

## **MINUTES**

### **CBA Real Estate Law Section Council Friday, April 21, 2017 – 3:00 p.m.**

**Omni Interlocken Hotel  
Spruce Room  
500 Interlocken Boulevard, Broomfield, Colorado 80021**

1. Call to Order

Ms. Nies called the meeting to order at 3:11 p.m.

2. Introduction of Guests

Bryan Schwartz and Amy Sreenen were present.

3. Approval of March Minutes

The proposed minutes of the March meeting were approved, as amended.

4. Financial Report

Ms. Decker reported the current balance in the Real Estate Section's account as of March 31 is \$57,964.37.

### **ACTION ITEMS:**

5. Request for Approval of Revisions to Title Standard 8.3

Ms. Nies reported that the revisions to Title Standard 8.3 are necessary to address the effect of SB17-097. After discussion, Mr. Alt moved to approve Title Standard 8.3 and the associated index, as amended. Ms. Alderman seconded, and the Council voted to approve the motion.

6. CLE \$50 Coupon / Symposium Sponsorship

Ms. Nies reported that Symposium sponsorship will be discussed at the May meeting in conjunction with the budget.

### **REPORTS AND INFORMATIONAL ITEMS:**

7. Nominating Committee Slate

Ms. Nies reported that the Nominating Committee Slate for 2017-18 has been completed and will be published to Real Estate Section members in May.

8. Denver Assessor – Stecks Addition and East Denver

Mr. Calvin reported that Peter Griffiths brought an issue forward regarding correction of the records for properties in East Denver/Stecks Addition in the City and County of Denver. Mr. Griffiths requested the Council's assistance in resolving this issue. The City Assessor is proposing a scrivener's error affidavit. After discussion, Mr. Calvin agreed to contact Mr. Griffiths to discuss options and next steps.

9. 2017 Legislation

- Construction Defect Legislation
  - SB17-045: Mr. Schupbach reported that there are mixed opinions regarding the viability of this bill. This bill will either die or pass of neglect.
  - SB17-155: Mr. Schupbach reported that this bill is still alive, but will likely die.
  - SB17-156: Mr. Schupbach reported that this bill is dead.
  - HB17-1279: Mr. Schupbach reported that this bill will most likely pass.
- Real Estate Development Demonstrate Water Conservation
  - HB17-1273: Mr. Schupbach reported that this bill is still active, with no amendments.
- Documentary Fee to Fund Affordable Housing
  - HB17-1309: Mr. Schupbach reported that CAR and CACI are opposed to this bill and it will likely die.
- Residential Landlord Application Screening Fee
  - HB17-1310: Mr. Schupbach reported that this bill will not likely pass.
- Seller's Disclosure Estimated Future Property Tax
  - HB17-1311: Ms. Arnold reported that this bill will likely be amended to require only a basic disclosure, or it will die.
- Residential Lease Copy and Rent Receipt
  - HB17-1312: Mr. Schupbach reported that this bill will be going to the committee hearing soon.
- Notarial Acts Legislation
  - SB17-132: Mr. Calvin reported that the remote notarization portion is removed. The amendment permits a notary to give the journal of notarial acts to the notary's employer, instead of the Secretary of State as previously required.
  - Mr. Calvin, Ms. Kube and Mr. Payne agreed to constitute a new Remote Notary Task Force to work on future legislation.

- Sunset Licensed Real Estate Broker
  - SB17-215: Ms. Nies reported that the committee approved the amendment to the bill on Tuesday, and it passed on second reading on the floor today.
- Tenancies One Month to One Year Notice
  - SB17-245: Mr. Schupbach reported that this bill will likely pass.
- Sunset of Fair Debt Collection Act
  - SB17-216: Mr. Schupbach reported that this bill deals with the sunset of the Fair Debt Collection Act. A recent amendment requires proof of all assignments when an action to collect a consumer debt is filed, and this could be construed to include residential foreclosure. CMLA is opposed to the new language. CMLA should take the lead on this in correcting the issue.
- Torrens Title Registration Bill
  - SB17-140: Mr. Schupbach reported that amendments have been proposed to the Torrens bill. Council members will review and make a recommendation on the changes.

10. Electronic Recording Technology Board

Mr. Starritt reported that, as of January 1, the Board began collecting the electronic recording fees, and fees in the range of \$200,000-\$300,000 have already been collected. The search for the Executive Director is almost complete. Upon filling the position, the Board can begin approving grants. It is projected that \$1.7 million will be collected per year. At this rate, several years would be required to update electronic recording systems in all counties. Colorado is the only state in the country with a program like this.

11. Publications/Newsletter, Website, Discussion Group

Mr. Clark reported that the *Colorado Lawyer* article “Friendly Foreclosure” will be published soon.

12. Education/CLE Committee

Ms. Arnold reported that the Spring Update was successful, and we had many remote attendees.

13. Education/Topical Lunches Committee

Ms. Alderman reported that the April CLE on condo conversions was well attended. The next topical lunch is in Denver on interstate land sales.

14. CBA Trust and Estate Section Liaison

Mr. Kirch provided the supplementary affidavit form for review by the Council.

15. Interprofessional Committee

Ms. Kube reported that the standard forms were discussed by Mr. Levine.

#### **INACTIVE ITEMS:**

16. CBA Ethics Committee Liaison
17. Young Lawyers Division Liaison
18. Colorado Housing Council
19. CBA Trust and Estate Section Liaison
20. CBA Tax Section Liaison
21. Eminent Domain Committee
22. Cannabis Law Committee
23. Forms Sub-Committee
24. Community Service/Charitable Committee
25. Supreme Court Civil Rules Committee Liaison
26. Membership and Practice Development Committee
27. Title Standards Committee
28. Board of Governor

#### **NEW MATTERS**

#### **ADJOURN**

Ms. Nies adjourned the meeting at 4:44 p.m.