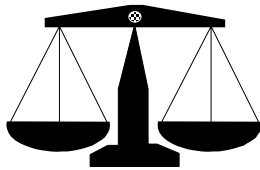


REAL PROPERTY SECTION NEWS

Utah State Bar Real Property Section

April 2003

Blake T. Heiner, Chairperson (801) 536-324
Paul M. King, Vice Chairperson (801) 272-7556
Wallace O. Felsted, Secretary (801) 321-4841
Bryan B. Todd, Treasurer (801) 532-1234



Letter from the Chair

Dear Real Property Section Members:

As I reflect upon my four years of participation in the leadership of the Real Property Section, several things about the section stand out in my mind.

First, I continue to be impressed by the level of participation of the members of the section. Not only is the Real Property Section one of the largest in the Bar, but the monthly luncheons continue to draw large crowds. As you know, these monthly luncheons are not only a very convenient vehicle for important and informative information, but also provide a painless way to accumulate required CLE hours.

Perhaps more importantly, I am also impressed with the willingness of the section members to share their knowledge and experience through their participation in monthly CLE luncheons as well as presentations at Bar mid-year and annual meetings. This speaks to the character of the section members as well as their interest in raising

the knowledge level of the Bar generally. I recall one of the first tasks assigned to me as Treasurer of the section was to secure speakers for the New Lawyer CLE workshop. I was pleasantly surprised when each of the section members I contacted expressed their willingness to not only make a presentation, but also to make the presentation at an evening session, giving up their precious personal time to do so. My sincere thanks go out to those of you who have given of your time and expertise to make these programs meaningful.

I would also like to thank the able officers with whom I have had the pleasure to serve over the past four years: Diane Banks, Read Hellewell, and Larry Moore; and the current officers: Paul King, Wally Felsted, and Bryan Todd. I believe the section membership can have a sense of confidence in their abilities to continue to lead the section in positive directions.

Which brings us to the issue of the election of a new Treasurer. At our Annual Meeting on April 17, we will select a new Treasurer, who will begin a fun and enlightening four year journey of meeting many colleagues and interacting with many attorneys that he or she may never have anticipated before.

At our annual meeting, we will also present the annual Practitioner of the Year award. Past recipients of this award include Denis Morrill, George Melling, David Gee and Harry McCoy.

Please make your nominations for Treasurer and annual Practitioner of the Year on the attached forms. They may be returned to any of the section officers.

In addition to these business matters, Bryan Todd, the current section Treasurer, has put together what promises to be an interesting and informative program, which includes the traditional case and legislative updates as well as a panel discussion about the Residential Lien Recovery Act. And for the first time, the meeting will include lunch. We invite you all to attend what should be a great meeting.

Thank you all for your support and I look forward to seeing you at the Annual Meeting on April 17.

Blake T. Heiner

Section Annual Meeting

At the Real Property Section annual meeting on April 17, 2003, the Section will make an award to the Distinguished Real Property Practitioner for 2002. This award was initiated in 1998 and promises throughout the years to honor the many fine real property lawyers who have contributed to the development of the practice of real property law in the state of Utah. We encourage you to take the time to nominate someone you believe has made significant contributions. Please submit all nominations by April 15, 2003 (tax day) in writing on the attached form. Nominations can be submitted to any of the section officers.

The Section will also elect a new Treasurer at the annual Meeting on April 17, 2003. That person will serve as Treasurer for 2003-2004 and serve in successive years as Secretary, Vice Chair and

eventually Chair. Please give serious thought to nominations for this position. Again, nominations can be made by submitting a name to any section officer before April 15, 2003.

The Section meeting will include the usual legislative update, and case law updates from Chief Justice Durham and Judge Orme. Clair Jaussi, Tony Patterson and Dana Farmer will present a panel discussion about the Residential Lien Recovery Act, and Billy Walker from the Office of Bar Counsel will discuss ethics and attorney discipline.

Scheduled Meetings

You may want to put the upcoming section meeting dates on your calendar.

DATE	TOPIC
April 17	Annual Section Meeting and Luncheon (Utah Law & Justice Center)
May 15	Monthly meeting
June 19	Monthly meeting
July 16-19	State Bar Annual Meeting Sun Valley, Idaho

Section Bylaws

The following are the current Bylaws for the Real Property Section:

UTAH STATE BAR REAL PROPERTY SECTION BYLAWS

ARTICLE 1 ORGANIZATION

1.1 Creation. The Real Property Section (hereinafter "Section") was established pursuant to the Bylaws of the Utah State Bar (sometimes referred to as the "Bar") to accomplish the purposes set forth therein.

