

## **Article I**

### Name and Purpose

**Section 1.1. Name.** This Section shall be known as the Real Property Section (the “Section”) of the Maryland State Bar Association (the “Association”).

**Section 1.2. Purpose.** The purpose of this Section shall be to bring together, for the furtherance of their mutual interest, members of the Association having a special interest in the law relating to real property, including, but not limited to, laws concerning eminent domain, foreclosure, land acquisition and development, land records, leasing, real estate financing, common interest ownership communities, title, and zoning, and to further the study, development and improvement in such law.

## **Article II**

### Membership and Dues

**Section 2.1. Eligibility.** Any member of the Association shall be eligible for membership in the Section, and upon payment of dues as provided for in Section 2.2, shall be enrolled as a member of the Section (“Section Member”).

#### **Section 2.2. Dues.**

(a) Each Section Member shall pay to the Section such dues as may from time to time be established by the Council and approved by the Board of Governors of the Association (the “Board of Governors”). Any Section Member whose dues shall be more than six months past due may, at the option of the Council, cease to be a Section Member and stricken from the rolls of the Section.

(b) All dues collected shall be deposited in and credited to such accounts as may be established and shall be subject to withdrawal and expenditure only under regulations of the Board of Governors. Due accounting of all collections, deposits and withdrawals shall be made at times established by the Section and in accordance with policies of the Association.

## **Article III**

### Officers and Council

**Section 3.1. Officers.** The Officers of the Section (the “Officers”) shall be a Chair, a Vice-Chair, and a Secretary/Treasurer.

**Section 3.2. Council.** There shall be a Section Council (the “Council”) which shall consist of the following Section Members (collectively, the “Council Members”):

Three Officers,  
One Legislative Committee Chair,  
One Real Estate Discussion Group Committee Chair,  
One Land Use Committee Chair,  
One Foreclosure Committee Chair,  
One Common Interest Ownership Committee Chair,  
One Closings and Title Committee Chair,  
One representative from the Young Lawyers Section of the Association,  
Thirteen at-large Council Members,  
Two Student Council Members pursuant to Section 3.3, and  
Both the immediate and penultimate Past Chairs of the Section serving as honorary Council Members with no voting rights.

**Section 3.3. Law Students.** No more than two enrolled law students expressing an interest in real property law, one from the University of Maryland School of Law and one from the University of Baltimore School of Law, may be selected by the Council Members as part of the nomination process set forth in Article IV to serve as Council Members (“Student Council Members”) for one term. Student Council Member shall not have voting rights.

## **Article IV**

### Nomination, Election, and Term of Council Members

#### **Section 4.1. Nomination Committee.**

(a) The Chair shall, with the consent of the Council, no later than by March 15 each year, appoint a Nominating Committee of not fewer than three nor more than seven Section Members to consider the nomination of all open Council Member seats, excluding the Chair.

(b) The Chair shall, to the extent possible in appointing the Nominating Committee, select Section Members from varying geographic locations who are familiar with the affairs of the Section.

**Section 4.2. Nomination Process.** The Nominating Committee shall consider nominations of Section Members to serve as either Secretary/Treasurer or Vice-Chair and to fill vacancies of any Council Member seats including the vacancies, if any, created by the nomination of a

Council Member, whose term would not otherwise have expired, to serve as an Officer. The Nominating Committee shall, when reviewing the qualifications of the nominees, take into consideration past service to the Section and, in the selection of nominees for Council Members, shall, to the extent possible, select Section Members from varying geographic locations. The Vice-Chair shall succeed automatically to the office of Chair upon the expiration of the term of the Chair or in accordance with Section 5.3.

**Section 4.3. Nomination Slate.** No later than April 15 each year, the Nominating Committee shall deliver to the Secretary/Treasurer a list of proposed nominations, and within fifteen days thereafter the Secretary/Treasurer shall inform Section Members of this slate of nominations compiled by the Nominating Committee. Other nominations for open Council Member seats, excluding the Chair, may be made by written petition signed by no less than fifteen Section Members, filed with the Secretary/Treasurer, not later than May 15 each year.

