

**MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS OF  
THE REAL PROPERTY SECTION OF THE VIRGINIA STATE BAR**

**Virginia Beach, Virginia  
June 18, 2010**

The Summer meeting of the Board of Governors of the Real Property Section of the Virginia State Bar, and Section Area Representatives, with section members and other attendees, was held at the Holiday Inn Sunspree, Skytop Room, Virginia Beach, Virginia on Friday, June 18, 2010, commencing at 12:35 a.m.

The following persons were in attendance in person: Joe Cochran (Chair), Paul Bellegarde (Vice-Chair), Paul Melnick (Sec/Treas), Paula Caplinger, William Nusbaum, Howard Gordon, Mark Graybeal, Nancy Kern, Barbara Goshorn, Steve Gregory, Randy Howard, Christina Meier, Philip Hart, Wayne Glass, Eugene McCullough, Rick Richmond, Joseph M. DuRant, Susan Pesner, Harry Purkey, Susan Walker.

There being a quorum present, after Joe Cochran called the meeting to order, Susan Pesner introduced Gene McCullah who is with Southern Title which is a subsidiary of ALPs insurance. Susan explained that a percentage of premiums collected goes toward CLE programs. It was explained that ALPs is re-examining ways of delivering information to members of the Virginia State Bar. Perhaps they could participate at the Annual or Advanced Real Estate Seminars on such subjects as what claims have been made, results of cases etc.

**Minutes of Last Meeting**

Joe Cochran with Paul Melnick presented the minutes of the February 26, 2010 meeting of the Real Property Section Board of Governors (in Williamsburg, VA). It was noted that a clerical error concerning a date was corrected and the bylaw discussion was “shrunk.” Also, Joe Cochran clarified that the March deadline was for the Fee Simple article topic and the April 9 deadline was for the actual articles. Upon motion duly made and seconded the minutes were unanimously approved as written.

**Financial Report**

Joe Cochran reported that through the end of May 2010 the remaining balance in the section account was \$23,239.86. This is down \$16,005.00. The amount of \$2,300 was spent for the Fee Simple. The printing and mailing of the Fee Simple has not been paid yet. The May Fee Simple was one of the largest issues—it will go out next week. It will be tight getting this expenditure out this fiscal year (ending June 30). We will need the bill for the Fee Simple as soon as possible to pay this fiscal year. The Section could have on hand \$5,000.00 to \$6,000.00 at the end of this fiscal year. Joe reiterated that all expenditures need to be put in for payment by June 30<sup>th</sup>. A general discussion ensued about what our Section can do with this surplus. Ideas were discussed such as purchasing CLE materials, or books. Joe Cochran stated that he would consult with Paul Bellegarde and within two weeks they will figure out what to do with the surplus. Whatever is decided, the Board will need to approve such purchase and then Dolly’s approval (from the Virginia State Bar) will need to be obtained. Susan Pesner moved that the Board gets to make the decision on purchasing resources between now and June 30<sup>th</sup> in their discretion and determine the disposition of such materials. This motion was seconded by Paula Caplinger and passed unanimously.

**New Area Representatives**

Susan Pesner nominated a new Area Representative: Rosalie Doggett who practices law in Norfolk Virginia with Samuel I. White, PC. This nomination was seconded by Paula Caplinger and it passed unanimously. Joe Cochran announced the resignation of Pam Sellers as Area Representative. She had to resign due to business and family obligations.

**Future Seminars and Recap of Past Seminar**

A. ANNUAL SEMINAR 2010 – Nancy Kern reported on the recent Annual Real Estate Seminar. She stated that Susan Pesner had presented the Ethics portion of the seminar in Lexington, VA. There were lots of complaints from people in Roanoke about moving the seminar to Lexington from Roanoke. Interestingly, there were no more attendees in Lexington than there have been in Roanoke. Videos of the seminar will be available in October and the portions about RESPA and Contracts are available presently. Nancy stated that the Annual Seminar in 2011 will have 3 locations and will be in May.

C. ADVANCED REAL ESTATE SEMINAR 2011 – Nancy Kern reported that the Advanced seminar will be held the first weekend in March, 2011. Topics for this seminar are needed no later than September 1.

D. WEBCASTS – Nancy Kern reported that 4 Webcasts will be occurring in July 2010. They have to do with mechanic’s lien law, Incorporation of Churches in Virginia, Commercial Real Estate Loans, and Foreclosure Title Issues.

