

STATE BAR REAL PROPERTY SECTION EXECUTIVE COMMITTEE MEETING

March 18 Minutes

Executive Committee Member Attendees: Michael Buckley (MB), Chris Childs (CC), Karen Dennison (KD), Shawn Pearson (SP), DeArmond Sharp (DS), Mandy Shavinsky (MS), Sandra Turner (ST).

Section Members Attendees: Susan Maheu, Will Wright.

Absent: Colleen Dolan (CD), Mary Drury (MD), Elizabeth Fielder (EF), Doug Flowers (DF), Pierre Hascheff (PH), Craig Howard (CH), Angela Otto (AO) and Matt Watson (MW).

Location: Teleconference

Michael Buckley called the meeting to order at approximately 4:10 p.m. A quorum was not present.

1. Minutes of January 21, 2014 (no February meeting) were approved by those in attendance.
2. DS gave the Treasurer's Report. The Section has a present balance of \$15,352 with anticipated income of \$4,721 over the rest of the year.
3. MB reported no further information on the proposed Business Section/Real Property Section Social Event.
4. Those present discussed 2015 Legislative Proposals ("Fixes") See last page for a current list of the suggested fixes. KD mentioned that loan servicers have noted that the Nevada impound statutes are inconsistent with RESPA. Although this was not something the Section's legislative proposal addressed, it should be added to the Fixes. Discussion of problems with abandoned property in commercial leases. CC discussed this result was based on lobbying efforts which changed the original Section proposal. Changes may run into this again.
5. MB pointed out the Bylaw requirement that "the Executive Committee shall:
 - A. At least annually review the mission and the goals, objectives and priorities of the Executive Committee and make recommendations for change, if any, to the Section Members.
 - B. Adopt procedures for establishing, implementing and reviewing priorities in the allocation of resources.

C. Establish and appoint officers and members to appropriate committees or sub-committees, as the Executive Committee shall from time to time determine as appropriate or necessary."

No action taken.

6. CLE Seminars. KD reported no further contact from Bryan Garner. MB suggested Roger Bernhardt for a Northern Nevada presentation. MB stated he had been in contact with the bar office and expected the Section would be making a presentation at the annual meeting in July but had not heard specifics.
7. KD, MB and Will Wright lead a discussion of the ongoing battle between HOA vs. first mortgage holders in the courts. The Supreme Court will hear oral arguments in two cases on May 7 (Villa Palms). MB pointed out the decision by Judge Flanagan in Reno siding with the banks based not on the wording of the statute but on public policy grounds: legislation clearly supports "home retention" insofar as the banks are concerned and HOA foreclosures should not be a way to facilitate a way around this. KD reported this same issue resulted in a failure of any legislative solution in 2013..
8. MB reported he had been in contact with members of the land use committee who indicated a willingness to get that committee up and running again. He will follow up.

Meeting adjourned at approximately 5 p.m.

Upcoming Date / Events

2014

- April 15 Executive Committee Meeting
- May 20 Executive Committee Meeting
- July 10 -12 Annual Meeting, Newport Beach
- August? Deadline for Legislative Proposals to BOG

2015 Legislative Proposals ("Fixes")

1. NRS 107.080. There needs to be a clarification in what is meant by a "local telephone number" in a new affidavit requirement. (MW)
2. NRS 40.433. Additional reference to NRS 116B. (MB)
3. There is a discrepancy between the foreclosure mediation program as applied to the judicial foreclosure statutes and the power of sale statutes. (AO)
4. It has been suggested that there is an issue on 40.495(4) on the fair market value statute. The statute doesn't contemplate instances where there might be a suit against the guarantor where there is not sale of the property planned. (DF)
5. NRS 116.3116. There will be clarification regarding super priority on the next legislative agenda and we might want to make ourselves available to the legislature. (KD)
6. NRS 40.4306 Dawn Cica
7. Sandpoint Decision clarification. (Frank Flansburg?)
8. BFP Statute will be addressed by the Nevada Title Association in 2015.
9. Review of NRS 107.400 for consistency. (____)
10. Review NRS 116 for Successor Developer Issue (e.g. after foreclosure) (MB)
11. Homeowner Bill of Rights. NRS 107.460. Should all who have less than 100 foreclosures a year be exempt? (MW/ Emilia Cargill)