

**MINUTES OF MEETING OF SECTION COUNCIL
REAL PROPERTY SECTION
TUESDAY, MARCH 10, 2009**

A meeting of the Section Council for the Real Property Section of the MSBA was held on Tuesday, March 10, 2009 at the Chiapparelli's Restaurant in Baltimore, Maryland. The following Section Council members were present: Hilary O'Connor (Chair), Terry Shea (Vice Chair), Sara Arthur, Cynthia Berman, Ronald Deutsch (Secretary), Mark Dopkin, Emerson Dorsey, Sheila Durant, Searle Mitnick, Lucinda (Cindy) Motsko, Paul Rieger, David Severn, Edward Lee, Tracy Skinner (Past Chair), Richard Froehlinger III (Discussion Lunch Committee Chair) and David Freishtat (Land Use Committee Co-Chair).

1. Call to Order – Ms. O'Connor called the meeting to order at 6:20 p.m.
2. Prior Meeting Minutes – The prior meeting minutes were noted as approved and have been posted on the website.
3. Chair's Report
 - (a) Real Property – Tax Law Section Networking Event – Searle Mitnick reported that planning for the Real Property-Tax Law Section's combined networking event of approximately two hours has been completed and the event will be held on March 12, 2009, at That's Amore in Columbia, Maryland. He reported that there will be a forty-five (45) minute to one (1) hour educational component to that event. The event is expected to draw a number of attendees.
 - (b) Presidential Best Section Projects Awards – Ms. O'Connor reported that the deadline for submitting a Section project for the Presidential Best Section Projects Award is approaching. Thought should be given to potential submissions for the award. Items discussed included web-casting and the Advanced Real Property Institute.
 - (c) Nominating Committee. Hilary O'Connor and Terry Shea reported that a Nominating Committee has been formed. One goal is to encourage greater geographic and other diversity among the nominated individuals. As a result of several terms ending for current Section Council members, the nominating Committee will submit their proposal for new members. An announcement will also be submitted on the MSBA Real Property Section Listserv to encourage additional potential nominees. The Nominating Committee consists of Sheila Durant, Ronald Deutsch, Sara Arthur and Mark Dopkin.
 - (d) Distinguished Practitioner Award - Hilary O'Connor and Terry Shea reported that the deadline for selecting a practitioner for the Distinguished Practitioner Award is approaching. Several individuals were discussed. A call was made for 4-6 volunteers to serve on a Committee to review the potential candidates.

(e) Status Update of Proposal for Bylaw Revisions-Board of Governors Ms. O'Connor reported that a Special Committee to Study the MSBA By-Law Revisions submitted their report to the MSBA. The Committee held several meetings and gathered information from other State Bar Associations. Eric Orlinsky and Topper Webb were in attendance on behalf of the Business Law Section. Hilary O'Connor appeared on behalf of the Real Property Section. Cindy Callahan appeared on behalf of the Family & Juvenile Law Committee. The Committee recommended that the Board should invite representatives of the five largest sections to select one person to make a presentation to the Board of Governors regarding the Section's desire to regularly participate in the Board of Governors meetings, and that the Board should consider the Committee's recommendation that representatives from the five largest sections be invited to attend Board of Governors meetings on a regular basis and to participate in discussion and debate at those meetings but not be permitted to vote. After two years of operating, the Committee recommended that the results be analyzed.

* Contested Election – (Baltimore City). A contested election for vacant position on the Board of Governors has occurred in Baltimore City. Four members of the Business Law Section are running as well as Guy Flynn from the Real Property Section.

4. Committee Reports

(a) Legislative Committee (Lila Shapiro-Cyr, Chair) - Hilary O'Connor reported that the Committee has been active. Since January many pending legislative bills have been reviewed. One of the major legislative bills is a proposal to remove the one million dollar threshold from the definition of a controlling interest. It is expected that the Section will take no position with regards to most bills.

(b) Real Estate Discussion Group Committee (Rick Froehlinger, Chair) – It was reported that David Fishman will hold on March 17, 2009 a “Hit Parade” of various decisions that have occurred since last year. David Freishtat will also hold an event on April 14, 2009 with Judge Kenny and Judge Harrell. On May 12, 2009, Lila Shapiro-Cyr will hold a legislative update session

(c) Technology Committee: (Mark Dopkin – Chair).

Mr. Dopkin offered no new report.

(d) Education Committee: (Guy Flynn – Chair)

- (i) Hilary O'Connor reported on the status of the Mentor Program. Participation levels are reduced and matches for mentees have been made. A mixer will be held at Piper on March 26, 2009.
- (ii) The Maryland State Bar Association Annual Meeting (Dave Severn/Sara Arthur). The Annual Meeting will be held on June 12, 2009. Topics for speakers are being reviewed. Those topics include

but are not limited to Mechanics Liens, Construction Law, Lender perspectives on the failing real estate project and a review of 2009 legislation

(iii) Advanced Real Property Institute (Cynthia Berman) – The Committee is looking for a third co-chair to help organize this year's event. Topics to be included are also being considered. Ms. Berman reported that the Advanced Real Property Institute will be held on October 7, 2009 at the Tremont Grand Hotel.

(e) Foreclosure Committee (Jeff Nadel, Chair) - Ron Deutsch reported that the foreclosure committee held an event at the Annapolis, Sheraton. Judge Ross from Queen Anne's County was the featured speaker. Approximately 40 members were in attendance and all enjoyed the discussion.

(f) Ground Rules (Marc Begoffen – Editor) – Ms. O'Connor asked for volunteers for articles.

(g) Land Use Committee (David Freishtat, Co-Chair) – Mr. Freishtat reported that a successful event was recently held which included a discussion of the Terrapin Run Case and the Maryland legislative response.

(h) Planning Committee (Nicole Lacoste) – No report.

(i) Construction Committee (Jeff Regner) – No report.

5. Other Reports/Updates – Sheila Durant discussed that a seminar may be developed for the benefit of Landlords in mid May.

Paul Rieger discussed that the Insurance Administration was analyzing possible solutions to agent defalcations. An increased bond was one proposal. MLTA opposed several proposed solutions. The establishment of a trust fund, similar to the Client Security Trust Fund was also being studied.

6. New Business –

(a) The next meeting of the Section Council will be held on May 12, 2009 at 6:00 pm at the Elkridge Furnace Inn, 5745 Furnace Avenue, Elkridge, Maryland.

7. Adjournment

The meeting adjourned at approximately 7:45 p.m.

Respectfully submitted,

Ronald S. Deutsch, Secretary

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