

VIRGINIA STATE BAR
Real Property Section

Meeting of the Board of Governors and Area Representatives
March 4, 2011
Kingsmill
Williamsburg, Virginia

Minutes

The Spring Meeting of the Board of Governors and Area Representatives of the Real Property Section of the Virginia State Bar was held on Friday, March 4, 2011, at the Kingsmill Resort in Williamsburg, Virginia, beginning at 10:30 a.m.

Present in person were Paul Bellegarde (Chair), Paul Melnick, Philip Hart, Rick chess, Susan Walker, Mike Barney, Mark Graybeal, Susan Pesner, Jean Mumm, Ray King, Whitney Levin, Randy Howard, Lawrence Daughtry, Larry McElwain, Howard Gordon, Barbara Goshorn, Ron Wiley, Bill Nusbaum, Brian Dolan, Lisa Graziano, Mark Williamson and one guest, Dianne Bellegarde. Present by telephone were Kay Creasman, Cooper Youell, Craig Erdman and Page Williams.

Paul Bellegarde called the meeting to order and welcomed those present.

Upon motion duly made and seconded, the minutes from the Winter 2011 Meeting of the Board of Governors and Area Representatives were approved.

Paul Bellegarde then presented a financial report, a copy of which had been distributed prior to the meeting (and is also attached to these minutes). He noted that the balance remaining for FY 2011 is \$27,244.70. Paul also noted that significant savings are anticipated from changing the primary distribution method of the *Fee Simple* from hard copy-mailing to electronic distribution. He also encouraged Board of Governors members and Area Representatives to submit for reimbursement of travel expenses related to attending the quarterly and annual meetings. Paul said that last year, the Section returned approximately \$3000 of unused Section funds to the state. There followed general discussion of possible ways to utilize the Section's remaining funds for the benefit of the Section's members. Ideas suggested included subsidizing attendance at the Section's Advanced Real Estate Seminar and purchasing CLE materials for members. Upon the motion made and seconded, the Membership Committee was asked to explore the ideas.

Paul Bellegarde then introduced Ron Wiley and Chip Royer who, upon motion made and seconded, were appointed as Area Representatives.

Paul Bellegarde then took up the topic of the Section's remaining seminars for 2010-2011. Paul Melnick then described plans for the Annual Real Estate Seminar, which will be offered in four locations – Norfolk on May 17, Richmond on May 18, Roanoke on

May 24 and Waterford/Fair Oaks (in NOVA) on May 25. Paul said the topics would include the annual review of legislation and cases, drafting deeds, commercial leasing, troubled properties and foreclosure and an ethics topic. Philip Hart then described plans for the seminar to be presented at the Virginia State Bar Annual Meeting in Virginia Beach. Philip said the seminar will be a joint CLE program with the Bankruptcy Section and will be a survey of some of the meaningful cases with real estate implications decided by bankruptcy courts during and following the recent financial crisis in the US. Philip confirmed that the seminar will take place in the Skytop Room at the Holiday Inn at 11 a.m. on Friday of the VSB's Annual Meeting weekend in June.

Paul Bellegarde then took up the topic of Unfinished Business.

Larry McElwain, Chair of the Membership Subcommittee, said he would be working with the Subcommittee to update the Board and Area Representative Handbook.

Paul Bellegarde reported for the *Fee Simple* Subcommittee. He said that after the Fall 2010 issue, the *Fee Simple* will be distributed primarily by email and through the Section's website. Notice has been given to Section members of the change and all have been given the option to continue to receive the *Fee Simple* in hard copy. To date, approximately 240 members – 12% of the Section's members – have said they want to continue to receive hard copies. Paul said many Section members have applauded the change, which will save a considerable amount of money for the Section, and only one person has complained.

Paul Bellegarde then asked for items from the floor.

Susan Pesner raised an issue about attendance requirements for Area Representatives. She said that the Membership Committee used to have a rule that Area Representatives had to attend at least two meetings per year or have a valid excuse for not doing so. After general discussion of ways to further engage the Area Representatives, including a suggestion that the Vice Chair be in charge of the process, Larry McElwain agreed that the Membership Committee would study the issue and report back.

Larry McElwain then gave a short Virginia General Assembly update mentioning, among other things, a proposed amendment to the Constitution of Virginia about compensation for taking by power of eminent domain.

Paul Bellegarde then took up the topic of New Business, starting with a discussion of the *Fee Simple*. He said the due date for article submission in April 8. Bill Nusbaum said that the Commercial Real Estate Section would be submitting a number of articles, and Paul Melnick said that he would be submitting an article about FIRPTA.

Paul Bellgarde said that he would be convening a Nominating Committee to develop a slate of candidates for openings on the Board of Governors and officers.

Paul Bellegarde then dispensed with the Subcommittee Reports in the interest of time and took up the topic of the Section's shared member portal. He reported that he had had conversations with Rod Coggin at the VSB and that he would be working with the VSB to be sure that the portal complies with VSB policy. Paul then introduced his wife, Dianne Bellegarde, who works with setting up and administering such portals in a professional capacity. Dianne provided an update about her work on the portal and said that she had developed a "beta version" of the portal and that she continues to work on the project. Susan Pesner, who is a member of the VSB Council, said there is considerable "buzz" about the portal at the Council level and there is some thinking that the portal may become a model for other VSB sections. The persons present thanked Dianne for her work with a round of applause.

Paul Bellegarde concluded the meeting with thanks to those in attendance and with the reminder that the next meeting of the Board of Governors and Area Representatives and Section will be at the Summer Meeting at Virginia Beach on June 17, 2011, immediately following the Section's CLE program.

Upon motion duly made and seconded, the meeting was adjourned at 11:57 a.m.

Respectfully Submitted,

Philip Hart
Secretary

Attachment:

- Financial Report