

**MINUTES**

**CBA Real Estate Law Section Council**

**Date: Thursday, April 28, 2022 – 10:00 a.m.**

**Colorado Bar Association**

Devil’s Thumb Ranch Resort and Spa,  
3530 County Rd 83, Tabernash, Colorado 80478

---

**Call to Order** 10:04 a.m.

- 1. Introduction of Guests**..... Melinda Pasquini

Ms. Melinda Pasquini welcomed all guests who attended the meeting in person and by Zoom, including Holly Ryan, Michelle DeVoe, Lyndsey O’Connell, David Petrush, Miro Kovacevic, and Julie Waggoner.

- 2. Approval of March Minutes**

By motion and second, the March meeting minutes were approved and accepted.

- 3. Financial Report**

Mr. Jim Meseck reported that the Council had \$71,254.92 as of March 31, 2022.

- 4. Chair’s Report**..... Melinda Pasquini

- a. Willis Carpenter..... Melinda Pasquini

Ms. Melinda Pasquini notified everyone of the passing of Mr. Willis Carpenter and the planned memorial in June 5<sup>th</sup>, 2022. Ms. Pasquini acknowledged Mr. Carpenter’s contributions to the real estate practice in Colorado as an attorney, teacher, mentor and innovator. Stories were shared of memories of Mr. Carpenter of how he generously shared his time and his influence on the civil and professional influence he brought on the practice of real estate law in Colorado, including co-founding POETS. Mr. Carpenter loved cake. He enjoyed singing while playing his guitar as a way to connect with people and to stay engaged. Mr. Carpenter loved the CBA, the Real Estate Section, and giving back to a great group of people. He was genuinely great pleasure to work with and was a favorite. He was an accomplished gardener and gifted conversationalist. Mr. Carpenter gave generously of his time mentoring many generations of the bar by discussing not only real estate matters but also ethical issues as well. A tribute is planned for the symposium to honor the memory of Mr. Carpenter and his family.

- b. Willis Carpenter Leadership in Real Estate Award

Ms. Amy Brimah announced that there will be an award honoring Willis Carpenter to be presented at the symposium who meets the criteria for the award. The intent is to honor Mr. Carpenter posthumously with the award. A discussion was had about the award criteria for selection, including the length of practice and what should happen in an any given year if there was not a deserving candidate. The comments were in general agreement that other experience and contributions could be considered other than a focus solely on legal practice. It was also discussed to have a committee select the recipient of the award. A motion

was made by Ms. Katy Dunn and seconded by Ms. Reagan Larkin to create and sponsor the Willis Carpenter Leadership in Real Estate Award to be presented posthumously to the Willis Carpenter family at the Real Estate Symposium and to be awarded periodically to a deserving candidate as selected by the approved criteria applied by a selection committee to be formed. The motion was unanimously approved.

- c. Real Estate Symposium ..... Amy Brimah

Ms. Brimah reported that the hotel hosting the Real Estate Symposium is nearly sold out. It is expected that there will be over 300 people attending in person. The chair’s reception will be that Friday during the Symposium.

- d. Change in Eviction Forms ..... Angie Schmitz

Ms. Angie Schmitz reported on the progress of the committee working to develop new evictions forms. Forms have been drafted and circulated. There will be a public comment period as there is ongoing discussion over the meaning of specific terms when examined in the context of COVID, for example what “close of business” means in different jurisdictions and as required by the statute. The committee is seeking clarity.

- e. Slate of Officer Candidates ..... Jim Meseck

**Chairperson**

Amy Brimah, Brimah LLP

**Vice Chairperson**

Jim Meseck, White and Steele, P.C.

**Secretary**

Angie Schmitz, Robinson & Henry, P.C.

**Legislative Policy Officer**

Adam Aldrich, ALDRICH LEGAL, LLC

Ms. Pasquini introduced the new officers for 2022-2023. Ms. Pasquini acknowledged the contributions of Ms. Robin Nolan for her past year of service. Ms. Pasquini expressed gratitude for the work done by the taskforces serving as think tanks.

