

**VIRGINIA STATE BAR  
REAL PROPERTY SECTION**

**MINUTES OF THE JOINT ANNUAL MEETING OF  
THE REAL PROPERTY SECTION AND ITS  
BOARD OF GOVERNORS AND  
AREA REPRESENTATIVES**

June 15, 2012  
Virginia Beach, VA

Pursuant to due notice, the Joint Annual Meeting of the Virginia State Bar Real Property Section and its Board of Governors and Area Representatives convened at 12:50 p.m. on June 15, 2012, in the Vista del Mar Room of the Holiday Inn and Suites – North Beach, Virginia Beach, Virginia. Section Chair Paul Melnick presided and Secretary/Treasurer Bill Nusbaum recorded the minutes. Also present in person were Vice Chair Philip Hart, Lewis Biggs, Steven Blaine, Wayne Glass, Howard Gordon, Barbara Goshorn, Mark Graybeal, Steve Gregory, Randy Howard, Chuck Lollar, Tom Klein, Larry McElwain, Christina Meier, Harry Purkey, Mark Reed and Ron Wiley.

I. Welcome. Chair Paul Melnick welcomed everyone and thanked them for coming.

II. Approval of Minutes. Secretary/Treasurer Nusbaum presented the minutes of the Spring Meeting of the Board of Governors and Area Representatives, on March 2, 2012, which had been distributed by e-mail (Exhibit 1). Mr. Nusbaum moved the approval of the minutes, Mr. Biggs seconded and the minutes were unanimously approved.

III. Financial Report.

A. Financial Status and Budget Review. The Chair reported that as of May 31, 2012, the Section had yet to expend \$23,960.37 of the funds appropriated for it for the fiscal year, adding that the unspent balance did not reflect estimated June payments of about \$14,160, which would leave about a \$9800 unspent balance. The Chair reviewed the detailed expenditures through January 31 (Exhibit 2), and observed that the budget looked to be in good shape.

B. Disposition of Budget Surplus. The Chair noted that with the current balance of the Section's credit with Virginia CLE (from 2 prior fiscal years' surpluses) equating to an intended CLE materials purchase credit of about \$156 per member of the Board of Governors and Area Representatives, the cost of many publications would exceed the amount of the credit, so he suggested that the current fiscal year's projected \$9800 surplus also be added to the credit, and then the Section aggressively pursue the credit's expenditure after the new fiscal year begins on July 1, 2012. To facilitate such a plan, Virginia CLE would once again this year submit to the Section an invoice equal to our unexpended surplus, which would be expected to increase our credit balance with Virginia CLE from its current \$12,051 to approximately \$21,850. Mr. Howard moved the adoption of the Chair's proposal, whereupon it was seconded by Mr. Gregory and unanimously adopted.

IV. New Area Representatives. Mr. Glass noted he had been mistakenly dropped from the list of Area Representatives (possibly as a result of changing law firms), and asked to be reinstated, to which all assented.

V. Unfinished Business – Web Portal/Sharepoint Update. In Paul Bellegarde's absence, the Chair reported on the successful meeting which Paul and Diane Bellegarde and he had with State Bar Communications Director Rod Coggin at the State Bar offices on March 23, 2012, to discuss the Section's proposed Sharepoint Web Portal. Our proposed pilot project has finally passed the Communications Committee and its costs are now being reviewed by the fiscal management apparatus of the State Bar. The Chair's goal is to resolve any questions by the end of June, as any costs can be covered by our surplus. There was no other unfinished business.

VI. New Business.

A. The Fee Simple. The Chair noted the article topic submission deadline for the Fall issue of The Fee Simple is September 1, with all committees being expected to submit an article proposal. The articles themselves would be due by October 15. Mr. Gregory volunteered that while he had originally been skeptical that hiring a Student Editorial Assistant would be productive, now that the Spring issue trial run had concluded, he felt that the Student Editorial Assistant had been worth the time and \$1200 per issue cost, and should be continued, whereupon Mr. Hart moved, Mr. Lollar seconded and it was unanimously agreed to continue to hire a Student Editorial Assistant for The Fee Simple, as provided for in the coming year's budget.

B. Future Seminar Topics. The Chair observed that the deadlines for submitting proposed seminar topics were September 1 for the Advanced Real Estate Seminar and November 1 for the Annual Real Estate Seminar.

