

**MINUTES OF MEETING OF SECTION COUNCIL
REAL PROPERTY SECTION
MONDAY, JANUARY 14, 2008**

A meeting of the Section Council for the Real Property Section of the MSBA was held on Monday, January 14, 2008 at Chiapparelli's in Baltimore, Maryland. The following Section Council members were present: Michael Swanenburg (Chair), Sara Arthur, Thomas Barbuti, Marc Bergoffen, Cynthia Berman, Lila Cyr, Ron Deutsch, Emerson Dorsey, Guy Flynn, Dave Freishstat, Nicole Lacoste, Edward Lee, Cindy Motsko, Hillary O'Connor, Paul Rieger, David Severn, and Theresa Shea.

1. Call to Order – Mr. Swanenburg called the meeting to order at 6:30 p.m.
2. Chair's Reports –
 - (a) Passings - The untimely passings of Section members were noted: Neil Hoffberg, Larry Raber and Neil Tabor.
 - (b) Board of Governors - Mr. Swanenburg solicited Section Council members who may be available to attend the MSBA Board of Governor's meeting on January 22, 2008, to report on Section Council activities.
 - (c) Filled Positions - Mr. Berghoffen has volunteered to be the successor editor for Ground Rules, with Daniel Mayer of University of Baltimore as the Assistant Editor. Jeffrey Nadel has volunteered to be successor chair to the Foreclosure Committee. Both have assumed their respective positions. Mr. Deutsch was thanked for his hard work in organizing and leading the Foreclosure Committee to date.
 - (d) 2008-2009 Budget - The 2008-09 budget has been submitted to review and approval.
3. Committee Reports
 - (a) Legislative Liaison/Code Revision – Mrs. Cyr reports that the first meeting of the Legislative Review Committee will be January 16, 2008. There is a substantial amount of pre-filed bills for review and comment, a number in the foreclosure protections area. Mr. Rieger reports that the Ad Hoc Committee on the newly passed controlling interests legislation has held a phone conference. It will research the approaches of other states with controlling interests taxation. It has been invited to provide feedback on supporting regulations being drafted by the Office of the Attorney General.
 - (b) Commercial Real Estate Discussion Group – Mr. Lee reports that Rich Froelinger will be the successor chair to the Real Estate Discussion Group. The next meeting of the Discussion Group will be held on Tuesday, January 15, 2008. Alan Grochal of Tydings & Rosenberg LLP will speak on the changes from the 2005

Bankruptcy Act. The February meeting will feature the judges to discuss real estate case law.

(c) Construction Law Committee - No report.

(d) Technology Committee:

(i) Webcasting – Ms. Arthur led a discussion regarding the popularity and value of the webcasting of the Discussion Group lunch presentations. It was suggested that we broadcast via the listserv when the webcasts go on line, and that we monitor the frequency of the use of the webcasts.

(ii) List Serve – No report.

(iii) Website Monitoring - No report.

(iv) E-Filing – No report.

(e) Education:

(i) Mentor/mentee - Mr. Flynn reported that there are enough mentors for the interested mentees. An initial reception for the 2008 year will be held the first week of February. Location is not yet set, although Ballard Spahr is a possibility. It was confirmed that any student that is a member of his or her law schools' real estate club, and is a student member of the MSBA, may attend the Discussion Group lunches without additional charge. Mentors will encourage the mentees to take advantage of the Discussion group lunch meetings.

(ii) 2008 MICPEL Introductory Real Estate - The course will be offered again this spring, at University of Maryland Law School and through Ballard Spahr.

(iii) 2008 MICPEL Advanced Real Property Institute - The course will be held again this fall. Ms. Berman discussed the need to stagger the term of co-chairs of this course in order to have a continuity of experience. Ms. Motsko volunteered to be a co-chair of this course for the following two year term (2009-2010).

(iv) Annual Meeting - Ms. Arthur led a discussion, with Mr. Severn, on possible topics for the Annual Meeting program. Topics included (a) Judge Cathell or another local appellate judge on case law updates (or a focus on one case, if a case of particular relevance or interest in decided this spring), (b) foreclosure, short sales and issues relating to the real estate market, and (c) green buildings and green development.

(v) There was no report on the law school liaisons or the MICPEL liason.

(f) Foreclosure Trustee Committee – Mr. Deutsch reported that the next breakfast meeting will be February 6, 2008, and will feature Doyle Niemann (House of Delegates, Dist 47D), who will address foreclosure initiatives in the 2008 legislative session.

(g) Ground Rules – Mr. Deutsch and Mr. Bergoffen discussed possible articles for the Spring 2008 edition of Ground Rules.

(h) Alternative Dispute Resolution – No report.

(i) Land Use. Mr. Freishstat reported that the Spring 2008 meeting will feature a speaker from the Office of the Secretary of State/Planning.

4. Other Reports/Updates – No additional reports or updates.

5. New Business

(a) Meeting – The next meeting of the Section Council will be held on Monday, March 10, 2008, at 6:15 p.m. at a place to be determined.

The meeting adjourned at approximately 7:25 p.m.

Respectfully submitted,

Theresa B. Shea, Secretary