

**MINUTES**

**CBA Real Estate Law Section Council**  
**Date: Tuesday, March 19, 2024 – 4:00 p.m.**

**Colorado Bar Association**  
1290 Broadway, Ste. 1700  
Denver, Colorado 80203

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**Call to Order**

Mr. Jim Meseck called the meeting to order at 4:02 p.m.

**1. Introductions**

- a. Ms. Catherine Chan and Mr. Dan Sweetser said they are happy to help as needed and are still transitioning through the change in leadership with the broader CBA.

**2. Approval of February Minutes**

- a. Ms. Lyndsey O’Connell made a motion to approve the minutes, which was seconded by Ms. Jordan Bunch. It was unanimously approved.

**3. Financial Report (\$40,600.16 as of February 29, 2024)**

- a. Mr. Zak Kessler provided the financial report. Ms. O’Connell asked when dues are to be collected, and Ms. Jess Ham explained that most dues are paid between April and November.

**4. Chair’s Report .....Jim Meseck**

- a. Happy Hour after the meeting — here in the Bar Association Offices. All are welcome!
- b. April Meeting – Wee Casa, Lyons, CO - April 25-27, 2024 (<https://weecasa.com/>)
  - i. Mr. Jim Meseck said that details about this meeting and all the activities will be coming from Ms. Ham soon.
- c. DU Conference – Private Property and the Police Power, April 4-5, 2024
  - i. Mr. Meseck explained that this has been approved for 11 general CLE Credits. A Discounted Registration fee is available to Section Council Members. All are encouraged to attend.
- d. CBA Leadership Update

- i. Mr. Sweetser explained that there is a Bar Association Board of Governors Meeting next week. We should all expect more information on the leadership transition after that.
- e. Oil and Gas, Water & Natural Resources Taskforce
  - i. Ms. Amy Mowry resigned as Chair of the Taskforce. Ms. Michelle DeVoe has volunteered to serve as the next Chair.
    - 1. Mr. Meseck appointed Ms. DeVoe to the role. Mr. Meseck thanked Ms. Mowry for her many contributions. He is personally and professionally grateful for the opportunity to know and serve with Ms. Mowry. Ms. DeVoe stated that she is excited to take up the role.
- f. Willis Carpenter Award Nominations Announcement: <https://cobar.informz.net/informzdataservice/onlineversion/ind/bWFpbGluZ2luc3RhbmNlaWQ9NDEzMjk1NSZzdWJzY3JpYmVyaWQ9Mzc3OTEzNjcz>
  - i. Mr. Meseck reminded everyone to please submit nominations by the deadline and to use their own judgment in submitting nominations. Mr. Andy Toft is thinking of nominating someone who may not be an active CBA member. Ms. Ham will work on determining whether someone is still a member due to prior active status. Ms. Amy Brimah thanked many Section Council Members for already submitting nominations. She will work with Mr. Toft to get the answer about his specific intended candidate.
- g. Real Estate Section Council Nominations Announcement: <https://cobar.informz.net/informzdataservice/onlineversion/ind/bWFpbGluZ2luc3RhbmNlaWQ9NDEzMjEzNiZzdWJzY3JpYmVyaWQ9Mzc3OTEzNjcz>
  - i. Mr. Meseck explained that nominations are due soon. The Nominating Committee needs to review them by April 1<sup>st</sup>. Ms. Ham will soon send the applications that she has so far to the Nominating Committee.
- h. Possible *Amicus* opportunity – *Sweet v. Dodson*
  - i. Ms. Reagan Larkin explained that this case is a unique question about whether filing a *lis pendens* constitutes an abuse of process. The petition for *Cert.* is awaiting a decision at the Colorado Supreme Court. Mr. Toft explained that the Sweets tried the case at District Court *pro se*. Mr. Meseck indicated that without the *Cert.* being granted there is too much else for the Section Council to focus on for us to weigh in at this stage of the litigation. Ms. O’Connell thinks that she shares Ms. Larkin’s concerns about the implications of the Appeals Court decision, but it appears that we simply have to wait to see if *Cert.* is granted and for what issues in order to evaluate whether this case is appropriate for the Section Council to file an *Amicus* brief.