C. Items from the Floor. No items were raised from the floor.

D. Standing Committee Reports.

1. Membership. Mr. McElwain advised that he was working on the Section Handbook update and revising the membership survey, and would have both ready for publication in September.
2. The Fee Simple. No additional report.
3. Technology. No additional report.
4. Programs. No additional report.
5. Law School Liaison. The Chair summarized Mr. Bellegarde's written report, distributed by e-mail (Exhibit 3). A discussion followed regarding ways to further engage law students in the Section. Mr. Gregory asked if there was a way to offer law students a student membership in the Section. Mr. McElwain and Mr. Hart offered to explore its feasibility with the State Bar, and if it wasn't feasible, perhaps the VBA could do it. Ms. Meier suggested that maybe a non-member student affiliation status could be created. Mr. McElwain also mentioned the possibility of offering new lawyers a free first year's membership in the Section.

E. Substantive Committee Reports.

1. Commercial Real Estate. No report.
2. Creditors Rights and Bankruptcy. No report.
3. Eminent Domain. Mr. Lollar reported briefly on the upcoming vote on the eminent domain constitutional amendment this November, and then updated the Board on the status of the public service pamphlet on eminent domain. He noted the brochure had been approved by the State Bar's Publications Department, but his Committee was now deferring its release until after the results of the constitutional amendment vote were known, so its impacts could also be addressed in the brochure. Once published, it will be available online and in libraries for free, and he hoped to persuade VDOT to use it as well. The cost of the brochure's production, even though originally provided for by the Section, will be borne instead by the VSB Publications Committee's budget. Lastly, Mr. Lollar also mentioned a legislative study commission that would be examining a range of issues in the Virginia Code relating to eminent domain.
4. Ethics. The Chair reminded the meeting that Ms. Pesner, State Bar Ethics Counsel Jim McCauley and he were working towards assembling a committee to craft a comprehensive legal ethics opinion updating what constitutes the unauthorized practice of law, with the intent being to submit the result to the Board of Governors, and then to the State Bar Council.
5. Land Use and Environmental. No report.
6. Residential Real Estate. No report.
7. Title Insurance. Mr. Wiley reported on that Virginia CLE would be sponsoring a CLE program this fall on title insurance and the real estate transaction.
8. Common Interest Communities. No Report.

F. Nominating Committee Report. Mr. Melnick advised that the Board of Governors terms of Messrs. Nusbaum and Cooper Youell were expiring June 30, and they were eligible for reappointment. He also added that there was an additional vacancy in their class of the Board which could be filled. And, of course, Section officers needed to be elected.

Mr. Melnick, on behalf of the Nominating Committee (comprised of Messrs. Melnick, Bellegarde, Hart and McElwain and Ms. Pesner), proposed Messrs. Nusbaum and Youell for their third and final consecutive terms as members of the Board of Governors and Whitney Levin for her first term as a member of the Board of Governors. Mr. Blaine then moved, Mr. Lollar seconded, and it was unanimously agreed to elect Messrs. Nusbaum and Youell and Ms. Levin to the Board of Governors for a 3 year term starting July 1, 2012 and ending June 30, 2015.

Mr. Melnick, again on behalf of the Nominating Committee, proposed a slate of officers for the Section with Mr. Hart as Chair, Mr. Nusbaum as Vice-Chair and Mr. Youell as Secretary-Treasurer. Mr. Glass then moved, Mr. Gordon seconded, and it was unanimously agreed to elect the proposed slate of officers for a 1 year term starting July 1, 2012 and ending June 30, 2013.

VII. Remarks on the Transition. Mr. Melnick thanked Mr. McElwain for his work with the Area Representatives survey and the roster, Mr. Bellegarde for his efforts to implement the SharePoint web portal and to implement the proposals from the law school liaison committee, and Messrs. Hart and Nusbaum for their efforts with respect to the Annual Seminar and the Annual Meeting CLE program. Mr. Hart thanked Mr. Melnick for his continuous hard work for the Section throughout the year, and presented him with the traditional plaque and gavel. Mr. Nusbaum, after questioning why gavels are typically presented to chairs only when their term is ending, rather than at its beginning (when they could then use the gavel throughout their term!), announced the establishment of a new tradition, and presented Mr. Hart with a gavel to use during the coming year.

VIII. Next Meeting and Announcements. The Chair invited all present to attend the Section's annual cocktails and dinner at 6 p.m. at Steinhilbers' Thalia Acres Inn. He also advised that the next meeting of the Real Property Section Board of Governors and Area Representatives would be held at 10 a.m. on Friday, September 7, 2012, in the offices of Virginia CLE in Charlottesville.

There being no further business, the Chair adjourned the meeting at 1:53 p.m.

