

**MINUTES OF MEETING OF SECTION COUNCIL
REAL PROPERTY SECTION
MONDAY, MARCH 10, 2008**

A meeting of the Section Council for the Real Property Section of the MSBA was held on Monday, March 10, 2008 at Chiapparelli's in Baltimore, Maryland. The following Section Council members were present: Michael Swanenburg (Chair), Sara Arthur, Cynthia Berman, Lila Cyr, Mark Dopkin, Sheila Durant, Emerson Dorsey, Guy Flynn, Dave Freishstat, Nicole Lacoste, Searle Mitnick, Cindy Motsko, Hilary O'Connor, Paul Rieger, Theresa Shea, and Tracey Skinner.

1. Call to Order – Mr. Swanenburg called the meeting to order at 6:30 p.m.
2. Chair's Reports –

(a) Legal Opinions - Mr. Swanenburg led a discussion regarding the approval by the Real Property Section Council of the Statement Regarding Preparation and Understanding of Legal Opinions prepared by the Business Law Section of the American Bar Association.

(b) Requests from HUD - The Washington DC office of HUD has contacted the Section Council, seeking a list of attorneys that it can recommend to prospective borrowers in HUD financed transactions, as well as qualified candidates for upcoming openings in the HUD legal staff. It indicated that the Baltimore, MD office of HUD would soon be making a similar request. Mr. Swanenburg led a discussion regarding the appropriate means of assisting HUD. Ms. Durant will interact with HUD on these matters.

(c) Presidential Best Section Projects Award - Nominees for the MSBA Presidential Best Section Project Award are due to the MSBA by April 8. The Section Council will nominate the web casting of the Real Estate Discussion Group. Mr. Flynn will lead this submission.

(d) Recordation Tax - Mr. Rieger led a discussion regarding the inconsistent manner in which the counties that collect the state tax apply the statutory exemptions, often in contradiction to the previously published Letters of Advice provided by the Maryland Attorney General's Office to the Clerks of the Circuit Court. It was suggested that a small group meet with JB Howard of the Office of the Attorney General, and possibly meeting with the various county representatives, in order to effect a more uniform application of the exemptions and interpretations. Mr. Rieger will lead this effort.

(e) Nominating Committee - A Nominating Committee needs to meet in accordance with the Bylaws to prepare and submit a proposed slate of Officers for the Section Council for the 2008-09 year. The Bylaws require that 3 to 7 people serve of the Nominating Committee. Mrs. O'Connor will chair the Nominating Committee. Mr. Mitnick, Mrs. Shea, Ms. Lacoste and Ms. Motsko will also serve.

(f) Distinguished Practitioner's Award - Nominations are arriving. Nominations are kept for 2 years, so those submitted last year will be retained for this year. Mrs. O'Connor will submit a reminder through ListServ for nominations Ms. Lacoste, Mrs. Shea and Mr. Dopkin will serve with Mrs. O'Connor on the Selection Committee.

3. Committee Reports

(a) Legislative Liaison/Code Revision – Mrs. Cyr reports that the Code Revision Committee continues to meet. There is an influx of common interest ownership bills. The IDOT bill has been heard but is not out of committee yet. Mr. Rieger led a discussion on the had hoc committee that is working with the business and tax sections in reviewing the proposed controlling interests regulations being promulgated by the SDAT. Open issues on the regulations include (1) constitutional concerns with respect to out of state entities and the definition of beneficial interests, (2) step transfers, and (3) the exemptions.

(b) Commercial Real Estate Discussion Group – No report. Mr. Swanenburg led a discussion regarding attendance policies and the restriction on attendance by Section members.

(c) Construction Law Committee - The Construction Law Committee's February 21 BRAC program, and its effect on Anne Arundel and Howard Counties, was well received. Their next program will be April 16, regarding Harford County. They are planning a May program for insurance coverage in construction claims.

(d) Technology Committee:

(i) Webcasting –Ms. Arthur reports that the Annual Meeting will be web cast.

(ii) List Serve – Mr. Dopkin will remind users that the listserv is not to be used for job or office space solicitations.

(iii) Website Monitoring - No report.

(iv) E-Filing – Mr. Dopkin reported that the Administrative Office of the Courts is proceeding, albeit slowly, on the e-Filing, and led a discussion regarding concerns with the Legislature's eagerness to attack the funds set aside for this purpose.

(e) Education:

(i) Mentor/mentee - Mr. Flynn reported that the Kick Off meeting on February 20, 2008 was well attended. There are approximately 75 existing mentor/mentee relationships, with additional students looking for a mentor. They are

planning a graduation celebration lunch with the current 3Ls and their mentors to celebrate graduation.

(ii) 2008 MICPEL Introductory Real Estate - Mrs. Cyr will distribute the draft of materials for the course to the section Council for review and suggested improvements.

(iii) Annual Meeting - Ms. Arthur reported that Alexander Gordon will speak the Annual Meeting regarding foreclosure and issues relating to the real estate market, that Judge Cathell will address case law updates, and that Stuart Kaplow will speak on green buildings and green development.

(iv) Law School Liaisons - Mr. Flynn reports that the two law schools are planning a combined panel meeting to address topics of concern to younger lawyers within the profession.

(f) Foreclosure Trustee Committee – No report.

(g) Ground Rules –The Spring edition is expected to be out by March 21.

(h) Alternative Dispute Resolution – No report.

(i) Land Use. Mr. Freishstat reported that the Office of the Secretary of State/Planning has no been responsive to the Land Use Committee inquiries. Additional topics and avenues are being investigated.

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 Tuesday, May 13, 2008, at 6:15 p.m. at a place to be determined. Due to budgetary constraints, the meeting may be held at a location other than a restaurant.

The meeting adjourned at approximately 8:00 p.m.

Respectfully submitted,

Theresa B. Shea, Secretary