

MINUTES

CBA Real Estate Law Section Council

Date: Tuesday October 18, 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. **CBA Leadership Presentation**.....President Ryann Peyton, Amy Larson

CBA President Ryann Peyton provided an overview of what the CBA is working on in this strategic planning year. The first step was identifying three themes: cultivating a culture of belonging; building economic, environmental and social sustainability; and community reach.

The second part involves data and feedback gathering. The bar will reach out to the Sections and Committees for that, and will hold town halls.

The third part is to bring all of the ideas back to make a strategic plan. The focus will be on more shorter term initiatives which can be accomplished in 6-12 months.

The bar has also created a council on inclusive excellence, which provides a think tank for the bar to have conversations about diversity, equity, and inclusion, and discuss how we can improve.

Colorado Bar Executive Director Amy Larsen provided an update on a council on equity and strategic planning among bar staff, Jess Ham will be able to provide updates. Currently the bar has 65 staff. The bar is using a tool called emergentics to support skill building and staff cohesion.

3. **Approval of September Minutes**..... Amy Brimah

Lyndsey O’Connell moved to approve the minutes for September 20, 2022, John Koechel seconded the motion, the motion passed unanimously

4. **Financial Report (\$ \$83,891.82 as of September 30, 2022)**.....Angie Schmitz

Angela Schmitz presented the financial report. The increase of about \$6,000 is from section memberships.

5. **Chair’s Report** Amy Brimah

- a. Plans for Spring Meeting (April 20-22, 2023, Thurs-Saturday, The Elizabeth Hotel).....Amy Brimah

Amy Brimah updated the group on the Spring Meeting. The dinner will be at 7pm on April 20, 2023, the meeting will be on April 21, 2023, and will be followed by an activity to be determined.

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

Jim Meseck provided an update on symposium program planning with Bridgett Miller. He is requesting suggestions for speakers. Speakers who can provide ethics credit with a real estate angle are needed.

- c. CBA-CLE Forms Library.....Amy Brimah

Ms. Brimah reported there is no update on this.

- d. ABA 21-day challenge.....Amy Brimah

https://www.americanbar.org/groups/diversity/resources/equal_opportunity/

- e. Happy Hour, following the meeting, Bar Offices

- f. Holiday Party December 8, 2022Amy Brimah

Location: Catherine Hance’s Home, One Cheesman Park, 1201 N Williams St, 19th floor party room

6. ACTION ITEMS:

- 7. Legislative**.....Tyler Mounsey

Tyler Mounsey provided an update on legislation. He explained that Amendment D is on the ballot statewide. It provides a system for allowing 18th JD judges to serve in the to-be-created 23rd JD so there is no interruption in services. The bar is in support. The Arapahoe and Douglas bar associations also support the measure. As a constitutional amendment, it requires 55% vote to pass. He encourages all to read the blue book to learn about other things on the ballot.

With regard to responses to HB 1137, the HOA bill, Mr. Mounsey provided an update on possible 2023 legislation. Several groups are meeting to discuss such legislation: Colorado Legislative Action Committee, Colorado Coalition for Responsible Associations (Suzanne Leff), and Colorado Bar (Joey Lubinski and Holly Ryan). At this time each group has different priorities, but they continue to meet. They are interested in including more stakeholders.

Deanne Stodden asked whether one proposal for HOAs was to change the HOA lien powers so that they did not have foreclosure power, the debt would just be paid off when the property sold. Joey Lubinsky

responded that he was aware of that proposal in early 2022, and he had discussed it with Holly Ryan. HB 1137 did not include it.

Ms. Brimah asked Mr. Mounsey whether the Fairways Taskforce draft legislation will be able to move forward this year. It was approved by LPC last year. Mr. Mounsey responded that he will review and assess.

- a. Draft list of changes responding to HB 1137 (HOA bill)Tyler Mounsey or Joey Lubinski

8. In the News

- a. Warden v. Tschetter FDCPA caseAmy Brimah

Ms. Brimah reported that HB 22-1071 approved attorney fee awards for prevailing parties in Colorado consumer protection cases. Colorado is the 40th of the 50 states to have that provision. There is a lot of litigation activity in this area right now.

- b. Denver Initiated Ordinance 305 “No Eviction Without Representation”....Angie Schmitz

Angela Schmitz reported that this initiative will be on the ballot for Denver county residents. It would charge landlords a \$75 per unit excise tax. The funds would be used to pay for attorneys for anyone in Denver County Court facing eviction. Denver also has a fund which covers the costs of lawyers for low income tenants facing eviction.

REPORTS AND INFORMATIONAL ITEMS

9. Interprofessional Committee Reagan Larkin, Eric Snyder

Ms. Larkin reported that the committee will meet in two days.

