

**MINUTES OF THE AUGUST 24, 2010 MEETING OF THE
EXECUTIVE COMMITTEE OF THE REAL PROPERTY LAW SECTION OF THE
STATE BAR OF NEVADA**

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

1. After the misspelling of Layne Butt's name was noted for correction, the minutes of the July 20, 2010 meeting were approved.

2. There was a discussion regarding Listserv as to whether to go to the State Bar for the program or to have the Committee do it on its own. Michael Buckley said that he had spoken with Joshua Stein, and he had recommended that the Committee do it on its own. Michael pointed out that, in New York, the program is a good means of referrals and has good discussions on interesting topics. Michael said that there is no need to have Listserv administered or monitored by someone and that it could be monitored by whomever you invite to join. Michael also said that if the State Bar administered it, it would pay for it. DeArmond Sharp suggested that the Committee start with the State Bar and see how that works out. Michael Buckley is to contact the State Bar and get Listserv off the ground. It was agreed that, if it doesn't work out, this could be changed in the future.

3. Michael Buckley and Karen Dennison said that they plan on attending the Roger Bernhardt CLE seminar on September 10 in Reno. Michael said that it would be the same pricing as the Randolph event and that food and beverage arrangements have been made.

4. DeArmond Sharp gave the Treasurer's Report. He said that the amount in the bank account is either \$6,000 or \$9,000. The only items planned for the budget at this time are the Roger Bernhardt CLE seminar and Listserv.

5. There was a discussion regarding 2011 legislation. Karen Dennison said that the Board of Governors meets every other month and that the next two meetings would be October 13 in Reno and December 8 in Las Vegas, and that the cut-off date for legislation would be September 24. Michael Buckley said that he had a meeting with Senator Copening, and she suggested separating the non-controversial issues from the controversial. Karen also asked if Senator Copening was willing to take on the proposals that Doug Flowers' sub-committee is working on, and Senator Copening indicated a willingness to help.

7. Regarding current matters of interest, Michael Buckley said that he read an article regarding a new definition of purchase money in California, and said that he will circulate the article to the Committee.

8. The following subcommittee reports were given:

Doug Flowers reported on his subcommittee's work on changes to NRS 107.040, 100.91 and 80.015. He said that the existing language in NRS 107.040 is to remain the same, but allows reasonable counsel fees and costs. After a discussion, a motion was made to approve 107.040, seconded by Karen Dennison, and 107.040 was unanimously approved. There was a discussion of NRS 100.91. Doug said that it was basically two impound statutes into one, and would only apply to loans secured by single-family residences and residential condos. DeArmond Sharp made a motion to approve NRS 100.91, but with amended language defining single-family residences and condos added to subsection 4, the motion was seconded by Karen Dennison and 100.91 was unanimously approved. There was a discussion regarding NRS 80.015 regarding what constitutes soliciting business. Doug said that he will assist the Business Law Section in their efforts, but they need to talk to a regulator to see what language they will support. Doug said that he will talk to Rob Kim. DeArmond Sharp moved to table 80.015 until further discussion at the next meeting.

There was a discussion with Matt Watson and Doug Flowers regarding the issue of changing language regarding deficiency action. DeArmond Sharp said he thought there was no need to put it into the statute. It was agreed that this issue should be let go.

There was a discussion of the possibility of DeArmond Sharp doing a Professionalism in the Box seminar in December.

The meeting was adjourned at 5:35 p.m. The next meeting will be held on September 21, 2010 at 4:00 p.m.