunches Committee** Deanne Stodden, Marjorie Sant, Michelle DeVoe, Miro Kovacevic

Ms. Brimah thanked Lindsey O’Connell for her lunch presentation on Tiny Homes.

Marjorie Sant reported on upcoming presentations. Erin Clark will present in January on a topic which will include EDI credit. There are 32 virtual attendees signed up, and 5 in-person.

The committee is still seeking speakers.

**11. Communications Committee**..... Zak Kessler, Eric Snyder, Joan Fritsche, Reagan Larkin, Michelle DeVoe

Zak Kessler reported that the next newsletter will go out after the holidays, and the committee is seeking ideas for articles.

**12. Publications Committee**..... Eric Snyder, Steve Nagy, Reagan Larkin

Eric Snyder reported that the schedule of articles is in the agenda packet, and the committee is seeking ideas for articles.

**13. Community Service Committee**..... Ron Jung, Marjorie Sant, Steve Nagy, Lyndsey O’Connell, John Koeche

Ms. O’Connell reported that the committee recently met with a representative of the Law Suit days organization. They have more clothes than they need. One thing they do need is tailoring. They are asking for a donation of up to \$1500. The need could be less than \$1500.

Ms. O’Connell moved that the section approve the donation. Michele DeVoe seconded.

The motion was discussed. Ms. Sant stated that the donation would be helpful to mock trial participants who can’t afford professional clothes. Ms. O’Connell noted that tailoring allows the group to make use of what they already have.

The vote occurred and the motion passed unanimously

**14. Membership and Practice Development** ..... Joan Fritsche, Zak Kessler, John Koechel, Lyndsey O’Connell

Ms. Fritsche reported on the October Happy Hour event. 35 people attended, including 4 people who are not section members. Habitat for Humanity made a great presentation. Ms. Brimah thanked Ms. Fritsche, Mr. Kessler, Mr. Koechel, Ms. O’Connell, Mr. Aldrich, and Jess Ham for their work putting together the event.

The committee is working on outreach to the law schools and the Construction Law Section. Another idea is to reach out to the people who are taking the Real Estate Practice CLE. Ms. Brimah suggested that we could hold a reception on the last night of the Real Estate CLE class, possibly in March or April.

**15. UCC Taskforce.....Zak Kessler, Eric Snyder, Joan Fritsche, Andy Toft, Lyndsey O’Connell**

**16. CBA Ethics Committee Liaison ..... Kate Strauss**

Ms. Brimah stated that she was inquiring whether Kate Strauss would be continuing in the position.

**17. CBA Tax Section Liaisons.....Tyler Murray, Bobbie Collins**

No representative was present at the meeting.

**18. Colorado Housing Council .....Deanne Stodden**

Melinda Pasquini reported that the meeting was yet to occur.

**19. CBA Trust and Estate Section .....Chad Rounds**

Chad Rounds reported that the T&E Section is exploring holding a job fair at the Colorado law schools, to enable T&E practitioners to meet potential employees.

**20. Forms Committee Liaison ..... Geoff Anderson**

Damien Cox reported that the Forms Committee is working on changes to the Seller’s property disclosure, and will be meeting in December.

**21. CAR Liaison .....Damian Cox**

Damien Cox reported that bills are expected from the legislature affecting the Contract to Buy and Sell and metro districts.

Mr. Cox also provided an update on the brokerages that were paying homeowners in exchange for an exclusive listing arrangement for 40 years, with the agreement recorded as a lien. Successor buyers are being sued when they sell with a different agent. The Real Estate Commission has not an investigation. Penalties are being sought including monetary fines, public censure, and license revocation. Colorado appears to have more tools for responding to this than other states. CAR is looking at legislation that would address this as well.

**22. CBA Business Section Liaison ..... Andy Toft**

Mr. Toft reported that the Business Section’s liaisons to the LPC will be Liz Pope and Steve Mulligan, and Tory Vance was appointed to LPC at large.