**5. Action Items:**

a. 2025-2026 Potential Dues Increase.....Angie Schmitz

i. Ms. Angie Schmitz explained that dues are currently \$35 per member. If we are to increase dues in a year, we have to do it prior to April 2025. We are only one of three sections at this amount, which is the highest anyone is charging. She noted that all the expenses of the Section are basically fixed, except for charitable donations that we have made the past two years and overall expenditures for the Spring meeting. Ms. O’Connell stated that she believes that supporting charitable causes only demonstrates our commitment to those in need, contrary to certain legislator’s perceptions. Ms. Carolin Topelson would look at changing from charging for the monthly CLEs to an increase in dues again. Ms. Ham indicated that this may be a possibility.

b. DORA Sunset Review – Volunteer Opportunity.....Jim Meseck/Adam Aldrich

i. Mr. Adam Aldrich explained that DORA reached out asking for volunteers to help them in their process that reviews sunseting programs. He asked that people contact him if interested.

**6. Legislative Matters.....Adam Aldrich, Tyler Mounsey**

i. General Update

1. Mr. Tyler Mounsey indicated that the legislature is slowing for the budget portion of the session. There are two HOA bills that appear to conflict with each other, and he is trying to determine how they will proceed. Mr. Mounsey explained that Ms. Melinda Pasquini’s work on the middle-income tax credit appears to be moving forward, which is something that we supported, and he thanked her. There has been no significant change in terms of relationships with some members of the legislature that have been hostile to our input. Mr. Damian Cox indicated that CAR’s monitor position on H24B-1098 appears to have been forced by the Governor’s amendments that were approved by the legislature. Mr. Mounsey was unable to get the Governor’s office to listen to our concerns with respect to HB24-1098.

**7. In the News.....Jim Meseck**

a. Mr. Meseck recommended that the Section Council Members review the articles.

i. New Guidance on the CTA – Herrick K. Lidstone Jr.

ii. Denver’s opening 60 tiny homes on Santa Fe Drive...:  
<https://denverite.com/2024/03/11/denver-overland-microcommunity-homeless-resident-concerns-safety/>

- iii. A New California City Stories
  - 1. A Silicon Valley billionaire-backed campaign for a new Bay Area city is off to a bumpy start. Again: <https://www.mercurynews.com/2024/03/01/a-billionaire-backed-campaign-for-a-new-california-city-is-off-to-a-bumpy-start-again/>
  - 2. Billionaire Backers of New California City Seek Voter Approval After Stealthily Snapping up Farmland: <https://www.usnews.com/news/business/articles/2024-01-17/billionaire-backers-of-new-california-city-reveal-map-details-of-proposed-development>
- iv. New Bill in Congress Targets Real Estate Investors – Here’s Why This Could Be a Big Problem: <https://www.biggerpockets.com/blog/how-the-affordable-housing-and-homeownership-protection-act-will-impact-investors>
- v. Realtors Reach Settlement That Will Change How Americans Buy and Sell Homes – WSJ
- vi. A Look Into the Future of Home Buyers’ Agent Commissions - WSJ

## REPORTS AND INFORMATIONAL ITEMS

- 8. **Interprofessional Committee** *Reagan Larkin, Lyndsey O’Connell*
  - a. Ms. Larkin indicated that they have a meeting next week and will have an update at our next meeting.
- 9. **Education/CLE Committee** *Joan Fritsche, Miro Kovacevic, Carolin Topelson*
  - a. Ms. Joan Fritsche indicated that the new format of the Spring Update was very well received and well attended. The speakers were not from known parts of the Real Estate Section, which was nice to see. Ms. Topelson indicated that the Fall Update is probably going to address affordable housing and will be in early-to-mid November.
- 10. **Education/Topical Lunches Committee** *Deanne Stodden, John Koechel, Jordan Bunch*
  - a. Ms. Deanne Stodden has a primer on leases for April geared towards younger lawyers. The committee is always looking for new topics.
- 11. **Communications Committee** *Joan Fritsche, Josh McMahon, Michelle DeVoe*
  - a. Mr. Josh McMahon renewed the call for additional content for the April Newsletter. Ms. Fritsche noted that it typically focuses on the Symposium. The Committee is waiting for some finalized information on the Real Estate Symposium before publishing the Newsletter. It should go out in early April.