- f. Slate of Applicant Candidates ..... Jim Meseck

Michelle DeVoe, DEVOE LAW, LLC

John Koechel, Coan, Payton & Payne, LLC

Miro Kovacevic, Goodspeed Merrill

Lyndsey O’Connell, Tueller & Gibbs, LLP

Ms. Pasquini welcomed the new slate of candidates. Ms. Michelle DeVoe introduced herself as an environmental attorney who works a lot on real estate transactions as part of environmental diligence and compliance. Mr. Miro Kovacevic introduced himself and expressed his excitement to be able to contribute. Mr. Kovacevic has experience with real estate development and CCIOA. Ms. Lyndsey O’Connell introduced herself as a partner at Tueller Gibbs. She specializes in real estate litigation and

some transaction work. Ms. O’Connell is also a licensed real estate broker who has also been involved in legislative projects. Ms. Pasquini explained the process and introduced the Nominating Committee who had the difficult task of making selections. Ms. Pasquini thanked those members whose terms are about to come to an end.

g. Amendments to Bylaws Committee ..... Melinda Pasquini

Ms. Pasquini explained the need to amend the Bylaws as a continuing process of what was started last year with adding the Legislative Policy Officer (“LPO”) position, how the LPO was appointed and using committees and taskforces. That being said, the CBA has their own requirements of moving from a nomination to application process to ensure that anybody who qualifies is able to apply to the Section Council. Ms. Pasquini explained that more thought must be given to the process of selecting candidates and removing confusion by balancing the CBA overarching guidelines while finding a process that procures the best candidates and welcomes broader participation. Alternative language and terms were proposed. Ms. Jess Ham explained the CBA’s position on wanting language aligned with the CBA’s mission and broader vision of being an inclusive body. Ms. Pasquini discussed the confusion around the LPO position and the process of communication between the officers and the Nominating Committee. Mr. Steve Nagy suggested the term “Selection Committee”. Ms. Pasquini called for the formation of a committee to review the Bylaws to ensure compliance with the CBA. It was agreed that Eric Snyder, Joan Fritsche, Zak Kessler and the officers would make up the committee.

h. Title Standards Committee New Members..... Deanne Stodden, Greg Perkins

Ms. Pasquini announced the appointment of Deanne Stodden to the Title Standards Committee along with the recent appointment of Greg Perkins. Ms. Stodden accepted her appointment.

i. Schedule of Events

Ms. Pasquini reminded everyone that dinner would be at 7 PM.

**5. ACTION ITEMS:**

a. 2022-2023 Budget..... Amy Brimah

Ms. Brimah introduced the draft 2022-2023 budget. The officers propose raising dues by \$5. Ms. Brimah pointed out the rising costs of doing business. The proposal would make dues \$35 per year. Dues were not raised in the past because of a budget surplus. However, there is an expressed desire to be able to balance the budget while providing quality programs, opportunities and services per Ms. Pasquini and Ms. Brimah. There are no other good options for generating income other than dues. Ms. Ham shared her experience that \$35 was reasonable. Ms. Julie Waggoner asked if there was any dues relief assistance that could be offered? Ms. Ham explained that the CBA offers some relief for the general dues. Mr. Kessler raised the issue about generating income other than membership dues. Ms. Pasquini acknowledged the need to connect with and add new members by recognizing what the Membership Committee is doing to reach out. Ms. Brimah pointed out other features of the budget, including reducing the number of scholarships to CCDOC. Ms. Brimah explained contributions and grants would be limited to \$1000 in order to balance the budget. Ms. Pasquini wanted to see more participation efforts and volunteering programs rather than financial gifts now that we are hopefully moving beyond COVID. Ms. Brimah raised the question of charges for the topical lunches, including the online replay. There is an interest for in-person CLEs as a way to incentivize new members to join. Ms. Ham explained the CLE approval process as the reason for those costs. The cost of the CLE affidavits was corrected in the

budget. Other ways to incentivize engagement among members and in person involvement were discussed and factored into the budget. Mr. Ron Jung moved to accept the proposed budget with the correction and Ms. Schmitz seconded the motion. The motion was passed without any opposition.

A motion was made by Mr. Jung to charge \$10 for members, \$25 for CBA member and \$35 for non-CBA members for CLE credit and seconded by Ms. Schmitz. The motion was unanimously approved.

- b. Proposed New Title Standard 3.3.3 Recording a Copy .....Deanne Stodden

Ms. Stodden introduced proposed new title standard 3.3.3 Recording a Copy. Ms. Stodden reviewed the language of the proposed standard and the historical background of the proposed title standard. A motion was made by Ms. Schmitz and seconded by Mr. Nagy to approve the proposed title standard 3.3.3 Recording a Copy. The motion was unanimously approved.