Respectfully submitted,



William L. Nusbaum,  
Secretary/Treasurer

Approved:



Paul H. Melnick, Chair

**EXHIBITS:**

- 1 - Minutes of the Spring Meeting of the Board of Governors and Area Representatives, on March 2, 2012
- 2 - Budget and Expense Report through May 31, 2012
- 3 - Law School Liaison Committee Report

EXHIBIT 2

REAL PROPERTY LAW SECTION

REVENUE COLLECTED AS OF 5/31/12 \$ 46,765.00

	<u>FY 2012 BUDGET</u>	<u>MAY 2012 EXPENDITURES</u>	<u>FY 2012 Y-T-D EXPENDITURES</u>	<u>BALANCE REMAINING</u>
Travel & Subsistence	\$ 13,800.00	\$ 366.30	\$ 7,357.13	\$ 6,442.87
Printing	3,780.00	0.00	2,461.60	1,318.40
Communication	1,500.00	8.84	602.24	897.76
Other Operating Expenses	18,700.00	0.00	3,398.66	15,301.34
Total	<u>\$ 37,780.00</u>	<u>\$ 375.14</u>	<u>\$ 13,819.63</u>	<u>\$ 23,960.37</u>

REVENUE COLLECTED AS OF 6/30/11 \$ 47,370.25

**REAL PROPERTY SECTION LEDGER  
FISCAL YEAR 2012**

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MONTH	DESCRIPTION	AMOUNT	BALANCE
July	Beginning Balance		37,780.00
July	VITA conference call 6/3/11	8.80	37,771.20
July	VITA conference call 6/7/11	4.35	37,766.85
July	Holiday Inn-Room rental	26.25	37,740.60
	TOTAL FOR JULY	39.40	
August	Phat Times-web maintenance	195.00	37,545.60
	TOTAL FOR AUGUST	195.00	
September	Phat Times-web maintenance	25.00	37,520.60
September	Virginia CLE-lunch 9/9/11	179.43	37,341.17
	TOTAL FOR SEPTEMBER	204.43	
October	Paul H. Melnick	115.44	37,225.73
October	Randy C. Howard	80.48	37,145.25
October	Eric Vaughn Zimmerman	117.66	37,027.59
October	William L. Nusbaum	178.71	36,848.88
October	VITA conference call 9/6/11	5.27	36,843.61
October	VITA conference call 9/9/11	57.63	36,785.98
October	Phat Times	50.00	36,735.98
	TOTAL FOR OCTOBER	605.19	
December	Phat Times-web maintenance	25.00	36,710.98
December	VITA conference call 11/29/11	30.21	36,680.77
December	Phat Times-web maintenance	75.00	36,605.77
	TOTAL FOR DECEMBER	130.21	
January	Parker, McElwain & Jacobs, P.C.-postage	39.16	36,566.61
January	Marshall-Wythe School of Law Foundation	1,054.42	35,512.19
January	Felicia A. Burton-November 2011 issue	1,079.24	34,432.95
January	VITA conference call 12/20/11	8.88	34,424.07
January	Permit 709 postage-newsletter mailing 1/12/12	334.31	34,089.76
	TOTAL FOR JANUARY	2,516.01	
February	Larry J. McElwain	111.00	33,978.76
February	SMS postage for January	3.08	33,975.68
February	Whitney Jackson Levin	175.38	33,800.30
February	Joseph W. Richmond, Jr.	138.75	33,661.55

**REAL PROPERTY SECTION LEDGER  
FISCAL YEAR 2012**

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MONTH	DESCRIPTION	AMOUNT	BALANCE
February	Paula S. Caplinger	26.64	33,634.91
February	Eric Vaughn Zimmerman	195.36	33,439.55
February	Susan M. Pesner	172.05	33,267.50
February	William L. Nusbaum	49.95	33,217.55
February	Harry R. Purkey, Jr.	67.16	33,150.39
February	Christina E. Meier	54.39	33,096.00
February	Paul H. Melnick	1,758.44	31,337.56
February	VISA-Printing Services-November 2011	2,461.60	28,875.96
February	VITA conference call 1/20/12	42.34	28,833.62
	TOTAL FOR FEBRUARY	5,256.14	
March	Phat Times-web maintenance	220.00	28,613.62
March	Ronald D. Wiley	139.17	28,474.45
March	Virginia CLE-Seminar March 2-3, 2012	2,443.58	26,030.87
March	VITA conference call 2/15/12	21.63	26,009.24
	TOTAL FOR MARCH	2,824.38	
April	Larry J. McElwain	111.00	25,898.24
April	William L. Nusbaum	45.51	25,852.73
April	Susan M. Pesner	173.86	25,678.87
April	Susan Hepner Siegfried	97.68	25,581.19
April	Paula S. Caplinger	27.75	25,553.44
April	Whitney Jackson Levin	180.93	25,372.51
April	J. Page Williams	149.86	25,222.65
April	Stephen C. Gregory	456.21	24,766.44
April	Paul H. Melnick	343.19	24,423.25
April	Phat Times-web maintenance	50.00	24,373.25
April	VITA conference call 3/2/12	37.74	24,335.51
	TOTAL FOR APRIL	1,673.73	
May	Larry J. McElwain	133.20	24,202.31
May	Paul H. Melnick	233.10	23,969.21
May	VITA conference call 4/10/12	3.42	23,965.79
May	VITA conference call 4/17/12	5.42	23,960.37
	TOTAL FOR MAY	375.14	