**Section 4.4. Election.** The Section Members at its Annual Meeting shall elect the Secretary/Treasurer and Vice-Chair, and fill the vacancies of any other Council Members from Section Members duly nominated in accordance with Section 4.2. or by petition in accordance with Section 4.3. Election shall be by voice vote unless the Chair, with the consent of the Council, deems it necessary to conduct the election by written ballot.

**Section 4.5. Terms.** The term for each Officer, as well as both the immediate and penultimate Past Chairs of the Section, shall commence on the date and time of the Annual Meeting during which the Secretary/Treasurer and Vice-Chair are elected (or appointed as Chair in accordance with Section 4.2 and immediate and penultimate Past Chairs of the Section in accordance with Section 3.2) and end on the date and time of the following Annual Meeting. One term for each Committee Chair, At-Large Council Member, and Student Council Members shall commence on the date and time of the Annual Meeting during which such Council Member is either elected or appointed and end on the date and time of the Annual Meeting two years following such election. Committee Chairs and At-Large Council Members may serve unlimited consecutive terms. Each Council Members shall serve the term set forth above unless removed in accordance with Section 4.6.

**Section 4.6. Removal of Council Member.** The Chair shall have the authority to: (i) remove a Council Member, including a Vice-Chair and Secretary/Treasurer, during his or her term based upon a demonstrated failure to contribute adequately to the purpose or activities of the Section, and (ii) request that the Council nominate and approve a Section Member (or Council Member if Council Member removed is an Officer) to complete the unexpired term of the removed Council Member.

## **Article V**

### **Duties of Council**

**Section 5.1. Chair.** The Chair shall preside at all meetings of the Section and the Council unless otherwise designated by the Chair. He or she shall formulate and present at each Annual Meeting of the Association a report of the work of the Section for the past term; shall be responsible for all activities of the Section and of its various committees, if any, and shall, with the consent of the Council, create such new committees, as he or she shall deem desirable. The Chair shall, with the consent of the Council, appoint the chair and members of all standing committees of the Section to hold the position during his or her term as Chair. He or she shall perform such other duties and acts as ordinarily pertain to the office of Chair. The Council may authorize the Chair to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these By-Laws and the By-Laws of the Association.

**Section 5.2. Budget.** On or before December 15 of each calendar year, or such date as may be required to meet the deadlines of the Association, the Secretary/Treasurer (working with the Vice-Chair) shall prepare and submit to the Council, for its approval, a budget for the following fiscal year. In accordance with the budget then in effect, the Council shall authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditures of all moneys for the use or benefit of the Section. The Council shall not authorize commitments, contracts, or expenditures which entail the payment of more money than funds currently available to the Section or in excess of the sum approved with respect thereto in the budget approved by the Council unless previously approved by the Board of Governors when such funding authorization is deemed appropriate by the Council.

**Section 5.3. Vice-Chair.** The Vice-Chair shall aid the Chair of the Section in the performance of the Chair's responsibilities to the extent that the Chair may request, and shall perform such further duties as usually or logically pertain to the office of Vice-Chair or as may be designated by the Chair or the Council. During any period of time while the Chair is unable or unwilling to fulfill his or her duties described in Sections 5.1 and 5.2, the Vice-Chair shall perform the duties of the Chair and if the office of the Chair shall become vacant, the Vice-Chair shall thereupon become Chair of the Section for the unexpired term. If a Vice-Chair ascends to Chair for any period of a term while the Chair is unable or unwilling to fulfill his or her duties, such Vice-Chair shall serve as Chair during the remainder of such term as well as continue to serve as Chair for the following term, in accordance with Section 4.2.

**Section 5.4. Secretary/Treasurer.** The Secretary/Treasurer shall keep a record of the proceedings of all meetings of the Council. He or she shall perform such other duties as may be requested of him or her by the Chair and shall, in cooperation with the Chair, draft an appropriate report of the Section for publication in the Annual Report of the Association.

