

REAL PROPERTY SECTION OF THE VIRGINIA STATE BAR

AGENDA FOR THE FALL MEETING
OF THE BOARD OF GOVERNORS AND
AREA REPRESENTATIVES

Friday, September 23, 2016, at 10:00 a.m.
Virginia Continuing Legal Education
105 Whitewood Road
Charlottesville, Virginia 22901

I. WELCOME AND ROLL CALL — Biggs

II. ADOPTION OF MINUTES — Summer Meeting of the BOG and Section held June 17, 2016 — Levin (*see Schedule 2*)

Ron – Jay Steele with UR – part time instructor for the course. Correct spelling of his name.

Motion –Kay

Second – Lori Schweller

Passed without objection

III. FINANCIAL REPORT — Biggs

A. Discussion re Ledger (*see Schedule 3.a to 3.d*)

Easy to read – glossed over before chairman

Net loss of 30 members so income down. Will ck with Dolly for those who no longer are members. Not really a big deal b/c last year has an excess of \$8500 back to the Bar. ... not a problem having an excess... funds go to Bar for reserve fund ... better to find a way to benefit RE section members.

3 d = 1791 membership

Sch 3 B – easy to look at summary

Ron Wiley = Sch 3 C – difference in amounts of projected – revenue = \$36,420.00 but expensed of \$34,420.00 Why is there a difference? Looks like we didn't budget all money we projected. Lewis – try to budget all money you project. ...

Send all reimbursements through Lewis until summer meeting.

B. Expense Vouchers

(*see W-9, voucher spreadsheet, and guidelines attached to email*)

Keep up with this. Send to Lewis. Have a state from W-9 as of March 2015. Not an IRS form W9 specific to the state.

IV. MEMBERSHIP COMMITTEE

A. Committee Report — Hart or Wiley (*no written report*)

Philip and Ron talked. Met with committee in May. Will co-sponsor First Day in Practice seminar. Landlord-tenant = Beth Godwin Jones; Commercial/residential also; need meeting this fall for speakers, etc. Ed Waugaman staffed table.

Reduced dues the first year.

CLE seminar discount for section members = had 105 for advanced; 146 for annual

Encouraged law students to attend = 4 attended in May 2016.

Contacting people who have dropped, by letter to encourage them to reconsider. Phillip will work with Dolly on this.

Update Members Handbook yearly, to be sent to all within next few weeks.

Ron -Law School liaison efforts:

- a. U R – strong relationship RE Transactions and Finance. Jay Steele took over last fall. Ron and Phillip doing it this fall.
- b. Don't have a network of identified people to take the other law schools as their "responsibility" to work with each law school. To let know about benefits and spring annual seminar.
 - a. Catherine Byler – Regent
 - b. Otherwise, let Ron know.
 - c. Sarah Petcher – George Mason Law School
 - d. Susan Siegfried – UVA
 - e. Cooper Yowell – Appalachain
 - f. Pam Fairchild – Georgetown
 - g. Otto Conrad – W & L
 - h. Rick Chess – Wm and Mary
 - i. Max Weigard – Liberty U.

Ron – quality of programs is a strong benefit for section members. Need to maintain good relations with VaCLE as Nancy retires.

B. New Area Representatives

— Michelle A. Rosati, Esq., Holland & Knight (Gregory)
-land use expert, been a member for a number of years,
wants to contribute to section more than just a member

— Maxwell H. Wiegard, Esq., Gentry Locke (Schweller)
-Spring with Land use meeting wanted to expand meeting
to Norhtern and SW

- a. Max Wiegard – in Roanoke – environmental focus;
land use, zoning, transactional work, Vice Chair of
VBA RE section, etc. – very involved
- b. – Past Chair of Environmental section of VBA. (?)
- c. Andrew A. Painter, Esq., Walsh Colucci – will do
presentation with Karen Cohen on Profer legislation.
Masters in Urban Planning. ... need passion and drive
to grow the group.

_ Garland Gray met Blake in the parking lot. Attending as a guest.
Just graduated from UR. Lives in Richmond.

Members of Board to make motions, second and vote . AR no vote.

Blake moved to appointe Michelle Rosati, Max

Ron seconded.

None opposed.

Can be on committee without being an area rep.

V. FEE SIMPLE — Gregory

A. Article Submission Deadline — **Friday, October 7, 2016**

B. Solicitation for article topics for future issues of The Fee Simple

A little light:

2 submitted, 1 confirmed

1. New BOI regulations – Kevin Pogoda
2. Lewis Rogers – second column on 1031 exchanges
3. Michelle Rosatti – on land use
4. Lewis Biggs – chairman’s message

C. Revisit discussion re caselaw summary — continue?

Issue – Pia can’t continue doing this. In the past she produced a summary for publication but not the last 2 years. In spring issue, a list of the bills and topic has been published, but not the summary as in the past. ... because we publish the list of bill maybe we don’t need a summary ... by fall statutes in effect for 6 mos. ... maybe not a problem if not published

- a. Pay someone to do it
- b. Purchase one from someone who does such a list – such as VBA
- c. Obtain short articles from members on changes that affect them; from committee affected by it – Steve likes this alternative

Lewis – other sections are having a similar problem. Not a lot of negative comment to have this missing. If we can buy it from VBA is it affordable. Depends on the cost and get in budget for the next fiscal year. Unless someone is going to take the initiative to do legwork on this, probably need to use choice “c”.

Otto - Va CLE information . (Lewis – can’t use VACLE until out of their economic cycle.) Otto always publishes case law update in the Fee Simple. Doesn’t understand the problem.