**Unfinished Business**

A. BYLAWS REVISION – Joe Cochran gave a history of the Section bylaws project that has been ongoing since last year’s Section Annual Meeting. Bill Nusbaum made a motion to delete part of the second sentence Article III, Section 1 of the bylaws which part reads, “...no more than two (2) of which terms can or shall be served consecutively.” The sentence as amended

would read, "No person shall be eligible for election to the Board of Governors for more than three (3) full three (3) year terms on the Board of Governors." After the motion was duly seconded, a vote was taken and the motion passed unanimously. Joe thanked all those on the bylaws committee for their hard work on this project.

### **Chair's Report**

Joe Cochran reported on the accomplishments of his year as Chair of the Section. He stated that he wanted to focus on two accomplishments. The first was the lunch meetings around the state. This did help to raise awareness of our Section. In Roanoke and Harrisonburg especially, people were glad to receive the Section's attention. He talked to 150-160 people about our Section. Joe stated that SW Virginia still needs attention from the Section.

The next accomplishment grew out of a comment to Joe by Phil Hart about the Committee Chair tasks. What grew out of that was a listing of expectations for the committee chairs which included: quarterly meetings for committees which could be by conference call, provide or cause to be provided one article for each issue of the Fee Simple, provide a topic for a seminar, and act as a "sounding board" for practitioners for your area of practice. Deadlines were also set up for Fee Simple articles and seminar topics: Programs committee receives seminar topics from committees by September 1 of each year. Such topics should include ideas for speakers. Then the programs committee works with Nancy Kern to put the programs together. Concerning the Fee Simple, the deadline for the next issue will be August 15—what needs to be provided to the programs committee is an article idea which contains a probable author as well as a defined article.

### **New Business:**

Joe Cochran reported that our Section is ending the fiscal year with 2002 members. Joe noted that the litigation section is 1<sup>st</sup> with the number of members, and criminal law is 2<sup>nd</sup>. Our Section is 3<sup>rd</sup>. Joe reminded the committee chairs that article ideas for the Fee Simple need to be turned in to the Programs Committee by August 15, and the articles need to be submitted by October 15. It was announced that Cortland Travers' run with the Fee Simple committee has come to an end. Joe expressed his thanks to Cort for his work on the Fee Simple committee. This leaves a vacancy for the position of co-editor of the Fee Simple. Steve Gregory agreed to take on the job of co-editor to take Cort's place on the Fee Simple committee.

Joe next discussed the Section budget for next year. He stated that it was basically the same as last year: \$39,000.00 income is predicted. Joe noted that we brought in more than \$40,000.00 this year (see the budget handout which is attached hereto).

Next, the 2010-11 budget for the Section was discussed. The following changes were approved: Take \$300.00 from the Nat'l Legal Research Group (making that entry \$3,700.00) and add this to the Meeting Room Rental (making that entry \$350.00). The word "Annual" should be taken out of the entry making it read "Meeting Room Rental."

Joe will go back to Dolly with the amended budget.

Joe noted that the nominating committee this year was comprised of Paul Melnick, Paul Bellegarde, Randy Howard, and Joe Cochran. This year, Paul Melnick and Barbara Goshorn are finishing up their first three year term on the Board, and James McCauley is finishing up his 2<sup>nd</sup> three year term. The following persons were nominated for office: Paul Bellegarde for Chair, Paul Melnick for Vice-Chair, and Phil Hart for Secretary/Treasurer, and for the Board of Governors, Paul Melnick, Barbara Goshorn, and Christina Meier were nominated by the committee. After motion duly made and seconded the slate of nominations was accepted. The slate was then duly elected for the 2010-11 term.

Paul Bellegarde, the new Chair, then addressed the membership. He reiterated Joe Cochran's plans concerning the requirements of the committees. Joe Cochran confirmed that he will be an ex-officio member of the Board of Governors in the capacity of "Past Chair." Joe Cochran then announced the section dinner at Steinhilber's at 6:30 p.m. Paul Bellegarde then gave further remarks. He stated that he will work with and develop the deadline program that Joe put into place. He will also talk about possibilities involving Twitter at the Chair's meeting in September, and involving a "share point site" as a replacement for the current system.

The meeting was adjourned at 1:30 p.m.

Respectfully submitted,

Paul H. Melnick  
Secretary  
Real Property Section, Virginia State Bar