

## MINUTES

**CBA Real Estate Law Section Council**  
**Date: Tuesday, January 19, 2021 – 3:00 p.m.**

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

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### **Call to Order – Ms. Arnold**

1. **Introduction of guests and liaisons-** Ms. Arnold asked Chuck Calvin and Geoff Anderson to introduce themselves.
2. **Approval of November Minutes** – Ms. Arnold asked for a motion to approve the minutes. Ms. Amy Brimah made a motion for approval and Ms. Robin Nolin seconded approval. The minutes were unanimously approved.
3. **Financial Report** (\$108,219.09 as of December 31, 2020) – Ms. Brimah presented the financials.
4. **Chair's Report – Jean Arnold**
  - a. CBA Access to Justice Committee Meeting. Ms. Arnold introduced Ryann Peyton, CAMP Director at the CO Supreme Court to speak about the Succession to Service. Succession to Service is pro-bono program that matches lawyers with non-profit legal providers that are available. It is a web-based platform. Ms. Peyton presented the program and thanked Mr. Toft for the opportunity to present.
  - b. Programming Guidelines. Ms. Arnold asked that everyone follow the guidelines attached to the agenda. Please be mindful of the difference between one- hour CLEs and CBA- CLE
  - c. *Fairways at Buffalo Run*. Mr. Meseck informed that the opening brief had just been received and the amicus brief was accepted. He expects a response to the amicus brief in a month or two. Ms. Arnold thanked Mr. Meseck for his and the team's work.
  - d. Remote Notary. Ms. Arnold provided this link for everyone to have the rules.  
[https://www.sos.state.co.us/pubs/rule\\_making/files/2020/8CCR150511NotaryProgramRules20201201.pdf](https://www.sos.state.co.us/pubs/rule_making/files/2020/8CCR150511NotaryProgramRules20201201.pdf)
  - e. Salvation Army. The charitable committee looked at different options and chose the Salvation Army because of the housing options provided. The Section donated \$4,000.00 on Colorado Gives Day and it was doubled. Ms. Arnold thanked Mr. Jung for his leadership and all those who contributed.

## **ACTION ITEMS:**

- a. Cannabis Liaison.....Jean Arnold  
Ms. Arnold asked for discussion about the merits of having a liaison. Ms. Nolan supported have a liaison.
- b. Eviction Task Force.....Amy Brimah  
Ms. Brimah recommended the formation of an Eviction Task Force. Ms. Lowery-Graber agreed to chair the committee with Angie Schmitz, Deanne Stodden, and Andy Toft. Mr. White commented that there will also be issues at the federal level.
- c. Nominating Committee.....Jean Arnold  
Ms. Arnold stated that Ms. Brimah will chair the nominating committee along with Erin Clark and Eric Snyder.
- d. Amend Bylaws.....Melinda Pasquini  
Ms. Pasquini explained the changes the CBA is recommending on the application and self-nomination process and the related changes to the bylaws. Ms. Pasquini noted that the diversity section may require additional changes. Ms. Ham notified us that the CBA will have language for diversity for the bylaws. The vote was tabled pending receipt of the CBA language.

## **REPORTS AND INFORMATIONAL ITEMS**

5. In the News: Beneficial Ownership Disclosure Issue .....Jean Arnold  
<https://www.govtrack.us/congress/bills/116/hr6395/text>

Mr. Calvin provided background on the issue related to disclosure issues.

### **6. Legislative and Executive Order Updates**

- a. Executive Order Update – Andy Toft

Mr. Toft noted discussed issues related to evictions and late payment of rent in the Executive Order 2020 307 and that the Governor’s intent was after 1/31/21 there would be no assessment of late fees on rent and that the CDC moratorium on evictions would remain in place.

- b. Proposed Legislation- Andy White

Mr. White discussed the Uniform Easement Relocation Act proposed bill will be introduced in February. Others agree in the questioning of the need for the bill. CBA was successful in passing the Uniform Electronic Wills Act, as long as wills are executed in accordance with the new law, they will be able to be remotely notarized. Mr. White anticipates an HOA “transparency” bill. Mr. White also anticipates an ADR related bill. If RESC comes up with a solution to the restrictive race based covenants, Mr. White is ready to push that forward. The Legislature met for a 3 days session and will be adjourned until February 16, 2021 and will likely meet through the end of May, however, they have the option to meet to June.

c. Federal Eviction Relief- Amy Brimah and Andy White

Mr. White and Ms. Brimah requested that any issues related to federal eviction that they come across please send to Amy and Andy.