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

Mr. Nagy reported that the Fall Update CLE went very well, the speakers were able to comment on each other presentations. Next week the committee will meet to start planning the spring update. Once possible them will be climate change and water scarcity. Members are welcome to send ideas.

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

Ms. Stodden provided descriptions of the upcoming CLEs listed in the report. These CLEs will be hybrid for at least the next couple of months due to low turnout for in person.

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

Mr. Kessler reported that the next newsletter is scheduled for early January, and the contents are mostly determined. Eric Snyder will take the lead on assembling it.

13. Publications Committee..... Eric Snyder, Steve Nagy, Reagan Larkin

Mr. Snyder reported that the committee is meeting 10/19. More is needed in the pipeline for Colorado Lawyer articles and all are invited to submit articles and ideas. Reagan Larkin and Joey Lubinski are working on a case law update.

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

Ms. O’Connell reported that the committee is all set for the happy hour next week, which will include a presentation for Habitat for Humanity. After that they will be working on participating in Lawsuit to provide suits to students in mock trials.

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

Event: Wednesday, October 26th 5:00-7:00 p.m.
Location - the public area of The Laundry Building, 2701 Lawrence Street.

Ms. Fritsche also reported on the Happy Hour event, and encouraged all to attend and bring a friend or colleague.

Jess Ham stated that CBA would prefer that all register for planning purposes.

Ms. Brimah encouraged everyone at the meeting to attend.

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

17. Fairways Taskforce.....Chuck Calvin, Andy Toft, Robin Kube, Eric Snyder, Jean Arnold,
Suzanne Leff, Cati Shadakofsky

18. CBA Ethics Committee Liaison Kate Strauss

19. CBA Tax Section Liaisons.....Tyler Murray, Bobbie Collins

20. Colorado Housing Council.....Deanne Stodden

21. CBA Trust and Estate SectionChad Rounds

Mr. Rounds mentioned highlights from his report. The Trusts and Estate Section has some concerns about attendance at meetings in person, They may have some happy hours, or breakfast or lunch meetings to draw people in person. The T&E section will co-sponsor a table at the LGBTQ event. At their next symposium, they would like offer childcare, and they are looking for a corporate sponsor for that.

The form for a beneficiary deed conveying to a trust is being reviewed.

There is a Trusts and Estates bench book for judges that some have mentioned could be available to attorneys, the Section is discussing this.

22. Forms Committee Liaison..... Geoff Anderson

Mr. Anderson reported that the committee is meeting next week. At a December 7 meeting, the committee will construct the agenda for the next year.

Ms. Brimah noted that DORA Real Estate Division has a quarterly newsletter that is easy to sign up for and has good information about what the Division and Real Estate Commission are up to.

23. CAR Liaison Damian Cox

24. CBA Business Section Liaison Andy Toft

Mr. Toft reported that the Business Law Section gave \$5000 to the mediation group that presented to us last month. He also mentioned BLI’s program of lunches with lawsuits which introduces new lawyers to the section. Mr. Nagy suggested that the Spring Update CLE could include lunch, invitations to other groups. Mr. Toft mentioned that the Business Law Section also has liaisons to the law schools. Ms. Brimah stated that the Practice Development committee could look into that.

INACTIVE

25. CBA Title Standards.....Catherine Hance, Geoff Anderson

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

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

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

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

30. Eminent Domain Taskforce Steve Nagy, Miro Kovacevic, Jody Alderman

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

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

33. Records Redaction Taskforce Steve Nagy, Geoff Anderson, Reagan Larkin

34. CBA Young Lawyers DivisionDiana Mendez, Dani Kaiser

35. Board of GovernorsKaty Dunn

36. Diversity and Inclusion Liaison Eric Nesbitt

37. CBA Cannabis Law Committee Liaison..... vacant

38. Regional Membership LiaisonDoug Tueller

39. 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
October 18, 2022
 COLORADO BAR ASSOCIATION
 In-Person/Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
Officers:			
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			
Members:			
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		
Committees / Liaisons:			
Melinda Pasquini - Immediate Past Chair RESC			
Chuck Calvin – Fairways Taskforce Chair			
Chad Rounds – Trusts and Estate Liaison			
Damian Cox –CAR Liaison			
Geoff Anderson – RE Title Standards/Forms Liaison	X		
Jody Alderman – Eminent Domain Committee Liaison			
Tyler Murray – Tax Section Liaison	X		
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			

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			
Brianna Dowling – Inclusion Task Force			
Amy Mowry – Oil & Gas/Water/Nat’l Resources			
Staff & Guests:			
Jess Ham	X		
Amy Sreenen (CBA)			
Amy Larson (CBA)	X		
Bridgett Moore (CLE)			
Tyler Mounsey (CBA)	X		
Julie Waggoner, Past Chair RESC			
Dan Sweetser, Past Chair RESC			
Holly Ryan			
Anna Cherubin	X		
Anna Johnston	X		
Seth Holley	X		