

**MINUTES OF MEETING OF SECTION COUNCIL  
REAL PROPERTY SECTION  
TUESDAY, JANUARY 13, 2009**

A meeting of the Section Council for the Real Property Section of the MSBA was held on Tuesday, January 13, 2009 at the Elkridge Furnace Inn in Elkridge, Maryland. The following Section Council members were present: Hilary O'Connor (Chair), Terry Shea (Vice Chair), Marc Bergoffen, Cynthia Berman, Lila Shapiro-Cyr, Ronald Deutsch (Secretary), Emerson Dorsey, Mark Dopkin, Sheila Durant, Richard Froehlinger III, Nicole Lacoste, Searle Mitnick, Lucinda (Cindy) Motsko, David Severn, Deborah Dopkin (Board of Governor liaison), and Jeffrey Nadel (Foreclosure Committee Chairman), and David Frieshtat (Land Use Committee Co-Chair).

1. Call to Order – Ms. O'Connor called the meeting to order at 6:30 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 a networking event of approximately two hours is in progress. He reported that there will be a forty-five (45) minute to one (1) hour educational component to that event. It will be held on March 12, 2009 at That's Amore in Columbia, Maryland. Further discussion was held on potential topics for the educational component.
  - (b) Budget Submitted for 2009-2010. Terry Shea reported that a budget has been submitted for the 2009-2010 fiscal year.
  - (c) Formation of Nominating Committee. Hilary O'Connor reported that a Nominating Committee is being formed. A goal is to encourage greater geographic and other similar issue diversity among the nominated individuals. Mr. Dopkin offered to participate on the Committee.
  - (d) Status of ADR Committee-Review of Other Committees. Hilary O'Connor reported that the ADR Committee is not actively operating. The status of other committees was also discussed.
  - (e) Proposal Bylaw Revisions-Board of Governors Ms. O'Connor reported that she appeared on behalf of the Real Property Section at a meeting of the Board of Governor's committee formed to consider the proposed amendments to the By-Laws regarding Section representation. She briefly summarized the meeting. Ms. O'Connor stated that she had been informed that the Business Law Section may propose members for the open MSBA Board of Governors positions (Baltimore City) and a discussion ensued as to what role, if any, the Real Property Section would play in such

an endeavor. After a discussion, the Council decided not to play an active role, but Ms. O'Connor encouraged any persons interested in running for the open positions to follow up independently.

(f) Committee to Study Title Insurance – Hilary O'Connor reported that the Commission to Study Title Insurance had its initial meeting in mid-December which was attended by Paul Rieger. Based on a report sent by Paul Rieger, she relayed that the Maryland Insurance Administration gave a presentation focusing on the need for increased protection of escrowed funds at closings; greater control of access to escrowed funds and increased auditing by title insurers of their agents. The Administration's pre-filed bill, SB 86, addresses the first two points by increasing title agent bonding from \$100,000 to \$250,000 and limiting access to escrowed funds solely to licensed title agents (as opposed to clerical staff). Some definitional changes may be needed to the proposed bill. The next meeting is set for January 15, 2009.

#### 4. Committee Reports

(a) Legislative Committee – Ms. Shapiro-Cyr reported that the Committee is awaiting new legislation that will promulgated during the upcoming session. The MSBA's retained lobbyist, Richard Montgomery, has started training for all sections, including the Real Property Section.

(b) Real Estate Discussion Group – (Rick Froehlinger, Chair) Mr. Froehlinger reported that a lunch meeting was held on December 9, 2008. Potential topics for 2009 lunch meetings were next discussed. These included case updates, various green issues, codes and, current trends. The last lunch meeting was well attended. An April meeting has now also been slated.

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

(i) Webcasting – Mr. Dopkin offered no new report.

(ii) List Serve – Mark Dopkin reported that no significant problems currently are being experienced.

(iii) Website Monitoring - Mr. Dopkin offered no new report.

(iv) E-Filing – Mr. Dopkin offered no new report.

(v) Other – Mr. Dopkin reported that the Land Records Improvement Fund is experiencing significant funding issues as a result of the decreased recording fees paid during the economic slowdown. Potential solutions were discussed.

(d) Education: (Guy Flynn – Chair)

(i) MICPEL – Ms. O'Connor reported that Leah Barron is the new MICPEL liaison. Ms. O'Connor reported that Ms. Barron contacted her regarding is a proposed joint Spring/Summer program with the Environmental Section. A potential land use program was discussed.

Ms. Berman reported that the Advanced Real Property Institute will be held on October 7, 2009 at the Tremont Grand Hotel.

(ii) Mentor Program – It was reported that there is a need for additional mentors/mentees.

(iii) University of Maryland/University of Baltimore – Law School Liaisons. No report offered.

(iv) Annual Meeting – (David Severn/Sara Arthur, Chair) David Severn reported that the Annual Meeting will be held on Friday June 12, 2009. Some discussion developed on suggested sessions and topics. Style of session was also discussed.

(e) Foreclosure Committee – (Jeffrey Nadel, Chair) – Foreclosure Committee

Jeffrey Nadel reported that a breakfast has been scheduled for February 4, 2009 at the Annapolis Sheraton and that Judge Ross from Queen Anne's County will be the speaker.

Mr. Nadel also discussed the proposed Rules promulgated by the Rules Committee. The Foreclosure Committee was actively involved throughout the process. Mr. Nadel noted that additional tenant notices are now required but the requirements of attaching certified copies have been relaxed. Mr. Nadel expressed hope that the Rules will not be adopted without allowing time for practitioners to adjust. He also reported that Prince George's County has proposed new regulations that criminalize the non-reporting of vacant property to the County. That criminalization includes sanctioning the attorney/trustee handling the foreclosure action, which attorney/trustee would have no knowledge of a property's vacancy. He reported that this issue was being addressed by the Committee and the proposed bill is temporarily on hold.

(f) Ground Rules (Marc Bergoffen, Editor) - Mr. Bergoffen reported that the next edition is in progress, with the goal of being published by February. Several articles have been received.

(g) Land Use Committee – (David Freishtat, Co-Chair; Nancy Regelan, Co-Chair). The committee discussed establishing a possible winter meeting to review proposed legislation from the Governor on State Planning. That meeting has been scheduled for January 30, 2009 at MSBA headquarters, to discuss the proposals and to formulate a suggested position for the MSBA and for the possible submission of comments.

Spring Program – Reaching Hearts vs. Prince George’s County was discussed as a possible topic for the Spring program. This was a RLUIPA case (Religious Land Use Institutional Practices Act) case which concerned Prince George’s County’s denial of a Church building permit. That denial was overturned on appeal and damages were awarded in the amount of \$3 Million dollars.

(h) Planning Committee (Nicole Lacoste, Chair) – Ms. Lacoste reported that a new survey of Section members has been drafted preliminarily to help in long term planning efforts.

(i) Construction Committee (Jeff Regner, Chair) – Ms. O’Connor reported that meetings have been established for February, March and May. She also reported that Mike Skojec will assume the role of new Chair at the end of Spring.

5. Other Reports/Updates – No reports presented.

6. New Business – Nomination of the Distinguished Practitioner was discussed. A nomination will submitted by May and the process should commence after the March Section Council meeting.

(a) Meeting – The next meeting of the Section Council will be held on Tuesday, March 10, 2009, at 6:15 p.m. at a place to be determined.

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

Respectfully submitted,

Ronald S. Deutsch, Secretary