1.2 Purpose. The purpose of the Section shall be to assist its members and all interested members of the Bar:

- a. By providing high quality continuing legal education ("CLE") opportunities which will satisfy all of the Utah State Bar Mandatory Continuing Legal Education requirements;
- b. By sponsoring periodic CLE luncheons with topics selected by Section officers (after considering input from Section members);
- c. By holding an annual Section meeting (typically a half-day seminar with an update of case law from the Utah Supreme Court and Utah Court of Appeals, legislation and other topics);
- d. By sponsoring break-out session(s) at the Utah State Bar mid-year and annual meetings;
- e. By providing opportunities and forums for real property lawyers to network and exchange ideas regarding the practice of real property law;
- f. By periodically publishing a newsletter advising Section Members of upcoming events, legislation and other matters pertinent to real property lawyers;
- g. By monitoring legal and political issues relevant to real property lawyers and to make recommendations to the Bar with respect thereto including without limitation participation on the Utah State Bar Governmental Affairs Committee;
- h. If applicable, by forming ad hoc committees to address legislation of general interest to real property practitioners; and
- i. To undertake such other service as may be of benefit to the Section's members, the legal profession and the public.

1.3 Limitations. These Bylaws are adopted subject to the applicable Utah Statutes and the Bylaws of the Utah State Bar, and supersede any existing Bylaws of the Section.

1.4 Principal Office. The principal office of the Section shall be maintained in the offices of the Utah State Bar.

1.5 Fiscal Year. The fiscal year of the Section shall coincide with that of the Utah State Bar.

ARTICLE 2

MEMBERSHIP

2.1 Enrollment. Any member of the Utah State Bar in good standing with the Bar may, upon request to the Executive Director of the Bar, be enrolled as a member of the Section by the payment of annual Section dues in an amount and for the purpose approved by the Board of Commissioners of the Utah State Bar.

2.2 The Membership. Members enrolled as provided in Section 2.1 shall constitute the membership of the Section.

2.3 Dues. The Section officers shall set the dues for Section members. The dues shall be \$20.00 for each member per year unless the Section officers determine an adjustment should be made.

ARTICLE 3
MEETINGS

3.1 Annual Meeting. The annual meeting of the Section shall be held at a place determined by the officers on the third (3rd) Thursday in the month of April in each year or such other date as designated by the Section Officers unless that day is a legal holiday, and if a legal holiday, on the following Thursday which is not a legal holiday.

3.2 Quorum. Those Section members present at any duly called Section meeting shall constitute a quorum for the transaction of business.

3.3 Controlling Vote. Action of the Section shall be by majority vote of the members present and voting at any meeting of the Section.

3.4 Agenda. At the annual meeting of the Section members, Officers of the Section shall be elected and other business may be discussed and voted upon as determined to be appropriate by the Officers.

3.5 Special Meetings. Special meetings of the membership of the Section may be called by the Section Chairperson at such time and place as he or she may determine.

3.6 Notice of Meetings. Written, printed, or electronic notice shall be given to all Section members stating the date, hour and place of all meetings of members, and in the case of all special meetings the purpose or purposes for which the meeting is called. Notice shall be delivered by hand, U.S. mail or e-mail at least five (5) days prior to the date of the meeting to each member of the Section. If mailed, notice shall be deemed delivered when deposited in the United States mail addressed to the member at his or her address as it

appears on the records of the Utah State Bar, with postage thereon prepaid.

ARTICLE 4
OFFICERS

4.1 Officers. The Officers of the Section shall be a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer, chosen from the membership of the Section. The officers shall establish the rates for Section dues, CLE presentations (monthly lunches and the annual Section meeting), as well as approve expenditures for special projects, donations, reimbursements and lodging and meals for guest speakers at Section-sponsored events. Specific duties of those officers related to administration and operation of the Section shall be as follows:

Chairperson

General oversight of Section
Liaison with Utah State Bar
Represent Section at Utah State Bar Commission meetings, as invited
Respond to inquiries made to Section
Oversee Distinguished Real Property Practitioner award
Supervise and prepare agenda for Section officer meetings
Communications to Section officers
Oversee monthly CLE presentations
Coordinate/oversee matters assigned by Section officers
CLE presentations, special ad hoc projects

Vice Chairperson

Serve on Utah State Bar Legislative Affairs Committee
Canvas Section officers for position on pending legislation

Serve on Utah State Bar Annual Meeting Committee
Host Section breakfast at Utah State Bar Annual Meeting (if breakfast is held)
Arrange for Section-sponsored speakers at Annual Meeting
Attend Annual Meeting and introduce Section-sponsored speaker(s) Provide plaque for outgoing Section chair
Provide plaque for distinguished Real Property Practitioner award
Coordinate/oversee matters assigned by Section officers
CLE presentations, special ad hoc projects

Secretary

Serve on Utah State Bar Mid-Year meeting committee
Arrange for Section-sponsored CLE session or sessions at mid-year meeting
Attend mid-year meeting and introduce Section-sponsored speaker(s)
Supervise preparation and mailing of newsletter
Maintain records (historical listing of CLE, officers, Section rules, etc.)
Reserve facilities for CLE meetings and select menus
Coordinate/oversee matters assigned by Section officers
CLE presentations, special ad hoc projects

