

MINUTES
CBA Real Estate Law Section Council
Date: Friday, May 16, 2023 – 3:00pm

CBA offices

Call to Order Amy Brimah

1. **Introductions** Amy Brimah

Ms. Amy Brimah introduced Jordan Bunch, Lisa Connelly, and Holly Ryan.

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

Mr. Adam Aldrich moved to approve the April 2023 minutes, Ms. Reagan Larkin seconded, the motion passed unanimously.

3. **Financial Report (\$53,456.87 as of April 31, 2023)** Angie Schmitz

Ms. Angie Schmitz presented the Financial Report.

4. **Chair’s Report** Amy Brimah

a. Update on Symposium Jim Meseck and Susie McNulty

Mr. Jim Meseck provided an update on Symposium plans. People are asked to encourage colleagues to attend.

Susie McNulty reported that 126 people are registered; the goal is 400. The usual sponsors are attending and people with contacts at title companies, 1031 companies, etc. can ask for additional sponsorships. Nancy is handling sponsorships for CBA-CLE. Sponsors need to be approved.

b. Happy Hour, Cap City Amy Brimah

Ms. Brimah announced that a Happy Hour would take place after the meeting at Cap City.

c. Section Council and Leadership (update) Angie Schmitz

Ms. Schmitz announced the new class of Section Council Members:

- Josh McMahon (Anderson Notarianni McMahon LLC)
- Lisa Connelly (Kutak Rock)
- Jordan Bunch (Holland and Hart)
- Carolin Topelson (Carolin Topelson, P.C.)

Adam Aldrich shall continue as LPO, Mr. Meseck shall be chair, Ms. Schmitz shall be vice-chair, and Mr. Zak Kessler shall be Secretary.

d. ABA conference in Denver, August 2023.....Amy Brimah

Ms. Brimah announced the event.

e. FINCEN targeting order.....Amy Brimah

Ms. Brimah noted the FINCEN order in the meeting materials.

f. Great Northern v. Extraction Amicus.....Amy Brimah

Mr. Geoff Anderson presented on this request for an amicus brief. The case involves mineral interests, and interests in a development not vesting until the last lot is sold. The brief would need to be filed at the beginning of June, but an extension could be requested. There is a CBA committee that has to approve the brief before filing.

Ms. Deanne Stodden is in favor of the filing but concerned about the timing.

Mr. Meseck has an associate who can help.

Ms. Reagan Larkin is willing to help

Mr. Ron Jung moved to approve moving forward with the amicus filing; Ms. Larkin seconded; the motion passed unanimously.

Mr. Anderson will take the lead on next steps.

5. Action Items:

a. Charges for lunch CLEs.....Amy Brimah

Mr. Meseck presented a proposal for tiered pricing for lunch CLEs: \$20 for Section members; \$30 for CBA members; \$40 for non-bar members.

A discussion followed about in-person lunches. Mr. Meseck noted that the committee will have to decide. Ms. Lyndsey O’Connell suggested having mostly online lunches with one in-person lunch.

Ms. O’Connell moved to use tiered pricing for CLE lunches (\$20 for Section members; \$30 for CBA members; \$40 for non-bar members); Ms. Fritsche seconded; the motion passed unanimously.

b. Willis Carpenter Award.....Amy Brimah

Ms. Brimah reported that Mr. Kessler, Mr. Nagy, and Ms. Brimah select the honoree.

For future selection committees, the following is suggested:

1. It should consist of the Chair, a 2nd year section council member, and a 3rd year section council member
2. The Committee should not be allowed to submit a nomination
3. The award should be open posthumously, but only if the person has passed away recently
4. The honoree must want to accept this, and the nominator would have to confirm this.
5. There should be a May 15th deadline so that planning can occur before symposium

Ms. O’Connell moved to adopt the above rules; Ms. Fritsche seconded, the motion passed unanimously.

Ms. Brimah noted that the requirements in the bylaws are flexible enough to allow this.

6. Legislative.....Tyler Mounsey

- a. Update on Legislative Session.....Tyler Mounsey, Adam Aldrich

Mr. Aldrich presented as Mr. Mounsey is on vacation. Mr. Aldrich thanks everyone for their input and discussion on bills. He sent out a summary of the bills the group engaged with. For bills that didn't pass, we will see them return next year. Everyone is encouraged to think about ways we can better engage with the legislature. We reviewed 35 bills; 1/3 went to the Legislative Policy Committee.

