

**MINUTES OF THE APRIL 19, 2011 MEETING OF THE
EXECUTIVE COMMITTEE OF THE REAL PROPERTY LAW SECTION OF THE
STATE BAR OF NEVADA**

In attendance via teleconference were Michael Buckley, Karen Dennison, Matt Watson, Craig Howard, Doug Flowers, Colleen Dolan, DeArmond Sharp and Sandi Turner. Mary Drury, Angela Otto, Pierre Hascheff, and Layne Butt were absent. The meeting commenced at 4:00 p.m. Deborah Hayes, legal secretary at Jones Vargas, took the minutes for the meeting.

1. The minutes of the March 15, 2011 meeting were approved.
2. Listserve status: Michael Buckley reported there are no problems with Listserve. He is no longer receiving messages to admit people and it appears most have joined. Several e-mails were sent to initiate discussions, however, no responses have been received to date.
3. Treasurer's Report: DeArmond Sharp reported that the Section will have approximately \$18,000+ by the end of the year, less the authorized expenses for the presentation at the State Bar's Annual Meeting. It was also noted possible expenses that could be incurred would be for a CIC and Real Estate Legislative Update, as well as travel/hotel/fees for a speaker in the Fall.
4. **SB 402:** Karen Dennison reported that we were successful in not only getting what we proposed in SB 402, but also the amendment which is an amendment to NRS 40.451. The Bill passed through the committee but has not passed the floor yet.

SB 174: Michael Buckley reported the committee is still discussing Section 15 of SB 174 which is the super priority collection costs. There appears to be conflicting language in Fannie Mae regulations about whether collection costs are payable or not. Karen Dennison pointed out that it may be okay to approve a project where collection costs are allowed but they may not pay them when they actually foreclose. Michael Buckley suggested to Senator Copening that she speak with Bill Uffelman or bankers regarding the Fannie Mae guidelines.

AB 284: Karen Dennison reported that she and Doug Flowers reviewed the concerns of the Finance Committee in connection with AB 284. Most of the concerns were not included in the amendment, but one concern that was included is not having to record an assignment of a deed of trust until enforcement under either Chapter 106 or 107. The one issue the committee will not let go of is the "should have known" language in the criminal statute. The Bill has passed through the committee with the conceptual amendment, but the actual amendment language isn't available yet.

AB 273: Colleen Dolan stated she had a concern with AB 273 which states that you can proceed against the guarantors if the borrower files for bankruptcy after a certain period of time. This also creates a situation where if you proceed against the guarantor, the court has to give the guarantor the fair value reduction as of the date of that action. This number can be entirely different than on the actual sale date.

Matt Watson reported there is a Section in AB 273 that is contra to what was put in SB 402. "If you have acquired a claim from another person you only are entitled to receive

the amount that you've paid for it." A suggestion was made that testimony be given to the committee to show the intent of what it means and that it only applies to post foreclosure sale of actions. It was agreed that the Section would find the LCB person who drafted the provision to explain the intention.

AB 398: Matt Watson reported that the main change of AB 398 was in connection with what it could mean to show that somebody had an intent to vacate.

AB 448: Karen Dennison reported she believes the Bill is going forward.

5. Michael Buckley and DeArmond Sharp will be presenting Common Mistakes Real Estate Lawyers Make in Bankruptcy. It was noted that most problems will not come up until there's an enforcement and a negotiation for an extension or forbearance.

6. Karen Dennison stated that two Bills to watch are AB 389 in connection with open meeting law and AB 271 in connection with regulating private transfer fees. Michael Buckley reported that the CIC regulation on collection costs has been okayed to go forward.

There was nothing to report on Item 7.

The meeting was adjourned at 5:05 p.m. The next meeting will be held on May17, 2011, at 4:00 p.m.