Treasurer

Analyze regular financial reports
Make recommendations on rates for dues, CLE charges, etc.
Monitor self-sufficiency of regular functions
Prepare annual budget / estimates of expenditures
Process reimbursements with Utah State Bar
Send out "dunning" letters for no shows at CLE presentations

Coordinate annual Section meeting in April, including arranging for speakers and preparing brochure, introducing speakers and conducting election of new Section officer(s)
Coordinate/oversee matters assigned by Section officers
Organize new lawyer CLE
CLE presentations, special ad hoc projects

ARTICLE 5
ELECTIONS

5.1 Succession to Offices. The Treasurer shall automatically succeed to the office of Secretary. The Secretary shall automatically succeed to the Office of Vice Chairperson. The Vice Chairperson shall automatically succeed to the Office of Section Chairperson.

5.2 Elections. A new Treasurer shall be elected each year at the Section's annual meeting by majority vote of the members then in attendance. If for lack of nominations or any other reason no Treasurer is elected, the position may be filled pursuant to Section 5.3, below.

5.3 Vacancies. If at any time an office shall become vacant for any reason, then the remaining Section officers may appoint any member of the Section to fill the vacancy for the balance of the unexpired term. Such appointed person shall not succeed automatically to another Section Office as provided in Section 5.1, above, but shall be subject to elections as provided in Section 5.2, above.

5.4 Term of Office. The term of office shall begin July 1 and shall end on June 30 of each year.

ARTICLE 6
COMMITTEES

6.1 Committees. The Section shall have such committees as may from time to time be appointed by the Officers to perform such duties and exercise such powers as the Officers may direct.

6.2 Committee Chairperson. Each Committee shall have a Chairperson to be appointed by the Officers who will then regularly report to the Officers.

6.3 Duties of Committees. Each Committee shall have the responsibilities which are delegated to it by the Officers, which may include the following:

- a. To plan and implement Section projects including but not limited to Section meetings and continuing legal education seminars.
- b. To analyze issues and make recommendations to the Officers on matters referred to the Committee or on its own initiation.

6.4 Membership of Committees. Upon request, any member of the Section may be a member of one or more Committees.

6.5 Duties of Members of Committee. A Section member shall become a member of a Committee with the understanding he or she will devote sufficient time to assist the Chairperson of the Committee in performing the duties of the Committee.

6.6 Meetings. The Committees may act by correspondence or at meetings separate from the Section. Section members may but need not be given notice of Committee meetings and all

Committee meetings may but need not be open to all Section members.

ARTICLE 7

AMENDMENTS

7.1 These Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting.

Real Property Section – Utah State Bar

NOMINATION FORM

I hereby nominate _____ as Treasurer of the Real
(Name of Nominee)

Property Section of the Utah State Bar. I certify that I am a member of the Section in good standing, and that I have discussed the nomination of this person with her or him, and if elected, such person would agree to serve.

Dated this _____ day of _____, 2003.

(Name of Nominator)

Address: _____

Phone No.: _____

Real Property Section – Utah State Bar

*Nomination Form for
2003 Distinguished Real Property Practitioner of the Year*

Background Information and Instructions:

- In the areas below and on the reverse side, provide requested information about you and any information that is reasonably available to you about the proposed nominee.
- Only section members may make nominations. A member may make more than one nomination.
- The award will be presented at the annual meeting of the Real Property Section to be held on Thursday, April 17, 2003. Information about the recipient will be forwarded to the bar and news media for appropriate publicity.
- The recipient will be selected by section leadership. Please submit this form to one of the following section officers by close of business April 15, 2002.

Blake T. Heiner
FIRST AMERICAN TITLE
COMPANY OF UTAH
330 East 400 South
Salt Lake City, UT 84111
Facsimile No. 536-3176

Paul M. King
HOOLE & KING
4276 S. Highland Dr.
Salt Lake City, UT 84124
Facsimile No. 272-7557

Wallace O. Felsted
KIRTON & MCCONKIE
60 East South Temple, #1800
Salt Lake City, UT 84111
Facsimile No. 321-4893

Bryan B. Todd
PARSONS BEHLE &
LATIMER
201 South Main Street, Suite
1800
Post Office Box 45898
Salt Lake City, Utah 84145-
0898
Facsimile No. 536-6111

Information about You:

Name

Address

Telephone No.

Section Member? Yes _____ No _____

Information about Nominee:

(See reverse side; use additional sheets if necessary)

Name

Law Firm / Employer

Business Address

Telephone No.

See Reverse Side

Experience Practicing Real Property (length and type of practice, experiences showing expertise and integrity, etc.)

Contributions to Improving Real Property Practice (legislation, community, etc.)

Professional and Academic Accomplishments (bar, professional associations, etc.)

Other

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