Mr. Andy Toft reported that the Uniform Law Commissioners meet in July and he will monitor that. He noted that the Section's presentations to the Legislative Policy Committee are well organized, which is appreciated.

Ms. Brimah suggested that the group have an event for legislators, like the CWBA Legislator's Breakfast.

7. In the News

- a. Kirwan Institute, Implicit Bias Review

<https://kirwaninstitute.osu.edu/sites/default/files/2015-05/2015-kirwan-implicit-bias.pdf>

- b. Fast Company, "New Research Reveals the 30 Critiques Holding Women back from Leadership that Most Men will Never Hear"
- c. Harvard Business Review, "How the Best Bosses Interrupt Bias on Their Teams"

Ms. Brimah noted the resources above. Ms. Brimah and Ms. Pasquini noted that implicit bias affects lawyers and the issue persists, including for the treatment of women in the profession.

REPORTS AND INFORMATIONAL ITEMS

8. Interprofessional Committee Reagan Larkin, Eric Snyder

Ms. Larkin stated there is no report. Mr. Snyder reported that there will be revisions on Real Estate Commission forms to keep up with new legislation.

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

Mr. Nagy reported that Fall Update finalization will start in late June. Ms. McNulty noted that topics include those that could not be included at the symposium.

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

Ms. Stodden reported that there will be no lunch in May, likely not one in June, and no lunch in July. August and September are lined up: nondisclosure in property transactions, and rights-of-way.

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

Mr. Kessler reported that the committee will meet in early August.

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

Mr. Snyder reported that upcoming real estate articles are on the Business Judgment Rule and HOAs, and the Bar Boss decision.

Suggestions were made for articles: future of exclusionary zoning and land use in Colorado (Ms. Brimah); corner-hopping (Mr. Nagy).

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

Mr. Jung reported that Habitat for Humanity will have projects needing volunteers.

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

Ms. O’Connell reported that she is working with the Construction Law Section on an event, likely in September, with CLE and a happy hour. There are possibilities with the Litigation Section too.

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

Mr. Toft reported that the bill on this passed and was signed. There is a new section on digital assets and a new definition of “money”.

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

Ms. Brimah reported that we need to find a new liaison.

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

Ms. Brimah reported that we need to find a new liaison.

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

Ms. Stodden reported that this no update.

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

Mr. Chad Rounds reported that Lauren DeCuna will be the section chair next year. The Section was not able to find sponsors for their proposed legislation. They will have their symposium in Santa Fe in June.

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

Mr. Anderson reported that there will be changes to the Disclosure Form and the Contract to Buy and Sell, a form related to disclosure of Metro Districts, a form related to radon disclosure.

Ms. McConnell asked whether the meth lab bill requires a form. Mr. Jung responded that it

21. CAR LiaisonDamian Cox

Mr. Cox was unable to attend.

22. CBA Business Section Liaison Andy Toft

Mr. Toft had no update.

23. Board of GovernorsKaty Dunn

Mr. Dunn is not present.

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

Ms. Hance reported that the group is still working on a title standard for Trust and Estate issues.

**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,
Suzanne Leff, Joey Lubinski**

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

INACTIVE

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

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

- 32. **CBA Young Lawyers Division**Diana Mendez, Dani Kaiser
- 33. **Diversity and Inclusion Liaison** Eric Nesbitt
- 34. **CBA Cannabis Law Committee Liaison**..... vacant
- 35. **Regional Membership Liaison**Doug Tueller
- 36. **Access to Justice Liaison** Andy Toft

NEW MATTERS

Eric, Ron and Marjorie rolling off at end of June

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
May 21, 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			X
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	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			
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)			
Susie McNulty (CLE)	x		
Tyler Mounsey (CBA)			
Julie Waggoner, Past Chair RESC			
Dan Sweetser, Past Chair RESC			
Holly Ryan	X		
Anna Cherubim, Tueller and Gibbs			
Claire Havelda, Brownstein			
Jordan Bunch	X		
Lisa Connelly	X		
Carolin Topelson	X		