

Executive Committee of the Real Property Law Section of the State Bar of Nevada

February 19, 2013

Executive Committee Member Attendees: Michael Buckley (MB), Karen Dennison (KD), Colleen Dolan (CD), Doug Flowers (DF), Craig Howard (CH), Shawn Pearson (SP), Mandy Shavinsky (MS) and Sandra Turner (ST).

Section Member Attendees: Charles T. Cook (CTC), Edward J. Hanigan (EJH), Gayle A. Kern (GAK) and Susan A. Segal (SAS).
Will P. Wright (WPW)

Absent: Chris Childs (CC), Mary Drury (MD), Elizabeth Fielder (EF), Pierre Hascheff (PH), Angela Otto (AO), DeArmond Sharp (DS) and Matt Watson (MW).

Adar Bagus, legal secretary at Fennemore Craig Jones Vargas, took the minutes for the meeting.

Agenda Item	Discussion	Action and Recommendations	Person(s) Responsible	Target Date	Status
Minutes	There were no comments or changes requested for the January 15, 2013 minutes.	Recommend for approval by DF.	MB	N/A	Approved
Election of Officers	Question regarding the election of Officers to be addressed at the General Meeting in August.	MW was going to review the bylaws. Bylaws will be deferred until the next meeting.	MB & MW	Election of Officers Aug. '13 Bylaws 03/19/13	Open
Treasurer's Report & Budget	DS e-mailed that we have \$11,235 carried forward to 2013 and 1/12 of the 2013 dues allocated to January.	N/A	DS	N/A	Approved

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Legislative Reception	Scheduled for March 7, 2013 at the Plaza Hotel (the same place it was at the year before) and will be from 5:30 p.m. to 7:30 p.m. KD estimates the budget for the Legislative Reception as: Food \$795, beverages (beer, wine, soft drinks) and room should not go over \$1250	Hope to see as many people there as possible.	KD	03/07/13	Open
State Bar 2013 Annual Meeting Request For Proposals	We are all set. MD will be giving her presentation of Seven Deadly Business Sins. There will also be a Legislative and Case Law Update.	N/A	MD, MB & KD	July 25 & 26, 2013	Open
Proposed Legislation	AB 284 meetings regarding proposed changes held by Attorney General (AG) that included 5 major bank servicers, representatives from the title industry, Legal Aid, realtors and KD and MB. The AG used a lot of our suggestions and it clarified the affidavit and made it more in line with what really goes on in the real world. Problems remaining are loans w/o Notes, commercial transactions and the AG was focused more on the robo signing with the big lenders. There was discussion regarding BFP legislation. Legal Aid	AB 284 should come out as a consensus bill and be proposed by Senator Roberson and Assemblyman Frierson.	MB & KD	N/A	Open

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	<p>has some sticking points with this. Title Industry has a lot of support for it. Zack Ball will be drafting the proposal which will not be part of the 284 amendment.</p> <p>MB circulated a definition in NRS 116.083 that refers to "ordinary customers" in the definition of residential use, and it goes back to the initial 1991 draft which was a change from UCIOA. Is this a typo for the word "consumers". Definition should be corrected under "residential use" to have those be applicable only if there used in connection with the use of a dwelling</p> <p>Notice to Guarantors Section 107.095 says that the Guarantor is not released if the Notice is rescinded before the sale is advertised. What is missing from this exception is that the Notice of Default is just canceled regardless if the Notice of Sale goes out. That the Guarantor should still be liable.</p>	<p>This should be kicked back to the CIC Committee and then see if Senator Hardy would allow it to be added as an amendment to his Bill.</p> <p>Could it be slipped in to our 107 bill?</p>			
Committee Reports	Land Use	N/A	PH	N/A	N/A
	Natural Resources	N/A	CH	N/A	N/A
	Common Interest Communities	N/A	KD & MB	N/A	N/A

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	<p>Real Estate Finance</p> <p>Commercial Leasing</p> <p>General Real Estate</p> <p>Professionalism</p> <p>Legislative – As bills come out KD will get them to the committee and MB will get them out of listserv to have participation. Right now there is a Common Interest Community Report working on a white paper for AB 34 which is the Real Estate Division's bill and has some things that we are questioning.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>The CIC members are working on the white paper and are then going to present the perceived problems to Gail Anderson.</p>	<p>DF</p> <p>MW</p> <p>MD</p> <p>DS</p> <p>KD & MB</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>AB 34 and AB 98 are being heard on 2/22/13 in the AM.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Open</p>
Current Items of Interest	Fennemore Craig Jones Vargas was involved in a case that had an Order issued by the Supreme Court on 02/05/2013. <i>Ken Tempelton Family Trust vs. District Court</i> . There was a summary judgment for liability but not the amount against the Guarantor and the case went up on appeal. The Court held there could be no liability until there was a trustee's sale.	N/A	MB	N/A	N/A

Meeting adjourned at 4:45 p.m. on February 19, 2013.