

Executive Committee, Real Property Section
Meeting Minutes – Tuesday April 10, 2012

In attendance: Chair, Brad Begelman; Vice Chair, Rick Vanderslice; Secretary, Steven Rothberg; Treasurer, Judy Berkman; Kevin Dunleavy; Al Fuscaldo; Rachel Gallegos; Rachel Friedman; Cheryl Gaston; Susan Healy (via phone); Kathy Keiser; Stefanie Seldin; Wally Zimolong; Eileen Quigley; Markita Morris; Jill Jenkins.

Chairperson Begelman called the meeting to order.

Minutes from the March 13, 2012 meeting were approved.

Chairman Discussion:

1. HEMAP Resolution was approved by Board of Governors. Judy Berkman presented the Resolution to the Board of Governors.

2. Pro Bono: Chris Paul picked up an emergency matter that came up with VIP this month. Each member of the committee must handle one deed issue this year.

3. Mortgage Foreclosure Diversion Program: Rachael Gallegos asked for the Board's assistance in differentiating between a residential foreclosure and a commercial foreclosure. Wally Zimolong will produce a letter explaining the differences between the two types of foreclosures. Brad also asked that a request for input be placed on the listserv. There was discussion about commercial foreclosures. Comments were made about a 6 month time frame being adequate for commercial foreclosures, since filing the foreclosure action was a last resort after all attempts to work things out have failed, so long as a party could move for extraordinary relief to request more time if appropriate for a particular case. Also, there was an idea to add to the CMO that a party to a commercial foreclosure should be able to request a case management conference.

Rick Vanderslice asked for approval of a motion by the Board to draft a resolution stating that Commercial Foreclosures should be placed on a different track than Residential cases. The Motion was unanimously passed by the Board.

4. PA Bill 1602: Mechanic's lien bill providing for a prohibition for subcontractors filing a Mechanic's lien against an owner occupied single family dwelling where the General Contractor has been paid in full. The House has passed the Bill. Rick will contact our lobbyist to see if the Bill is expected to go anywhere in the Senate, and there will be further discussion. Wally Zimolong was opposed to the Bill. There was a discussion on its merits and problems.

Committee Reports:

Zoning: Cheryl Gaston: There will be a Zoning Seminar on June 4, 2011. There will also be a seminar at the Bench Bar Conference. Comments were made on the Zoning Regulations and ZAM-Zoning Administrative Code. The Committee will be submitting written comments on the ZAM before our next meeting. Cheryl would like us to approve of the comments.

Website: Markita Morris reported that we now have 92 members signed up on Linked In.

Legislative: Rick has nothing to Report.

CLE: Judy Berkman reported that there would be a CLE on the Conservatorship Law. They are also planning a CLE on Quiet Title and Fraudulent Conveyance.

Sustainable Land Use: No Report

Social: Rachel Friedman/Rachael Gallegos reported that the location of the Spring Happy Hour will be at the Mexican Post. May 23, 2012. The cost will be \$35 members/\$45 non-members. The Notices will be sent out and a map will be included with the location of the restaurant.

Affordable Housing: There is an effort to restore funding for the HEMAP program (e.g. the Bar Assoc resolution adopted in March). Regarding the Fraudulent Conveyance Task Force activities, we held housing resource workshop for City Council members and their staffs in March. There is also a subcommittee working on notary and other legislative reforms to reduce fraudulent conveyances. There is also a group working with Judge Moss, to establish Court procedures for Quiet Title cases (which includes fraudulent conveyances), using Judges Pro tem, since many of the cases involve pro se litigants.

Vacant Property Working Group: Judy Berkman commented that a final draft of the City's regulations were presented but that there is no opportunity for further comments. This issue will be taken off the agenda until there is something else to report.

Conservatorship Working Group: Judy Berkman and Stefanie Seldin have been working with a committee set up by the City to convert properties for conservatorship. Unfortunately, the city would not remove existing liens on blighted properties, so they are forced to select only properties not so heavily encumbered by City tax liens. Judy is working on a CLE to discuss the process of bringing a successful case in Philadelphia.

Pro Bono: VIP continues to provide problem deeds to the Board for handling.

Construction Law: Wally reported on the Mechanic's Lien law that passed the PA Assembly. (See above under Chairman Discussion)

Old Business:

Habitat For Humanity: Steve Rothberg reported that there will be a build date on June 27, 2012. We need 10 volunteers.

Civil Gideon: Stefanie Seldin reported that there are some measures taking place in landlord tenant court to make the process more equitable. There will be a Helpdesk, and a Helpline to help litigants.

New Business

Jason Sieminski reported that the Zoning Process is being delayed by the requirement of a stamp from the City Surveyor. The stamps can take as long as 5 weeks. The Board may consider a resolution.

NEXT MEETING: May 8, 2012.