

Minutes

CBA Real Estate Law Section Council
Date: Tuesday, October 20, 2020 – 3:00 p.m.

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

Call to Order – Jean Arnold called the meeting to order at 3:02 p.m.

1. **Introduction of guests, liaisons and staff** – Jean Arnold- Each liaison, staff and guest introduced themselves and gave background information on themselves.
2. **Approval of September Minutes** – Jean Arnold- Unanimous approval of September minutes.
3. **Financial Report** (\$120,338.35 as of September 30, 2020) – Ms. Brimah reported on the current financials.
4. **Chair's Report** – Jean Arnold
 - a. Ethics Liaison – Ms. Arnold introduced Kate Strauss as the new Ethics Liaison.
 - b. Leadership Summit. Ms. Arnold reported on the CBA Leadership Summit.
 - c. Diversity - Ms. Arnold discussed importance of diversity and inclusion and encouraged RESC members to take the diversity survey.
<https://www.surveymonkey.com/r/Y8TZV6Q> .
 - d. Ms. Arnold reported on the change to an Application for membership with the RESC (rather than nomination). Application form will be on the CBA website. We will send out with the link to the application when we call for “applications” rather than nominations.
 - e. Ms. Arnold notified RESC that we will need to amend Bylaws to change "nominations" to "applications". This will be an action item in 2021
 - f. Colorado COVID-19 Legal Relief. Ms. Arnold reported on COVID-19 efforts by Mr. Toft.
 - g. Virtual Records – Ms. Arnold reported on Colorado Lawyer article regarding court reporting.
 - h. Holiday Party – Ms. Arnold asked to save the date in December for the 3rd Tuesday in December for a modified Holiday gathering outside and socially distanced (or

may ultimately take the afternoon off depending on the current pandemic environment).

- i. [“21-Day Racial Equity Habit-Building Challenge ©”](#) - Ms. Arnold challenged RESC members to take the Racial Equity Challenge outlined in the CBA Loop.

ACTION ITEMS:

a. Diversity Statement. Ms. Arnold reported on the Diversity statement adopted by CBA and also being adopted by each of the Sections. Ms. Brimah 1st. Ms. Dolan 2nd. Unanimous Approval to adopt diversity statement as part of our governing documents along with Real Estate Section bylaws.

b. Written Reports for Committees and Liaisons. Ms. Arnold described the process and expectation for committees and liaisons submitting written reports prior to monthly RESC meetings. Ms. Brimah described benefits of new standard for submitting written reports.

REPORTS AND INFORMATIONAL ITEMS

5. Ms. Arnold described the following recent case: September 8, 2020, No. 20SC292, Court of Appeals Case No. 18CA2250, *Lo Viento Blanco, LLC, v. Woodbridge Condominium Association, Inc.*

Petition for Writ of Certiorari GRANTED. EN BANC.

Question: Whether, under Colorado law, an adverse occupier’s acknowledgement or recognition of the owner’s title during the occupant’s claimed prescriptive period interrupts the prescriptive use and defeats the presumption that any use was adverse. Note: During the prescriptive period, the claiming party sent a letter offering to purchase the land.

6. **Legislative and Executive Order Updates** A. White, A. Brimah and M. Pasquini and A.Toft

- a. Mr. White gave background on lead-up to legislative session and what to anticipate leading up to new legislative session. Secretary of State has received draft rule on Remote Notary and that is being worked on by the RESC task force.
- b. Uniform Laws – Ms. Brimah reported on the Easements Relocation Act and Partition of Heirs Property Act at the Uniform Laws Commission. Mr. White described work with other sections on this matter.
- c. Executive Order Update – Mr. Toft reported on Executive Orders.
- d. Gallagher Amendment – Ms. Pasquini reported on the Gallagher amendment repeal and potential for legislative action if the repeal passes.

7. **CBA Tax Section.** Ms. Collins reported on Tax Section activities in recruiting outside of metro Denver area.
8. **Education/Topical Lunches Committee.** Mr. Meseck reported on October luncheon by Ms. Michelle DeVoe on environmental issues in real estate. Next month Patti Powell is speaking on well-being and inclusion. Ms. Mowry and Jaime Jost will be speaking next year on the changes in rules surrounding mineral rights.
9. **Communications.** Ms. Dowling reported on status of the Fall newsletter.
10. **Education/CLE Committee.** Mr. Jung reported on Fall Update on November 20th.
11. **Colorado Lawyer Committee** Ms. Nolan reported on upcoming articles for Colorado Lawyer: Small planned communities, marijuana, case law update, and Judge Espinosa on evictions.
12. **Community Service/Charitable Committee.** Ms. Clark reported on attorneys and law students volunteering as poll watchers. Ms. Clark described the training and possible duties during early voting and election day and shared resources if interested in serving in these roles. Ms. Clark and Mr. Jong described possible participation in holiday and toy drives. Ms. Clark also described committee's work on putting together a list of resources for future community service activities.
13. **Membership and Practice Development Committee.** Mr. Aldrich reported on statement for promoting the Real Estate Section to new members.
14. **Interprofessional Committee.** Mr. Meseck and Ms. Schmidt reported that the committee discussed busy refinances among other issues in their report.
15. **CBA Title Standards.** Ms. Hance reported on current work on legislative fix for remote notary and also other rules being worked on.
16. **CBA Trust and Estate Section.** Mr. Rounds described the forms approved by the Trusts and Estates Council. Life Estate deeds not yet approved and still being worked through.
17. *Fairways at Buffalo Run.* Mr. Meseck reported that it was not clear at this point if the case will settle.
18. **RON Task Force.** Mr. Aldrich reported on the task force review of the new rule and preparation of memo regarding same.
19. **CBA Ethics Committee** Ms. Strauss provided a report for review.

INACTIVE

20. **Board of Governors** Katy Dunn

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| 21. | CBA Cannabis Law Committee | TBD |
| 22. | Colorado Housing Council | Erin Clark |
| 23. | Affordable Housing Task Force | Doug Tueller |
| 24. | CBA ADR/Mediation Committee | Geoff Anderson |
| 25. | CBA Eminent Domain Committee | Jody Alderman |
| 26. | CCIOA | Chris Payne |
| 27. | CBA Legislative Policy Committee | Chuck Calvin |
| 28. | CBA Young Lawyers Division. | Liz Deline/Diana Mendez |
| 29. | CBA Business Section | Andy Toft |
| 30. | Task Force on Inclusion. | Brianna Dowling |
| 31. | Access to Justice Liaison | Andy Toft |
| 32. | Colorado Association of Realtors (CAR): | Damian Cox |
| 33. | Regional: | Doug Tueller |
| 34. | CBA Forms Committee | Geoff Anderson |

NEW MATTERS

ADJOURN at 4:28 p.m. to meet in REMO for Remote Happy Hour.

ATTENDANCE ROSTER
Real Estate Law Section Council
October 20, 2020
COLORADO BAR ASSOCIATION
Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
Officers:			
Jean Arnold – Chair	X		
Melinda Pasquini – Vice Chair	X		
-Amy Brimah- Secretary	X		
Katy Dunn – Board of Governors Representative	X		
Members:			
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		
Committees / Liaisons:			
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 – Business Section Liaison	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	X		
Katy Dunn- Board of Governors	X		
Kate Strauss- Ethics Committee	X		
Staff & Guests:			

Jess Ham	X		
Amy Sreenen (CBA)			X
Amy Larson (CBA)			X
Bridgett Moore(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		