

MINUTES
CBA Real Estate Law Section Council
Date: Tuesday, January 17, 2023 – 3:00 p.m.

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

Call to Order Amy Brimah

Ms. Amy Brimah called the meeting to order. The meeting was held entirely via Zoom due to weather conditions.

1. Introductions Amy Brimah

a. Presentation by Greater Colorado Law Student Experience (funding request)

Ms. Claire Havelda and Ms. Sumi Lee presented on the Greater Colorado Law Student Experience.

Per Ms. Lee, it is an 8 week summer program for law students. Last year there were 2 students placed in Colorado Springs and 2 in Leadville. One impetus for introducing law students to opportunities to practice in greater Colorado is to increase the lawyer pool to serve as judges in these counties. There have been very low numbers of applicants for some judge positions in rural counties. Students in the program serve as clerks with the courts, and work with a local legal organization one day per week. Participants have created video testimonials about their experiences. All 4 from last year are more likely to look at opportunities in greater Colorado as a result of the experience

This year the program will have 2 additional placements, 1 in Pueblo and 1 near Fort Collins. The cost of the program is \$3,400 per student. They have received some support from Colorado law schools

Video testimonials from students who did it last year. All 4 more likely to look at opportunities in these areas.

Ms. Havelda added that the program exposes law students to the variety of options for a legal practice in these areas. The request to RESC is to donate the cost of one student, \$3400

Ms. Amy Brimah thanked the presenters for their information and let them know we would follow up with the decision after a vote.

2. Approval of November Minutes Amy Brimah

Ms. Lindsey O’Connell moved to approve the November 2022 minutes, Ms. Joan Fritsche seconded, there was a unanimous vote in favor.

3. Financial Report (\$66,047.68 as of December 31, 2022).....Angie Schmitz

Ms. Angie Schmitz presented information on the financial report. The Section has about \$5,000 less than last month, the majority of that is from the expenses of the upcoming Spring meeting.

4. Chair's Report Amy Brimah

a. Spring Meeting Update (April 20-22, 2023)

Ms. Brimah informed counsel members that the spring meeting will include dinner at Odell Brewing on Thursday night, a section meeting on Friday, followed by free time/activities from 1pm to 6pm, then dinner at an Italian restaurant on Friday night.

b. Happy Hour, following the meeting, Capital City

Ms. Brimah announced that the Happy Hour would be cancelled due to weather conditions, heavy snow.

c. Strategic Planning Input from Sections:

Ms. Jess Ham and Ms. Amy Brimah facilitated collection of input on the surveys from meeting participants. Ms. Ham recorded the responses in the survey. Comments of note are recorded below.

--Bar Association Programs

<https://www.surveymonkey.com/r/H9KC7SQ>

Various participants noted that more interaction with Colorado state judges is desired. In the past, more judges attended the Real Estate Symposium, but that has not been the case recently.

--Member Demographics & Climate

<https://www.surveymonkey.com/r/H7H8TZW>

Participants again noted they would prefer more involvement from judges

--Communication Delivery & Technology

<https://www.surveymonkey.com/r/H7XZWXP>

Ms. Ham noted that she can set up a small group on the CBA "Community" platform just for the participants in RESC meetings.

--Sustainability & Partnerships

<https://www.surveymonkey.com/r/HRNW8CD>

5. Action Items:

a. Colorado Housing Council Dues (\$550).....Amy Brimah

Ms. Brimah noted that this expense is already in the budget.

Ms. Deanne Stodden moved to approve the payment, Lyndsey O'Connell seconded, the motion passed unanimously.

b. Greater Colorado Law Student Experience funding request.....Amy Brimah

Ms. Brimah opened discussion on whether to approve the funding request for \$3400. Ms. O'Connell asked whether there was a way to tie the funding to real estate practice. Ms. Brimah responded that the

request is for support of one student, not practice area specific. Ms. Stodden noted that judges with a real estate background are needed in greater Colorado and this program could help.

Ms. Brimah noted that the section could provide real estate information to the participating students with an event or training. Ms. O’Connell will explore this. Ms. Brimah noted that the community service committee could raise funds for this program.

Ms. O’Connell moved to approve the funding request, John Koechel seconded, the motion passed unanimously.

c. Spring Update CLE Funding Request.....Amy Brimah

Mr. Steve Nagy provided an update on the Spring Update CLE. It will focus on climate change and water scarcity. The organizers would like to incentivize in person attendance with a Happy Hour after the event. The Art Hotel will provide food and drink for \$2,000 to \$2,500, for around 20 people.

Ms. O’Connell asked whether the CLE fees would pay for this. Ms. Ham responded that those fees would not. Ms. O’Connell responded that it was a good incentive for in person attendance.

Mr. Nagy moved to approve expenditure of up to \$2,500 for the post CLE Happy Hour, Ms. Stodden seconded, the motion passed unanimously

d. Title Standard change: 11.1.2 Decedent’s Estates - Transfer of Title; Release of Mortgage, Deed of Trust, or Other Lien.....Catherine Hance

Mr. Geoff Anderson described the title standard change. The original standard is from 1946. The standard has been simplified. It says that a conveyance by deed to an estate is ineffective because an estate cannot hold title. Estates can, however, be named on mortgages and other instruments.

Ms. Stodden moved to approve the Title Standard change, Mr. Eric Snyder seconded, the motion passed unanimously.