- 12. Publications Committee** Steve Nagy, Reagan Larkin, Josh McMahon, Eric Snyder
- a. Mr. Steve Nagy indicated that there was no major update other than the report included with the agenda. Ms. Topelson asked if the legislative update article can meet the proposed timeline with the legislative calendar. Mr. Nagy indicated that he thought the timeline was best kept after the session and that they think they will make the publication deadline.
- 13. Community Service/Charitable Committee** John Koechel, Lisa Connolly, Jordan Bunch
- a. Mr. John Koechel explained that he has a meeting with the Colorado Village Collaborative that has created the 60 tiny homes off Santa Fe Drive. He will look into what types of involvement might make sense for participation by the Section. The Committee has not finalized anything with the Symposium for Habitat or another charitable organization.
- 14. Affordable Housing Committee** Melinda Pasquini, Erin Clark, Alex Gano, Carolin Topelson, Lyndsey O’Connell, Brianna Dowling, Amy Brimah
- a. Ms. Pasquini indicated that they are only working on legislation at present. She explained that that the non-Section Council members of the Committee have helped to somewhat expand their ability to reach other constituent groups to foster relationships, but this outreach has only had a minimal impact on legislation so far.
- 15. Membership and Practice Development Committee** Steve Nagy, Miro Kovacevic, Michelle DeVoe, Lisa Connolly
- a. Mr. Nagy indicated that he will present on the benefits of membership in the Real Estate Section during the Willis Carpenter Real Estate Practice class today. The new member update email is live and going out to new members through Ms. Ham’s system.
- 16. Landlord/Tenant Task Force** Deanne Stodden, Lyndsey O’Connell, Reagan Larkin, Carolin Topelson, Erin Clark
- a. No Update.
- 17. CCIOA Task Force** Joey Lubinski, Miro Kovacevic, Steve Nagy, Josh McMahon, Susanne Leff, Justin Nyberg
- a. No Update.
- 18. CBA Trust and Estate Section** Chad Rounds
- a. Mr. Chad Rounds indicated that the Trusts and Estates Section is looking for deeds that are signed by an agent under a power of attorney to include as samples in the green book. He asked Council Members to please send examples to him. Ms. O’Connell offered to send him one. Mr. Geoff Anderson also pointed out the Colorado Real Estate

Commission approved deed forms. That Section also elected not to raise their dues from \$30 to \$35 this year.

19. **CBA Ethics Committee Liaison** Kate Strauss
  - a. No Update.
20. **CBA Tax Section** Tyler Murray
  - a. No Update.
21. **CBA Cannabis Law Committee Liaison** Alyson Jaen
  - a. No Update.
22. **CBA Forms Committee** Nicole Nies
  - a. No Update.
23. **Colorado Association of Realtors (CAR):** Damian Cox
  - a. Mr. Cox indicated that there is no update here other than they are working on their budget and monitoring legislation.
24. **CBA Business Section** Andy Toft
  - a. Mr. Toft indicated that the Business Law Section is having issues getting Section Council Members to apply for the next leadership class. Mr. Meseck indicated that we are short in terms of applicants at this point compared to last year, and he encouraged current Section Council Members to get their peers to apply.
25. **Board of Governors** Amy Brimah
  - a. Ms. Amy Brimah will have a report in April on next week's meeting.
26. **CBA Title Standards** Catherine Hance, Geoff Anderson, Adam Hirsch
  - a. Ms. Catherine Hance indicated that they do not have anything to present to us yet based upon what they are working on.
27. **Oil and Gas, Water & Natural Resources Taskforce** Michelle DeVoe, Jordan Bunch, John Koechel, Marjorie Sant, Zac Grey
  - a. Ms. DeVoe indicated that she will try and put a meeting together with the Taskforce this month.
28. **Special Districts Taskforce** Joan Fritsche, Lisa Connolly, John Koechel, Doug Tueller

- a. Ms. Lisa Connolly explained that there is no other update beyond what was contained in Ms. Fritsche's report attached to the Agenda.