**6. Legislative** .....Robin Nolan/Jim Meseck/Tyler Mounsey

- a. LPO Report .....Robin Nolan

Ms. Robin Nolan notified the attendees that the legislative session will conclude soon. SB 208 will be discussed soon. The Section Council’s position on HB1287 and SB 229 will be presented to the LPC. Ms. Nolan reported that HB22-1036 died, HB22-1040 was signed without the proposed amendment, HB22-1051 was supported but stuck in committee, HB22-1137 will be presented to LPC with an amend position, and that several other bills that were being monitored have expired. SB22-161, per Ms. Nolan, was amended as proposed by the Council and is looking promising. SB22-229 was recognized for Holly Ryan’s role for drafting the bill, guiding it through the legislature and her involvement in the revision and rewrite process. SB22-229 has bipartisan support and it is looking like it is being fast tracked toward passage.

Ms. Nolan raised for discussion concerns over HB22-1363. The feedback was that a closer look was warranted as to whether the Section Council should take an amend or opposed position. Ms. Pasquini explained that oppose positions receive close scrutiny from LPC. The problem is compounded by the timing of the bill being introduced so close to the end of the session. Mr. Tyler Mounsey explained that HB22-1363 was laid over until the next day. Mr. Mounsey indicated the layover suggested there may be amendments but that there is a desire to move the bill forward. Ms. Pasquini’s suggestion was to reconsider the vote, not bring a position to LPC and to not rush into a position. Ms. Fritsche discussed her review and recommended that it may be better to let other organizations address concerns about the bill. Mr. Mounsey further suggested that there is likely insufficient time to make an impact but to offer future engagement in order to find a better or different way to express the Section Council’s feedback. Ms. Marjorie Sant asked if there was a hybrid position regarding whether the bill could be re-drafted to address concerns. Ms. Nolan explained the process of working with the LPC and her experience when encountering similar drafting concerns. Mr. Mounsey counseled the Section Council about using good will and influence in the most effective manner. Ms. Brimah discussed similar bills in the past and how an amend position could be more effective rather than an oppose position. Ms. Nolan pointed out that amendments need to be specific based on the bill sponsor. Mr. Nagy inquired whether there were specific amendments to make the bill more acceptable. Mr. Mounsey explained there will be a good faith effort to address the most problematic aspects of the bill. Ms. Fritsche identified one main concern being the developer debt issue which goes to the substance of the bill. Mr. Mounsey complimented the memo and offered to pass along the memo to the sponsor. It was moved by Ms. Erin Clark to retract the oppose vote on HB22-1063, while leaving open the option of taking a future amend position, and change to a monitor position and seconded by Ms. Stodden. The motion passed unanimously.

Ms. Clarke raised similar concerns about another bill that has been assigned for review. Ms. Clark identified concerns with the way that bill is drafted with a lack of definitions and why it may be best to simply monitor the bill. The bill sponsor may be open to specific amendments. The problem is getting up to speed and being able to effectively communicate concerns over implications and unintended consequences. Mr. Mounsey described the stakeholder engagement process and the nuances of this particular bill and the other sponsors. All of these intangibles need to be considered should it be decided to join other stakeholders in opposing a bill. Mr. Mounsey solicited more information in order for him to effectively lobby and work with other organizations..

- b. Legislative Report..... Tyler Mounsey

Mr. Mounsey explained how things are happening quickly as the session will end on May 11 and how both chambers are behind schedule. Funding is an issue as new bills are examined and what can realistically be accomplished in the remaining time. Ms. Mounsey expressed gratitude for the partnership with the Real Estate Section and looks forward to wrapping up a successful session.

**7. In the News**

- a. Anticipated Future HOA Legislation..... Jim Meseck

Ms. Pasquini requested that members review the recent articles that were circulated.

- b. Minn. COVID Eviction Moratorium Suit..... Melinda Pasquini

**REPORTS AND INFORMATIONAL ITEMS**

**8. Board of Governors ..... Katy Dunn**

Ms. Dunn reported that the Board of Governors will meet in June.

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

Mr. Rounds referred to the submitted memo, specifically pointing out insurance issues arising from the death of the insured.

**10. Colorado Housing Council ..... Deanne Stodden**

Meetings are in person and dues are being collected. There is a budget line for this expense.

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

Ms. Strauss' report was referenced.

**12. Membership and Practice Development ..... Adam Aldrich, Zak Kessler, Joan Fritsche**

- a. Rockies Outing Update

The invite for the Rockies Outing will be sent in the near future.

**13. Interprofessional Committee ..... Angie Schmitz, Eric Snyder, Reagan Larkin**

Square footage above ground is be appraised differently per ANSI standards as of April 1, 2022. The Fair wage legislation was addressed by amendment. These were items of discussion during the most recent Interprofessional Committee meeting.

**14. Education CLE Committee**.....Angie Schmitz, Marjorie Sant, Steve Nagy  
Ms. Schmitz provided an update for the fall update CLE set for September 22, 2022.