6. Legislative.....Tyler Mounsey

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

Mr. Tyler Mounsey stated there are no updates yet on this potential bill.

b. Update on Legislative Session.....Tyler Mounsey, Adam Aldrich

Mr. Mounsey stated that participants can view the Governor’s State of the State speech at <https://www.denverpost.com/2023/01/17/jared-polis-speech-colorado-legislature/> to understand the Governor’s priorities

Once the legislators are sworn in, there will be a vote on leadership. Julie McCluskey will serve as Speaker of the House

With regard to SB 47 (Good Funds bill—funds must deposited with title one day before closing), Mr. Mounsey will be speaking with sponsor representatives to determine the reason behind the bill, and will report the result to Adam Aldrich, LPO

Bills are moving quickly and organizations need to take positions quickly.

Mr. Mounsey expects many bills related to real estate. If you hear about such a bill, and it's a bill you're concerned about, report it to Mr. Mounsey or Mr. Aldrich so we're not missing anything.

Rep. Lindstadt has agreed to sponsor a bill related to the Buffalo Run fixes. Amber Valdez will be working on that as lobbyist

Mr. Mounsey noted that there are many first time legislators, and they will need education on the bar and how we engage on bills.

Mr. Jim Meseck noted that he has heard there will be a rent control bill.

Mr. Aldrich noted that we have received comments on the Good Funds bill, and would like Mr. Snyder to write a memo about it. Memos for LPC are due to Amy Sreenan and Mr. Mounsey by noon on Thursday to be heard the next week by LPC

Mr. Aldrich will send out a form for memos.

7. In the News

- a. "Missing Middle" Housing/Single-Family Housing Bans, Washington Post
- b. CDOT Workforce Housing, Denver Post

REPORTS AND INFORMATIONAL ITEMS

8. Interprofessional Committee Reagan Larkin, Eric Snyder

Mr. Snyder reported that the committee will meet in two days and there will be a report for the next meeting

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

Mr. Nagy noted that the slate of speakers for the next CLE is in the materials.

Ms. Brimah thanked Mr. Nagy and Ms. Susie McNulty for their work on the program.

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

Ms. Stodden announced that the lunch programs will resume in February with a presentation on the Denver Landlord Registration program. In March the topic is brownfields, in April it will be Denver's plan for affordable housing.

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

Mr. Zak Kessler reported that he is collecting material for the next newsletter, which will come out in March and will promote the Symposium.

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

Mr. Snyder reported that the Jan/Feb Colorado Lawyer will not have a real estate article. In March there will be a Dirt Law Update from Joey Lubinski, in April an article on short term rental litigation. New articles are needed after that.

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

Ms. O’Connell reported that a donation link for Habitat for Humanity was sent to Section Members. The Committee’s next meeting will include discussion of in person volunteer opportunities.

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

Ms. Fritsche reported that Ms. O’Connell has contacted the Construction Law Section about holding a joint event. The committee will organize an event to follow the Real Estate Practice Series CLE, with a reception at CBA at 6:15pm on March 28, 2023.

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

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

Ms. Kate Strauss reported that formal ethics opinions are available at <https://www.cobar.org/ethicsopinions>

Opinions of note are 145 on bias and harassment, which relates to RPC 8.4, and 146 on the duty to maintain an appropriate workload. Her next update will be in April.

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

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

Ms. Stodden noted that the meeting tomorrow has been cancelled, rescheduled to next week.

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

Mr. Chad Rounds reported that there was legislation a couple of years ago that provided for a depository for abandoned wills. The Courts are almost ready to open that system. Lawyers can scan an original abandoned will, put it in the depository, and destroy the original.

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

Mr. Anderson reported that the Forms Committee met last week. They are making tweaks to the earnest money release form and the manufactured home contract and addendum.

21. CAR Liaison.....Damian Cox

Mr. Damien Cox reported on the following from CAR:

They are planning to run a bill on the 40 year exclusive listing agreement issue, with Sen. Henrickson as sponsor. CAR is looking at whether it can be retroactive. This is a priority for CAR. 615 of these agreements have been recorded.

CAR is also looking at a bill that gives government a first right of refusal for sale of certain homes, the “Good Funds” bill, a “blind” real estate contract bill that would not have parties’ names on it, a bill about “just cause” evictions.

Ms. Brimah noted that the voting members should be ready to review bills.

- 22. **CBA Business Section Liaison** Andy Toft
- 23. **Board of Governors**Katy Dunn
- 24. **CBA Title Standards**.....Catherine Hance, Geoff Anderson

INACTIVE

- 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, Joey Lubinski, Suzanne Leff
- 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, Fort Collins, Council meeting on April 21)

Tuesday May 16, 2023

Tuesday June 20, 2023 (tentative)

ATTENDANCE ROSTER
Real Estate Law Section Council
January 17, 2023
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	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	X		
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		X	
Suzanne Leff – Past Chair RESC			
Doug Tueller – Regional Liaison	X		
Andrew Toft – Access to Justice Liaison/Business Section	X		
Kate Strauss- Ethics Committee Liaison	X		
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)			
Bridgett Moore (CLE)			
Tyler Mounsey (CBA)	X		
Julie Waggoner, Past Chair RESC	X		
Dan Sweetser, Past Chair RESC			
Holly Ryan			
Anna Cherubim, Tueller and Gibbs			
Claire Havelda, Brownstein	X		
Sumi Lee	X		
Susan McNulty	X		
Chris Payne	X		