

**MINUTES OF THE APRIL 21, 2009 MEETING OF THE
EXECUTIVE COMMITTEE OF THE REAL PROPERTY LAW SECTION OF THE
STATE BAR OF NEVADA**

In attendance via video-conference were Michael Buckley, Mary Drury and Matt Watson 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 Doug Flowers, Sandi Turner and Pierre Hascheff. Absent were Colleen Doran, Craig Howard, Dave Davis, DeArmond Sharp and Layne Butt. The meeting commenced at 4:10 p.m. Joyce Smetanick, legal secretary at Marquis & Aurbach, took the minutes for the meeting.

1. A quorum was established and the minutes of the March 17, 2009 meeting were reviewed and approved.

2. Update on Legislative Proposals/Contacts:

a. SB 261: Passed by Senate; referred to Committee on Judiciary.

b. SB 172: Passed by Senate.

c. AB 149: Doug Flowers is to talk to Speaker Buckley and set up a meeting among him, Michael Buckley and Speaker Buckley. Karen Dennison suggested that he wait until the bill gets to the Senate side before setting up a meeting. Doug approved the letter and suggested that everyone should read it and comment (language about effective date of the bill; flushing out procedural points). Karen said that they are proposing more amendments to AB 149 (sanctions; trying to keep only to loans already made, not future loans; personal service of foreclosure; companion bill AB 65 regarding fees for mediators and foreclosure filings).

d. SB 338: Passed by Senate; referred to Commerce and Labor. Matt Watson said that the 30-day requirement that landlord is required to dispose of items was removed, and also said that there should be reasonable steps to see if there is a security interest. Matt said that he would contact people who actually attended the hearing and work with them on what this means.

e. HOA Directors Liability: Karen Dennison said that there is some concern regarding AB 350 and SB 182. Karen pointed out that NRS 41 has different standards for board members and brought up the language in Section 116.4117 regarding punitive damages. It was agreed that Karen and Michael Buckley should speak up for the protection of officers and directors on boards. Karen said that the Executive Committee should take a position on SB 182 regarding the punitive damages, and that they should not be able to recover punitive damages against a board member. It was agreed that the Executive Committee should take a position against the proposal of punitive damages. The inconsistencies should be pointed out; NRS Chapter 41 standards and the business judgment rule (if not violated, punitive damages are not available). It was agreed that Michel and Karen would put together a letter and circulate the letter to the Executive Committee.

f. Other Bills: SB 352 (mechanic's lien is still there after foreclosure). Michael Buckley suggested that everyone take a look at SB 352 and also asked that Doug Flower's subcommittee take a look at it.

3. Annual Meeting CLE: Saturday, June 13. There will be a 1-hour Professionalism in a Box presentation and a 2-hour seminar on foreclosures, workouts and deeds in lieu.

4. Annual Meeting – Section Meeting:

a. Notice 30 days in advance.

b. Agenda:

c. Election of Officers: There was a brief discussion as to election of officers. Michael Buckley suggested that everyone keep this in mind and to start thinking about it since the first group of Executive Committee members' terms expire in 2010.

- i. Chairperson
- ii. Vice Chair
- iii. Secretary
- iv. Treasurer
- v. Others?

5. July CLE Update: Mary Drury is working on the July meeting. She suggested a Common Interest Communities update in July. Karen Dennison thought it would be better to do it in September. Mary Drury is to check to see if there is a State Bar legislative update in September.

6. Current Matters of Interest to Section Members: None additional noted.

7. ABA Task Force Recommendation: Michael Buckley is going to try to get input from someone at Boyd on this.

8. Subcommittee Reports:

Land Use: Pierre Hascheff reported on this subcommittee. There was a discussion of AB 184 and infrastructure. Pierre said that AB 184 was circulated to his subcommittee and they would discuss it at their next meeting.

Natural Resources: Craig Howard was absent and there was no report on this subcommittee.

Common Interest Communities: Michael Buckley reported on this subcommittee. There was a short discussion of various bills.

Real Estate Finance: Doug Flowers had to leave the meeting early so there was no report on this subcommittee other than above.

Commercial Leasing: Matt Watson. (see above).

General Real Estate: Mary Drury had nothing to report on this subcommittee.

Professionalism: DeArmond Sharp was absent and there was no report on this subcommittee.

9. The next meeting will be held on May 19, 2009, at 4:00 p.m.

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