**29. Records Redaction Taskforce**      Holly Ryan, Lisa Connolly, Reagan Larkin, Michelle DeVoe, Chuck Calvin

- a. Ms. Holly Ryan explained that they did not meet this month, so there is no update.

**30. CBA Young Lawyers Division**      Dani Kaise

- a. No Update.

**31. Regional Membership Liaison**      Doug Tueller

- a. No Update.

**INACTIVE**

**32. Eminent Domain**      Steve Nagy, Miro Kovacevic, Jody Alderman

**33. Diversity and Inclusionary Liaison**      Eric Nesbit

**34. Access to Justice Liaison**      Andy Toft

**NEW MATTERS**

**ADJOURN**

Mr. Meseck adjourned the meeting at 5:51 p.m.

**Real Estate Section Council  
Meeting Schedule  
for 2023-2024**

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August 15, 2023  
September 19, 2023  
October 17, 2023  
November 21, 2023  
December 7, 2023\*  
January 16, 2024  
February 20, 2024  
March 19, 2024  
April 25-27, 2024\*\*  
May 21, 2024  
June 18, 2024

\*Annual Holiday Party, No Meeting.

\*\*Real Estate Council offsite meeting April 2024.



**ATTENDANCE ROSTER**  
Real Estate Law Section Council  
**March 19, 2024**  
COLORADO BAR ASSOCIATION

In-Person/Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
<b>Officers:</b>			
James M. Meseck – Chair	X		
Angie Schmitz – Vice Chair	X		
Zakary A. Kessler - Secretary	X		
Adam Aldrich – Legislative Policy Officer	X		
Amy Brimah – Board of Governors Representative, Immediate Past Chair	X		
<b>Members:</b>			
Steve Nagy (2024)	X		
Reagan Larkin (2024)	X		
Deanne Stodden (2024)	X		
Joan Fritsche (2024)	X		
Lyndsey O’Connell (2025)	X		
John Koechel (2025)	X		
Michelle DeVoe (2025)	X		
Miro Kovacevic (2025)	X		
Carolin Topelson (2026)	X		
Lisa Connolly (2026)	X		
Jordan Bunch (2026)	X		
Josh McMahon (2026)	X		
<b>Committees / Liaisons:</b>			
Melinda Pasquini – Affordable Housing Committee Chair	X		
Chad Rounds – Trusts and Estate Liaison	X		
Damian Cox –CAR Liaison	X		
Danielle Kaiser – YLD Liaison			X
Tyler Murray – Tax Section Liaison		X	
Alyson Jaen – Cannabis Liaison		X	
Nicole Nies – CBA Forms Committee Liaison	X		
Catherine Hance –RE Title Standards Committee	X		
Doug Tueller – Regional Liaison		X	
Andrew Toft – Access to Justice Liaison/Business Section	X		
Kate Strauss- Ethics Committee Liaison			X
Eric Nesbitt- Diversity Liaison/Inclusion Taskforce Chair		X	
Justin Nyberg – CCIOA Task Force			X
Holly Ryan	X		
Cindi Stovall – Uniform Restrictions in Land Records Act		X	

<b>Staff &amp; Guests:</b>			
Jess Ham, CBA	X		
Eric Snyder	X		
Jean Arnold	X		
Catherine Chan, CBA	X		
Tyler Mounsey	X		
Dan Sweetser	X		
Joey Lubinski	X		
Geoff Anderson	X		
Seth Holly	X		
Ron Jung	X		