

**MINUTES OF THE SEPTEMBER 22, 2009 MEETING OF THE
EXECUTIVE COMMITTEE OF THE REAL PROPERTY LAW SECTION OF THE
STATE BAR OF NEVADA**

In attendance via video-conference were Mary Drury at the offices of Marquis & Aurbach in Las Vegas and Karen Dennison at the offices of Jones Vargas in Reno. In attendance via teleconference were Michael Buckley, Doug Flowers, Colleen Dolan, Pierre Hascheff, Craig Howard, DeArmond Sharp and Sandi Turner. Absent were Dave Davis, Layne Butt and Matt Watson. A quorum was established and the meeting commenced at 4:10 p.m. Joyce Smetanick, legal secretary at Marquis & Aurbach, took the minutes for the meeting.

1. The minutes of the August 18, 2009 meeting were reviewed and approved.
2. Proposals for 2011 Legislation: Michael Buckley spoke to Senator Copening, who is interested in Common Interest Communities legislation. There were no new additions to the new list for legislation proposals.
3. Upcoming CLE: Outlines for the November 19-20 Las Vegas/Reno CLE seminars were attached to the agenda and were briefly discussed.
4. Current Matters of Interest to Section Members: A discussion was held on the mediation program, and Karen Dennison reported that she still has not been called. Regarding the real property transfer tax regulations, Mary Drury reported that there has been no movement by the Department of Taxation (according to Terry Rubald) and no hearings are planned. Mary said that she was told by Terry that she will be notified if anything starts to happen.
5. Section Activities: Once again, it was reported that there is \$6,000, and there was further discussion on where it can be put to use. It was pointed out that the money does carry over to next year if it is not all used. Mary Drury suggested that social events could be held after the November CLE seminars, and it was also suggested that members of the Real Estate Section be invited to these social events. Michael Buckley pointed out that air fare is paid for by the State Bar if the speakers at the seminar are not paid. Quarterly lunch meetings were also suggested with Craig Howard giving a talk on his water articles. There was a discussion of the State Bar Annual Meeting, and the possibility of conducting a seminar or having a section meeting. Michael Buckley said that any thoughts on new topics would be welcome.
6. Subcommittee Reports:
 - Land Use: Pierre Hascheff reported that his subcommittee will be meeting on a quarterly basis (fourth Monday) rather than a monthly basis. They will be discussing legislative changes.
 - Natural Resources: Craig Howard reported that he has good attendance at his subcommittee meetings. [AB 119 water and growth control?] An email to the Real Property Law Section to increase dissemination of work product was suggested. Michael Buckley suggested to Craig that alternative/renewable energy (especially in Nevada) would be a good topic at the Annual Meeting next year. Craig said that he will see who on this committee might be interested in that.

Common Interest Communities: Michael Buckley reported that this subcommittee has had sporadic attendance. He said the ability to email is helpful in sharing comments and ideas. Michael suggested the possibility of project groups, lists of projects, and having people meet on a project basis.

Real Estate Finance: There was further discussion of third party legal opinions. It was generally agreed that this has not become the standard of care, but can be used as a shield for local counsel. It is just for guidance and is not too detailed. DeArmond Sharp wanted to know where this came from and said that he thought it was innocuous and vague, and said that exceptions still need to be drafted into the opinion. It was brought up whether this should be processed or to see if this is worthy for the Bar to put out a statement because Doug Flower's subcommittee wants to do this. There was further discussion regarding a series of statements, standard interpretation of the language and whether to put it on the State Bar website just as a reference for non-Nevada counsel. It was decided to ask the Estate Planning Law Section and the Business Section for their input, and to move forward and tentatively adopt it, subject to approval of the Business Law Section. Michael Buckley will send it over to the Business Law Section.

Commercial Leasing: Matt Watson was absent and there was no meeting for this subcommittee.

General Real Estate: Mary Drury said that members of this subcommittee have issues that they want to talk about, but nothing to really share. There was a discussion of deeds in lieu, and Colleen Dolan said that she would circulate a link from a First American Title Company webinar that she attended.

Professionalism: DeArmond Sharp said that he is look for volunteers who would like to write articles. There was a discussion regarding professionalism for Nevada lawyers. Mary Drury will try to find legislation that has passed regarding professionalism.

7. The next meeting will be held on October 20, 2009, at 4:00 p.m.

The meeting was adjourned at 5:15 p.m.