

**MINUTES OF THE JANUARY 17, 2012 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, Colleen Dolan, Mary Drury, Pierre Hascheff, DeArmond Sharp, Mandy Shavinsky, Sandi Turner and Matt Watson. Layne Butt, Chris Childs, Elizabeth Fielder, Doug Flowers, Craig Howard and Angela Otto 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 November 15, 2011 meeting were approved.
2. *Treasurer's Report:* DeArmond Sharp reported that by the end of December the Real Property Section would have approximately \$9,021 which will carry over into 2012.
3. *CLE Programs: Professionalism in a Box:* DeArmond Sharp reported that Professionalism in a Box will take place on April 19th in Las Vegas and April 20th in Reno. A small reception is being planned for both locations after the presentations. The speakers in Reno will be Elizabeth Fielder, Doug Flowers and DeArmond Sharp. Mary Drury will be speaking in Las Vegas and volunteers are still needed. Michael Buckley agreed to approach Gary Goodheart as a possible speaker.

San Diego CLE (June, 2012): Michael Buckley reported a proposal was submitted to the State Bar for the section to present Criminalization of What Use to Be Bad Acts. It is tentatively scheduled for Friday, June 29th from 10:50 a.m. to 12:20 p.m. Michael Buckley stated that Stan Hunterton agreed to speak and he will confirm that with him.

Mike Rubin Lecture: Mary Drury reported she and DeArmond Sharp had a teleconference with several Business Law Section members to discuss the possibility of a joint program. The Business Law Section offered to cover two-thirds of the cost and the Real Property Section would cover the remaining one-third. Total cost for the lecture is approximately \$5,500. Rob Kim agreed to send the proposal out to the Business Law Section members to get a vote for approval. Mary will follow up.

4. *Listserve:* Michael Buckley reported he had sent out a request on the Listserve for the Boyd School of Law who was asking for mentors. A positive response was received.

Michael Buckley suggested that the Executive Committee extend to the Boyd School of Law/Real Estate Section an invitation for the students to call in and listen to the monthly meetings. Sandi Turner agreed to extend the invitation and would follow up.

5. *Current Matters of Interest:* Michael Buckley reported a decision was published in the Michigan Court of Appeals on the *Wells Fargo Bank vs. Cherryland Mall Limited Partnership* case. The court held that when a debtor becomes insolvent, they violate the bad boy clauses in the loan documents, the SPE covenants, and this triggers full recourse.

Pierre Hascheff reported there was an amendment in the last legislature to the prohibited practices for financial institutions which came about as a response to lender's not responding to

borrowers' short sale offers within a reasonable timeframe. The amendment is limited to residential mortgages and basically states if the lender takes more than 90 days to respond, it's presumed unreasonable.

6. *Committee Reports:* Karen Dennison reported on Doug Flowers behalf for the Real Estate Finance Committee. The committee is now doing short blurbs of interest every couple of months that will be posted on the State Bar's website. It was also suggested that the blurbs be posted through the Listserve as well.

Matt Watson, for the Commercial Leasing Committee, will look into a case Michael Buckley cited where a judgment for summary eviction in Justice Court does not preclude District Court proceeding for damages.

Karen Dennison reported the Legislation Committee had 100% attendance. The open items discussed were the following:

- AB 284 affidavit and the damages issue.
- The committee's focus will also be AB 273 under the category of unintended consequences. The committee's purpose is to not change policy but clarify, and the first task will be to clarify the meaning of insurance proceeds.
- The discussion also involved reintroducing SB 402 which contained lender issues and the rewording of the "consideration paid" sentence in NRS 40.451.
- It was suggested that Covenant #9 in 107.080 be looked at and the deed of trust statute. The issue relates to corporate resolutions. Covenant #9 is interpreted to mean that a corporate beneficiary has to record with a Substitution a resolution authorizing the Substitution. The committee took that language out of the statute as a suggested change.
- It was suggested that the condo hotel statute be looked at by the Common Interest Community Committee who could then bring suggested changes to the Legislation Committee.

Karen stated that any suggested changes would be brought before the Executive Committee for approval which would then be followed up with a meeting between several members of the Legislative Committee and Marcus Conklin. She also stated that the committee would need to find a bill sponsor and suggestions were welcome.

There was no further business and the meeting adjourned at 4:50 p.m. The next meeting will be held on February 16, 2012, at 4:00 p.m.