

**MINUTES OF MEETING OF SECTION COUNCIL  
REAL PROPERTY SECTION  
Wednesday, September 9, 2009**

A meeting of the Section Council for the Real Property Section of the MSBA was held on Wednesday, September 9, 2009 at Greystone Grill in Ellicott City, Maryland. The following Section Council and Committee Chair members were present:, Terry Shea (Chair), Ron Deutsch (Vice Chair), Lila Shapiro-Cyr (Secretary), Sara Arthur, Marc Bergoffen, Sheila Durant, Nicole Lacoste Folks, David Freishtat, Rich Harvey, Searle Mitnick, Hilary O'Connor, Eileen Powers, Alexis Peters, Paul Rieger, David Severn and Regan Smith. Also present were Richard Froehlinger III (Discussion Lunch Committee Chair), Jeff Nadel (Foreclosure Committee Chair) and Mike Skojec (Construction Committee Chair).

1. Call to Order - Ms. Shea called the meeting to order at 6:30 p.m.
2. Introductions – Since it was the first meeting of the new group, those present introduced themselves.
3. Prior Meeting Minutes - The prior meeting minutes were noted as approved and have been posted on the website.
4. Chair's Report

(a) Consumer Bankruptcy Section inquiry – Ms. Shea led a discussion surrounding the issue of whether the members of the MSBA should be required to provide their social security numbers to the Court of Appeals and State agencies, as requested by Judge Bell in his letter of August 13. The group felt that the members should comply with Judge Bell's request (since the deadline is September 14), but that the Section should send a letter to the Board of Governors indicating our concerns with this, specifically surrounding privacy and confidentiality issues. Ms. Shea said that she will draft a letter to the Board of Governors accordingly.

(b) Lawyer's Manual Information inquiry – A request came in from a title company that the MSBA amend the Recordation Tax section of the Lawyer's Manual include to whom the check is payable for each jurisdiction and a statement as to which jurisdictions collect the Recordation Tax and local Transfer Tax in one check. The Council agreed with the MSBA's recommendation not to include this information in the Manual, since title companies generally have this information and it takes a lot of work on their behalf to collect the same.

(c) Recordation Tax – IDOTS – Howard County – Ms. Shea indicated that the issue of whether individual Counties are required to comply with Julia Friet's AG opinion on IDOTs has once again arisen, this time in Howard County. The issue this time, specifically, is whether a lender that is foreclosing will be forced to pay the taxes associated with the IDOT. In the past, in order to avoid inconsistencies across the State, the Section has sent a delegation to the County to discuss this with appropriate folks at the County level. The group decided that the same should be done in this instance and agreed that Ed Levin, Paul Rieger and Tom Barbuti should be included in this group.

(d) Real Estate Opinion Report – Mark Dopkin reported on the recent amendments to the Opinion Report. He noted that the amendment was put together in an effort to keep up with the ever-changing nature of the opinion practice and requested that the Council ratify the changes to the Report. The Council ratified the Report. Mark also asked that the Council reaffirm who is in fact on the Committee from the Real Property Section and consider bringing in some new members. The Council tabled the appointment/ratification of the Committee members.

(e) Landlord/Tenant Panels (Sheila Durant) – Sheila discussed planning for some LL/T specific panels to be hosted by the Section. Rick Froehlinger suggested that perhaps there could be some coordination with the discussion group on these issues and they agreed to discuss the same separately.

## 5. Committee Reports

(a) Legislative Committee – Regan Smith, Chair -- No report.

(b) Real Estate Discussion Group - Rick Froehlinger, Chair, reported that planning was in process for this year's meetings. The first meeting will be September 15 and the discussion will be led by folks from Colliers Pinkard.

(c) Technology Committee (includes webcasting, listserv, website monitoring, e-filing)– Mark Dopkin, Chair – No report.

(d) Education Committee – Guy Flynn, Chair - No report.

(e) Mentoring – Guy Flynn - No report.

(f) Annual Meeting – The planners are in the process of pulling together a panel. It was noted that speakers really need to be in place by the end of November.

(g) Advanced Real Property Institute: - Final planning is in process for the October program, although at the time, registration was somewhat slow. The friends and family discount was emphasized.

(h) Foreclosure Committee – Jeff Nadel, Chair, reported on the new foreclosure rules imposed by Federal laws, most notably granting new rights to tenants in foreclosure situations.

(i) Ground Rules - Marc Bergoffen, Editor, reported that he needs more articles for the next edition.

(j) Land Use Committee - David Freishstat, Co-Chair – The Committee is in the process of planning for an October 16 seminar on the new Terrapin Run legislation.

(k) Planning Committee - Nicole Lacoste Folks- No Report

(l) Construction Committee – Mike Skojec, Chair, reported that the Committee had a number of planning meetings over the summer and that the main goal for this year would be

outreach to existing and new members. He also reported that there has been some discussion for the Construction Committee to become an independent committee of the MSBA.

6. Other Reports/Updates - None

7. New Business - Next Meeting, Wednesday, November 4, 2009 at 6:15 pm at a place to be determined.

8. Adjournment - The meeting adjourned at approximately 7:35 p.m.

Respectfully submitted,

Lila Shapiro-Cyr, Secretary