Blake says it can be done. Sara Petchner –NVAR does a summary, just sent an email with a summary of laws, published before July every year. VAR may do the same thing.

Kay – non exclusive agreement with materials with VACLE.

Lewis - need more homework – conf call: Steve, Otto, Sarah, Blake, etc. deal with it outside this meeting.

D. Committee Report (see Schedule 5) – from July 2016

Minutes of Board meeting – need to be added to the Fee Simple. Maybe not committee reports. May be more relevant. Phillip Hart – don't need to publish full minutes, but a summary of actions taken, bulleted form. Effective way to communicate. Secretary to submit.

VI. PROGRAMS

A. Plug for lunch planning meeting — Caplinger or Hegeman

B. Dates and locations for Advanced Real Estate Seminar and Annual Real Estate Practice Seminary — Caplinger or Hegeman

C. Discussion re 2017 Summer Meeting CLEs — Biggs (lead-in) and Creasman (*see Schedule 6*)

- a. Last few years – cross disciplinary focus – Bankruptcy section, etc. Format changed, so Bar consolidated into showcase seminars. Some problem with this b/c not really RE oriented. This year is a hybrid. All CLES will happen on Friday. Morning large & pm large 3 hr CLE – also 4 slots of 1.5 hr Two in morning and two in the afternoon.
- b. If we come up with a topic we may get a 1.5 hr slot. Not heavily attended. ... don't do it for 30 people in the summer. ... better topics for RE people than in the past... cybersecurity, staffing issues, etc. already proposed. ...
- c. Rick – pay for the Fee Simple in each bag at annual summer meeting.
- d. Eric Z. – don't worry about the summer meeting. ... if another section approaches us, consider it. We do so much already, don't spread ourselves too thin.
- e. Lewis – focus on existing
- f. Whitney – corporate counsel and environmental. Lot of work.
- g. Blake – E signatures;
- h. Ron - something at summer meeting that make it beneficial to attend. ... if not our custom topic, press topics most germane to our section.

VII. UNFINISHED BUSINESS

- A. Annual Report of the Section — Biggs
(*see Schedule 7.a*)

Attached – no discussion

- B. Judicial liaison — Biggs
(*see Schedule 7.b*)

Hasn't been able to appoint someone yet. Justice Rouch did it for 17 years.
Too busy now.

Susan = Jan Brody /Fairfax County – was a land use atty - want them to come to the meetings, or at least by phone, comment ... way to connect with attorneys and have an impact... our section purpose is to better the practice for the benefit of the public, to be more effective attorneys. Keep in touch with their practice.

Page Wms. – Judge Delk (appointed by Doug)

Paula – Judge Scott Stein – was a RE attorney Newport News

Steve G. – Stan Kline

- C. VBA Report on Third Party Opinion Practice in VA— Biggs

- Close to final form, not yet published, but expect it done by the end of 2016. Good for commercial RE finance.

VIII. NEW BUSINESS

- A. Honorary Joint Resolution — Caplinger
Motion and resolution for approval of Bd of Gov. and Area Reps [text of the resolution for Nancy] ...

Moved – Doug Dewing

Seconded – Barbara Goshorn (and many others)

[note – edit dates]

- B. Draft Roster — **Need updates/corrections, including full contact info for new ARs by Friday, October 7, 2016** — Biggs (*see Schedule 8.a*)**

Lewis – Updated & email changes to Lewis.

- C. Other Committee Reports (*see written reports attached at Schedule 8.b*):

1. Technology' — Graybeal (no written report)
2. Commercial Real Estate — Chess (no written report)

Report attached.

Great number of ideas for topics -

3. Common Interest Community — Moss (Jeremy)

Want to expand the membership.

Want to be clearing house for substantive law on this topic.

Considering putting together a pamphlet for consumers, easy to read, highlight things consumer should be looking for. Need help/info with process on how to get the pamphlet approved. In response to wash post article. Lewis will talk to him.

4. Creditor's Rights and Bankruptcy — Biggs

In packet. Added Pete Zamanian to the committee.

5. Eminent Domain — Loller (*no written report*)

6. Ethics — Waguman (*no written report*)

7. Land Use and Environmental — Schweller

June 2015 SCt case on signs, RE tax issues (Saddlebrook Estates case), gas pipeline , etc.

8. Residential Real Estate — Meier or Walker

Report filed, more Q -

9. Title Insurance — Creasman

Virginia Winery Law (advanced) was endorsed as a great topic

Water and riparian rights was suggested by Ken Dickenson with Lisa Tully as a possible presenter (annual).

Tara recommended a discussion of escrow closing letters in commercial transactions, coupled with title underwriter closing protection letters. (advanced)
A discussion between a commercial real estate practitioner, and a title industry commercial underwriter was suggested. Several presenters were suggested.

Lender instructions in residential transactions and the power to mark them up (advanced pull out section, or annual)

Condominiums and HOAs, where we are now, with a section on HOA foreclosures.

C. Items from the Floor

VBA – Ben Leigh – VBA seminar on Rising Water, Dam safety regulations, Va Code commission for title 55 to be recodified. Just started. Went through rental conveyances chapters. Email Ben will any questions. Will take 18 months.

IX. NEXT MEETING — The winter meeting will be held in Williamsburg on **Friday, Jan. 20, 2017** to coincide with the 127th Annual Meeting of the VBA. Our meeting time and place are still TBD, but will likely be at 1:00 P.M. at the Williamsburg Lodge.

X. ADJOURNMENT - 11:40 p.m.