

MINUTES

CBA Real Estate Law Section Council Tuesday, May 16, 2017 – 3:00 p.m.

**Colorado Bar Association Offices
1900 Grant Street, 9th Floor
Denver, Colorado**

1. Call to Order

Mr. Calvin called the meeting to order at 3:06 p.m.

2. Introduction of Guests

Vince O'Brien, Heidi Ray, Susan Hoyt and Amy Sreenen were present.

3. Approval of April Minutes

The proposed minutes of the April meeting were approved.

4. Financial Report

Ms. Decker reported that the current balance in the Real Estate Section's account as of April 30 is \$56,819.76.

ACTION ITEMS:

5. 2017-2018 Budget

Mr. Sweetser reported that the Section has a positive balance this year. The administrative expenses will likely be increased next year. After discussion, Council members voted to approve the budget, which includes a \$10,000 contribution to the Real Estate Symposium.

6. Form Supplementary Affidavit

Mr. Kirch presented the form supplementary affidavit for Council review. Council members will provide comments, if any, at its June meeting.

7. CLE \$50 Coupon / Symposium Sponsorship

Mr. O'Brien and Ms. Ray reported on the financials of the Symposium and the CBA CLE program as a whole.

8. Malpractice Insurance Disclosure

Mr. Calvin reported that the Solo and Small Firm (SSF) Section is concerned that the Office of Attorney Regulation Council (OARC) is requiring attorneys to disclose their malpractice insurance carriers. The SSF Section has asked that the Real Estate Section support or sign a letter that requests the OARC to keep the names of insurance carriers confidential, and if the names cannot be kept confidential, then to not collect the information at all. After discussion, Council members voted to support the letter, with the caveat that it apply to all Sections of the CBA.

9. Revised Title Standards

Mr. Anderson presented changes to Title Standards 7.1.2 and 7.2. After discussion, Council members voted to approve the revisions to Title Standards 7.1.2 and 7.2, as proposed. The Executive Council will consider the revisions at its next meeting on June 13.

REPORTS AND INFORMATIONAL ITEMS:

10. CBA Best Practices Committee Update

Mr. Calvin reported on proposed best practices identified by the Committee to make all Sections of the CBA more efficient. The next Section Summit meeting will be held on May 24 to present the best practices to Section leaders.

11. Denver Assessor – Steck’s Addition and East Denver

Mr. Calvin reported that he met with Peter Griffiths and an Assistant City Attorney to discuss resolution to this issue. A proposal was made, but the City has not responded to date.

11A. Dodd-Frank Mortgage Loan Originator Trap

Mr. Sweetser and Mr. Cox reported that the SAFE Act definition of “mortgage originator”, as revised by SB17-127, may be in conflict with the definition in the federal Dodd-Frank Act. Mr. Sweetser will have further discussions with relevant stakeholders and report back to the Council.

12. 2017 Legislation

Mr. Calvin provided an update on legislation. There has also been discussion regarding a need for a special session addressing transportation issues and/or oil and gas issues.

13. Board of Governors

Mr. Alt submitted Minutes of the May 6, 2017 Board of Governors meeting for the agenda. Topics discussed included proposed changes to the bylaws of the CBA, Executive Council nominees, LPC nominees, web conferencing, CBA action plan for proposed cut in federal funding to the legal services corporation, micro-volunteering, new CBA website and best practices.

14. Education/Topical Lunches Committee

Ms. Alderman reported that the next topical lunch is entitled *Matching Business Entity Structure to the Real Estate Investor* and will be held on June 1 at the DTC Maggiano's.

15. Supreme Court Civil Rules Committee Liaison

Mr. Calvin reported on new revisions to Rule 120.

16. Publications/Newsletter, Website, Discussion Group

Mr. Lubinski reported that a draft of the summer newsletter is complete, and it is expected to be published the first week of June.

17. Education/CLE Committee

Ms. Arnold reported that the Fall Update will cover landlord tenant law, marijuana law and ethics.

18. Young Lawyers Division Liaison

Mr. Osborn reported that there will be a presentation entitled *How to Buy a Home in Denver's Hot Real Estate Market* on May 31 from 5:30-7:00 p.m. at the CBA offices.

19. Mediation Best Practices

Mr. Anderson reported that the ADR subcommittee of the Colorado Judicial Institute has established a committee to develop a guide for Mediation Best Practices. The committee consists of 30 individuals who have experience in the mediation process. The goal is to develop a guide that can be used by new judges, especially those with little or no civil or family law experience, as well as other interested parties. The guide will explain the mediation process and what to expect when participating in mediation. The committee's goal is to have a guide prepared in time for the annual ADR conference in November.

INACTIVE ITEMS:

20. Interprofessional Committee

Suzanne Leff

21. CBA Trust and Estate Section Liaison

David Kirch

22. Business Section Liaison

Chris Payne

23. Publications/*Colorado Lawyer* Committee

Eben Clark

24. Title Standards Committee

Catherine Hance/Julie Waggener

25. CBA Ethics Committee Liaison

Deanne Stodden

- | | | |
|-----|---|------------------|
| 26. | Electronic Recording Technology Board | Sam Starritt |
| 27. | Colorado Housing Council | Melinda Pasquini |
| 28. | CBA Tax Section Liaison | Tyler Murray |
| 29. | Eminent Domain Committee | Jody Alderman |
| 30. | Cannabis Law Committee | Katy Dunn |
| 31. | Forms Sub-Committee | Geoff Anderson |
| 32. | Community Service/Charitable Committee | Doug Tueller |
| 33. | Membership and Practice Development Committee | Mike Payne |

NEW MATTERS

ADJOURN

Mr. Calvin adjourned the meeting at 4:43 p.m.