

MCBA REAL ESTATE SECTION COUNCIL MEETING  
NOVEMBER 16, 2010 MEETING MINUTES

LOCATION: Monroe County Bar Association

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ATTENDANCE: Paul Berndt (Chair), Josephine Carra, Maureen Garvey, Jose Butler, Peter Bryant, Thomas Soloman, Lou Morin, George Schell, Steve Pheterson, and Seth Weinstein (Secretary).

EXCUSED: Kevin Hoyt (Vice Chair), Louise Spinelli (MCBA Liaison)

The meeting was called to order by Chairman, Paul Berndt.

I. Old Business

A. October minutes circulated for approval.

- Butler: Why revisit survey standards? Because they are antiquated and it is a good idea to revisit these in connection with work council is doing to update title standards.

Carra: Motions to approve. Pheterson: 2<sup>nd</sup>

Motion passes – None opposed.

II. Current Business

A. CLE Update.

- Weinstein reports insurance CLE went well.

- Title CLE on Thursday.

- Holiday Meeting on Wednesday, December 8, 2010 to discuss fence issues/survey standards and to propose amendment to By-Laws.

- Berndt: Jill Myers will be at MCBA meeting in December for RHBA Contract and agreed to do CLE. Woods Oviatt will also present.

B. Revision to Suggested Title Standards tabled to next meeting as Hoyt is absent and was to provide update.

C. Website Update.

- Tabled for next meeting for Louise Spinelli to give update.

- Berndt will follow-up with Louise and Jill Myers regarding forms to publish.

- Garvey: Should we put legislative update and other info on website?

- Schell: Website should explain Section function and how one can get involved?

- Berndt: Will ask Louise to put By-Laws/Purpose on website.

- Garvey: Volunteered as point person for website.

D. UPL Update. Continuing work in progress per Garvey/Schell.

III. New Business.

A. Revisions to Condo/HOA Contract.

- Morin presents changes to Condo/HOA contract. Updates circulated for review.
- General discussion amongst Board Members regarding contract changes.
- Schell: Buyer should get notice of Special Assessments post-contract, but not have right to cancel.
- Motion to approve forms: Schell 2<sup>nd</sup>: Pheterson
- Weinstein: Move to amend for Buyer to have notice of post-contract assessments.
- Following language to be added to paragraph 1.D: "Seller shall provide Buyer with prompt written notice of any Post-Contract Assessment prior to closing."
- 2<sup>nd</sup>: Butler
- Abstain: Soloman
- Motion passes, as amended.

B. Sales Tax on Abstracts.

- Berndt: E-mail from Mike Miller regarding sales tax discussed. Council decides that it should not give a legal opinion on issue.

C. Pure Waters assessments added to the County tax bills – Guaranty Issue

What happens when water, municipal charges, taxes are missed and not guaranteed? Or pure waters comes up after closing due to usage before closing?

Meeting adjourned.

Next meeting is scheduled for January 18, 2011 at the Monroe County Bar Association. Maureen Garvey to provide lunch. There is no council meeting in December.

Respectfully submitted,  
Seth A. Weinstein, Secretary