**23. Board of Governors** .....Katy Dunn

**INACTIVE**

**24. CBA Title Standards**.....Catherine Hance, Geoff Anderson

**25. Multifamily and Affordable Housing Taskforce**....Erin Clark, Zak Kessler, Lyndsey O’Connell,  
John Koechel, Michelle DeVoe, Melinda Pasquini

**26. CCIOA Taskforce** ..... Ron Jung, Miro Kovacevic, Eric Snyder, Reagan Larkin, Justin Nyberg

**27. Landlord/Tenant and Foreclosure Taskforce** ..... Deanne Stodden, Steve Nagy, Reagan Larkin,  
Zak Kessler, Carolin Topelson

**28. Oil and Gas, Water & Natural Resources Taskforce** ..... Marjorie Sant, Steve Nagy, Michelle  
DeVoe, Amy Mowry

**29. Eminent Domain Taskforce** ..... Steve Nagy, Miro Kovacevic, Jody Alderman

**30. Removal of Race-Based Restrictive Covenants Taskforce** ..Eric Nesbitt, Brianna Dowling, and  
Erin Clark

**31. Special Districts Taskforce**.....Joan Fritsche, Marjorie L. Sant, John Koechel

**32. Records Redaction Taskforce** ..... Steve Nagy, Geoff Anderson, Reagan Larkin

**33. CBA Young Lawyers Division** .....Diana Mendez, Dani Kaiser

**34. Diversity and Inclusion Liaison** ..... Eric Nesbitt

**35. CBA Cannabis Law Committee Liaison**.....vacant

**36. Regional Membership Liaison** .....Doug Tueller

**37. Access to Justice Liaison** ..... Andy Toft

**NEW MATTERS**

**ADJOURN**

## 2022-2023 Meeting Dates

Tuesday August 16, 2022

Tuesday September 20, 2022

Tuesday October 18, 2022

Tuesday November 15, 2022

December Holiday Party – December 8, 2022 Location: Catherine Hance's Home, One Cheesman Park, 1201 N Williams St, 19th floor party room

Tuesday January 17, 2023

Tuesday February 21, 2023

Tuesday March 21, 2023

Spring Meeting (April 20-22, 2023, Thurs-Saturday, The Elizabeth Hotel, Council meeting on April 21)

Tuesday May 16, 2023

Tuesday June 20, 2023 (tentative)

**ATTENDANCE ROSTER**  
Real Estate Law Section Council  
**November 15, 2022**  
COLORADO BAR ASSOCIATION

In-Person/Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
<b>Officers:</b>			
Amy Brimah – Chair	X		
James M. Meseck – Vice Chair	X		
Angie Schmitz - Secretary	X		
Adam Aldrich – Legislative Policy Officer	X		
Katy Dunn – Board of Governors Representative			
<b>Members:</b>			
Eric Snyder (2023)	X		
Ron Jung (2023)	X		
Zak Kessler (2023)	X		
Marjorie Sant (2023)	X		
Steve Nagy (2024)	X		
Reagan Larkin (2024)	X		
Deanne Stodden (2024)		X	
Joan Fritsche (2024)	X		
Lyndsey O’Connell (2025)	X		
John Koechel (2025)	X		
Michelle DeVoe (2025)	X		
Miro Kovacevic (2025)	X		
<b>Committees / Liaisons:</b>			
Melinda Pasquini - Immediate Past Chair RESC	X		
Chuck Calvin – Fairways Taskforce Chair			
Chad Rounds – Trusts and Estate Liaison	X		
Damian Cox –CAR Liaison	X		
Geoff Anderson – RE Title Standards/Forms Liaison			
Jody Alderman – Eminent Domain Committee Liaison			
Tyler Murray – Tax Section Liaison			
Bobbie Collins – Tax Section Liaison			
Danielle Kaiser – YLD Liaison			
Diana Mendez - YLD Liaison			
Catherine Hance –RE Title Standard Committee			
Suzanne Leff – Past Chair RESC			
Doug Tueller – Regional Liaison	X		
Andrew Toft – Access to Justice Liaison/Business Section	X		
Kate Strauss- Ethics Committee Liaison			
Eric Nesbitt- Diversity Liaison/Inclusion Taskforce Chair			
Eric Jaworski – Cannabis Liaison			