7. **CBA Title Standards** Catherine Hance and Geoff Anderson  
Ms. Hance discussed the proposed bill that has been prepared by the title standard committee. Mr. White does not think that there is a viable path for 2021 for a bill this year. Necessary stakeholder outreach needs to occur and most legislatures have their bills selected and finalized for this year, unless there is an immediate harm, it would be difficult to get through quickly. Ms. Arnold asked Ms. Hance to inform RESC when title standards would like a vote from RESC.
8. **CCIOA Task Force** Amy Brimah  
Ms. Brimah noted that this committee will be needed once the legislature resumes.
9. **CBA Trust and Estate Section** Chad Rounds  
Mr. Rounds provided a report from December and the January meeting was cancelled.
10. **Education/Topical Lunches Committee** Jim Meseck (Jeremy Syz, Cynthia Lowrey-Graber )  
Mr. Meseck discussed the January CLE that will be presented by Ms. Amy Mowry and thanked her for doing it.
11. **Communications** Briana Dowling (Angie Schmitz, Zak Kessler)  
Ms. Dowling noted that the newsletter has not gone out.
12. **Education/CLE Committee** Ron Jung (Angie Schmitz, Marjorie Sant)  
Mr. Jung noted that the title is Barriers to Inclusion. The committee is looking for speakers. It is May 11, 2021.
13. **Colorado Lawyer Committee** Robin Nolan (Adam Aldrich, Jeremy Syz, Eric Snyder)  
Ms. Nolan discussed the upcoming articles that were in her report.
14. **Community Service/Charitable Committee** Erin Clark (Ron Jung and Eric Snyder)
15. **Membership and Practice Development Committee/ Regional Liaison** Adam Aldrich and Doug Tueller (Zak Kessler, Cynthia Lowrey-Graber)

Mr. Aldrich reported that the committee is working on reaching out.

16. **CBA Legislative Policy Committee** Chuck Calvin

LPC met and there is legislation on family law and elder law.

17. **CBA Business Section** Andy Toft

Mr. Toft reported that they have not met and will be planning their symposium.

18. **CBA Forms Committee** Geoff Anderson

Mr. Anderson discussed that there may be changes to the purchase and sale form.

19. **CBA Young Lawyers Division** Liz Deline/Diana Mendez

20. **RON Task Force** Adam Aldrich

Mr. Aldrich included the rules to RON and reminded people to review.

21. **Task Force on Inclusion** Brianna Dowling

Ms. Dowling discussed that the committee has looked at prior legislation: FL, CA, and MD all have legislation on this issue. Proposed language has been drafted depending on the direction the RESC decides to go with the solution. The solution to put forward needs to match the goal (i.e. to remove the language from the public records). Ms. Dunn added that a standard form in the title commitment would be another alternative and another alternative to treat race based covenants as a spurious lien. Ms. Dunn explained that the harm is the historic record of harm, not that there is not an enforceable covenant. Ms. Dowling does not think the clerk and recorders and the title companies will be comfortable with changing the documents.

22. **Interprofessional Committee** James Meseck and Angie Schmidt

Mr. Meseck commented that the next meeting is bring your lobbyist.

23. **Access to Justice Liaison** Andy Toft

24. *Fairways at Buffalo Run* James Meseck

25. **Colorado Association of Realtors (CAR):** Damian Cox

26. **CBA Tax Section** Tyler Murray/Bobbie Collins

The Tax Section is hosting a Section 1031 Like Kind Exchange CLE on February 10th over lunch.

27. **CBA Ethics Committee** Kate Strauss

28. **Board of Governors**

Katy Dunn

Ms. Dunn provided a report and went over the highlights. There is a new detail for CLE which will be 2 hours of EDI and 5 hours of ethics.

Adjourn at 5:07

**ADJOURN at 5:07 pm.**

***ATTENDANCE ROSTER***  
Real Estate Law Section Council  
***November 17, 2020***  
COLORADO BAR ASSOCIATION  
Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
<b>Officers:</b>			
Jean Arnold – Chair	X		
Melinda Pasquini – Vice Chair	X		
-Amy Brimah- Secretary	X		
Katy Dunn – Board of Governors Representative	X		
<b>Members:</b>			
Adam Aldrich (2022)	X		
Amy Brimah (2020)	X		
Erin Clark (2022)		X	
Brianna Dowling (2021)	X		
Cindy Lowery-Graber (2023)	X		
Ron Jung (2021)	X		
Zak Kessler (2023)	X		
James Meseck (2021)	X		
Robin Nolan (2021)	X		
Marjorie Sant (2023)	X		
Angela Schmitz (2022)	X		
Eric Snyder (2023)	X		
Jeremy Syz (2022)	X		
<b>Committees / Liaisons:</b>			
Chuck Calvin – Legislative Policy Committee Liaison	X		
Chad Rounds – Trusts and Estate Liaison	X		
Damian Cox –CAR Liaison	X		
Geoff Anderson – RE Title Standards Liaison	X		
Jody Alderman – Eminent Domain Committee Liaison			X
Chris Payne – CCIOA Task Force	X		
Tyler Murray – Tax Section Liaison		X	
Bobbie Collins – Tax Section Liaison	X		
Liz Deline – YLD Liaison			X
Diana Mendez - YLD Liaison			X
Catherine Hance –RE Title Standard Committee	X		
Suzanne Leff – Immediate Past Chair RESC	X		
Doug Tueller – Regional Liaison		X	
Andrew Toft – Access to Justice Liaison/ Business Section	X		
Katy Dunn- Board of Governors	X		
Kate Strauss- Ethics Committee	X		
Eric Nesbitt- Diversity Liaison	X		

<b>Staff &amp; Guests:</b>			
Jess Ham	X		
Amy Sreenen (CBA)			X
Amy Larson (CBA)			X
Kendra Yates (CLE)	X		
Andy White (CBA)	X		
Julie Waggoner, Past Chair RESC	X		
Dan Sweetser, Past Chair RESC			X
Suzanne Leff, Past Chair RESC	X		
Joey Lubinski, Past Chair RESC	X		
Amy Mowry	X		
Chris Payne, Past Chair RESC	X		
Deanne Stodden	X		
Ryanne Peyton	X		