**15. Education/Topical Lunches Committee** Jeremy Syz, Marjorie Sant, Ron Jung, Deanne Stodden  
Ms. Stodden highlighted the future speaker topics and solicited suggestions on topics and speakers.

**16. Communications Committee**.....Zak Kessler, Jeremy Syz, Eric Snyder, Joan Fritsche  
The next newsletter will be distributed in May. Contributions were solicited for future newsletters. It was suggested to include a link to the new ANSI appraisal standard.

**17. Publications Committee**.....Adam Aldrich, Eric Snyder, Reagan Larkin  
a. The State of Short-Terms Rentals in Colorado.....Reagan Larkin, Amy Brimah  
Mr. Adam Aldrich reported that the Committee has planned a series of articles nearly for every month. Mr. Aldrich pointed out and kudos were extended to Ms. Larkin and Ms. Reagan for their recent publication regarding local regulations of short term rentals as this a topic of immediate and wide interest.

**18. Community Service Committee**.....Ron Jung, Erin Clark, Marjorie Sant, Steve Nagy  
a. Survey

Mr. Jung notified the Section Council that the Committee continues to develop a survey and asked for feedback on the survey that was circulated. Mr. Nagy’s idea of creating a reference resource that identifies core services that the Section Council could provide to victims of natural disasters to allow for an expedited response is being developed. The Committee requested ideas, areas of focus and available resources in order to be included. Mr. Jung also suggested the idea of a budget item for preparing prepared materials to reach out to disaster victims and attorneys dealing with real estate issues. Ms. Jean Arnold also suggested a mentoring program connecting lawyers who have experience in dealing with natural disasters with new lawyers encountering these problems for the first time. Ms. Clark suggested reaching out to law schools for coordinating disaster relief and referenced a model to leverage partnerships. Ms. Brimah referenced the mentoring program through Office of Attorney Regulation. Mr. Jung hopes to renew the Committee’s involvement in Law Day programs. Ms. Pasquini suggested circulating the survey in the Newsletter and to work with Ms. Ham on how to increase and generate responses. Ms. Waggoner also suggested putting the survey on the listserv.

**INACTIVE**

- 19. Land Board Liaison**..... **Erin Clark**
- 20. CBA Title Standards**..... **Catherine Hance, Geoff Anderson**
- 21. Forms Committee Liaison**..... **Geoff Anderson**
- 22. CAR Liaison** ..... **Damian Cox**
- 23. CBA Tax Section Liaisons**..... **Tyler Murray, Bobbie Collins**
- 24. CBA Cannabis Law Committee Liaison**..... **Eric Jaworski**
- 25. Diversity and Inclusion Liaison** ..... **Eric Nesbitt**

- 26. **Regional Membership Liaison** .....**Doug Tueller**
- 27. **Access to Justice Liaison** .....**Andy Toft**
- 28. **CBA Young Lawyers Division** ..... **Diana Mendez, Dani Kaiser**
- 29. **Uniform Laws - Controllable Electronic Records** .....**Andy Toft**
- 30. **CBA Business Section Liaison** .....**Andy Toft**
- 31. **Multifamily and Affordable Housing Taskforce**.....Erin Clark, Jeremy Syz, Zak Kessler,  
Eric Snyder, Eric Nesbitt, and Jean Arnold
- 32. **Amendment to Revised Uniform Law on Notarial Acts Taskforce**..... Adam Aldrich  
Chuck Calvin, Andy Toft, Joey Lubinski, and Brianna Dowling
- 33. **CCIOA Taskforce** ..... Joey Lubinski, Amy Brimah, Suzanne Leff, Chuck Calvin, Joan Fritsche,  
and Ron Jung
- 34. **Landlord/Tenant and Foreclosure Taskforce** ..... Angie Schmitz, Cindy Lowery-Graber,  
Deanne Stodden, Zak Kessler, Reagan Larkin, and Andy Toft
- 35. **Oil and Gas, Water & Natural Resources Taskforce** . Amy Mowry, Marjorie Sant, Steve Nagy,  
and Robyn Kube
- 36. **Eminent Domain Taskforce** ..... Jody Alderman, Steve Nagy, and Ron Jung
- 37. **Removal of Race-Based Restrictive Covenants Taskforce** ..Eric Nesbitt, Brianna Dowling, and  
Erin Clark
- 38. **Special Districts Taskforce**.....Joan Fritsche, and Marjorie L. Sant
- 39. **Records Redaction Taskforce** .....Geoff Anderson, Steve Nagy, and Dave Petrush

**NEW MATTERS**

None.

**ADJOURN** 12:43 p.m.