# EXHIBIT 3

## REPORT OF THE REAL PROPERTY SECTION'S LAW SCHOOL LIAISON SUBCOMMITTEE

by Paul A. Bellegarde

The Law School Liaison Subcommittee capped off its inaugural year with a presentation at The George Mason University School of Law in April, which followed up a successful presentation at the University of Virginia Law School in November.

The subcommittee's overall goal is to foster relationships with the Commonwealth's Law Schools. As the current Chair of that committee, I have been functioning as the direct liaison between the Section and the various Law School Deans and/or Directors of Career Planning and/or Student Affairs.

Larry McElwain (co-Chair) and I got the ball rolling by forming a 3-person "pilot" panel of real-estate practitioners to present a "Day in the Life" presentation at the University of Virginia Law School on the opportunities available in real estate practice. This pilot panel consisted of Larry McElwain, Collison "Chip" Royer (from Charlottesville) and me, which composition we thought met our criterion of assembling practitioners from somewhat diverse backgrounds. Attendant to the panel's overall goal of providing students with real life insight related to the wide spectrum of opportunities available in today's real estate field, it was hoped that each practitioner would also intermingle into their respective presentations various war-story or other anecdotal experience relating to what new lawyers could expect to confront in the workplace (from all angles – big firm, small firm, clerkship, government, in-house, etc).

Our pilot presentation at the University of Virginia in November was extremely well-received – in this regard, our faculty contact there (Professor Alex Johnson) told us afterward that he "wished he had taped it" so that he could show it to future classes. Many thanks to Larry McElwain for arranging this presentation through Professor Johnson.

Our next presentation was at George Mason Law School in April, with a panel consisting of Larry McElwain, Mark Graybeal and me. We thought that Mark would be a nice "local" addition, as well as a "young" (not that Larry and I are old) voice that would resonate with the "student" crowd. In this regard, this panel's composition again met the goal of providing lawyers of varied experience levels, backgrounds and career paths, all of whom have undertaken various legal and entrepreneurial pursuits in the real estate field. This presentation was also successful, although (unlike at UVA, where we spoke to an actual real estate class) it was a voluntary attendance, offered at 5 pm on a Thursday evening.

### FUTURE PLANS:

The Subcommittee Member list that I have to date (provided to the *FEE SIMPLE*) is:

Chair - Paul Bellegarde  
Co-Chair - Larry J. McElwain  
Kay M. Creasman  
Kenneth L. Dickenson  
Mark W. Graybeal  
Charles M. Lollar  
J. Page Williams  
Charles Cooper Youell, IV  
Eric V. Zimmerman



Given that this was the subcommittee's inaugural year, I opted to spend most of the time engaging the various law schools personally, and feeling out the best way to proceed for future activities. Accordingly, we had no formal subcommittee meeting or conference calls, which procedure I expect to change in the upcoming year. Because Larry McElwain had the initial faculty contact at UVA, and took action to secure an invite, we went ahead with that panel in due course. We used a similar model for my contact at GMU, and I was hoping to do the same at W&M, but they thought the panel would best work in the Fall.

That said, I know that there are certain individuals on the subcommittee, or otherwise involved in the Section, who have expressed an interest in serving on a panel, or providing some other type of presentation. For example, Cooper Youell has volunteered to participate on the panel for Appalachian School of Law (since that is in his neck of the woods), and I am sure there are others who might have a similar geographic interest.

Here is a List of the 8 accredited Virginia Law Schools:

## **Virginia Law Schools**

**Appalachian School of Law**

**College of William and Mary**

**George Mason University**

**Liberty University School of Law**

**Regent University**

**University of Richmond**

**University of Virginia**

**Washington and Lee University**

I am in the process of securing invites and related dates from all of these institutions. The Fall appears to be a popular time for such presentations, as many students are still flexible with their own career plans, and still have the ability to register for particular classes if they develop an interest in real estate as a possible pursuit.

Naturally, anyone who wants to be involved with a particular presentation, or has a suggested for other related programs, should let me know. Because of the time constraints, it is best to limit the panels to three (3) members.

That is it for now.