**Section 5.5. Authority of Council.** The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the By-Laws of the Association and these By-Laws of the Section. During the interval between the meetings of the Section, the Council shall have full authority to act for the Section in any way in which the Section itself would be authorized to act, and any such action taken by the Council pursuant to this provision shall be reported to Section Members at the next Annual Meeting of the Section. The Council shall consider and approve with or without amendment the proposed budget submitted by the Secretary/Treasurer.

## **Article VI**

### Voting

**Section 6.1.** Quorum and voting at Council Meeting. Except where elsewhere specifically provided all binding action of the Council shall be by a majority vote of the Council Members present provided such Council Members constitute a quorum. For purposes hereof, a quorum shall be a majority of Council Members (not including the immediate and penultimate Past Chairs of the Section and Student Section Members with no voting rights) currently serving a term. Voting shall be permitted by electronic mail provided every Council Member with voting rights receives written notice of the action to be considered.

**Section 6.2.** Quorum and voting at Section Meeting. At least fifteen Section Members present at any meeting of the Section shall constitute a quorum for the transaction of business. All binding action of the Section shall be by a majority vote of the Section Members present, provided those present constitute a quorum. Council Members shall be included in any count of Section Members for purposes of constituting quorum and voting at Section Meetings.

## **Article VII**

### Standing Committees

**Section 7.1. Executive Committee.** There shall be an Executive Committee of the Section consisting of the Officers of the Section. During the intervals between the meetings of the Council, the Executive Committee shall be authorized to act for the Council and Section, unless otherwise expressly stated in these Bylaws, and with written notice to all Council Members as soon as practically possible.

**Section 7.2. Legislative Committee.** There shall be constituted by the Chair, with the consent of the Council, biannually, a Legislative Committee, the Chair of which shall be a Council Member in accordance with Section 3.2, whose function shall be to serve, within the limitations set forth by the Council, as Legislative Counsel at the Maryland General Assembly, and in

similar capacity with respect to the Governor of the State, and to other legislative bodies within the State, with respect to all legislative matters in which the Section has an interest. Any member of the Legislative Committee when expedient may serve likewise in these functions, within such limitations as established by the Council. Members of the Legislative Committee shall be either Section Members or Council Members.

**Section 7.3. Real Estate Discussion Group.** There shall also be appointed by the Chair, with the consent of the Council, biannually, a Chair of the "Real Estate Discussion Group," which Chair shall be a Council Member in accordance with Section 3.2. His or her function shall be, within the limitations set by the Council, to coordinate the presentation of periodic continuing legal education luncheon programs and discussions, with such frequency, fees for attendance, and on such topics as are recommended by such Chair and approved by the Council.

**Section 7.4. Land Use Committee.** There shall be constituted by the Chair, with the consent of the Council, biannually, a Land Use Committee, the Chair of which shall be a Council Member in accordance with Section 3.2, whose function shall be, within the limitations set forth by the Council, to coordinate discussion and research within the Section on the topic of land use, zoning, and planning issues in Maryland and on such topics as are recommended by such Chair from time to time and approved by the Council.

**Section 7.5. Foreclosure Committee.** There shall be constituted by the Chair, with the consent of the Council, biannually, a Foreclosure Committee, the Chair of which shall be a Council Member in accordance with Section 3.2, whose function shall be, within the limitations set forth by the Council, to coordinate discussion and research within the Section on the topic of foreclosure issues in Maryland and on such topics as are recommended by such Chair from time to time and approved by the Council.

**Section 7.6. Common Interest Ownership Committee.** There shall be constituted by the Chair, with the consent of the Council, biannually, a Common Interest Ownership Committee, the Chair of which shall be a Council Member in accordance with Section 3.2, whose function shall be, within the limitations set forth by the Council, to coordinate discussion and research within the Section on the topic of condominium, homeowner association, and cooperative issues in Maryland and on such topics as are recommended by such Chair from time to time and approved by the Council.

**Section 7.7. Settlement and Title Committee.** There shall be constituted by the Chair, with the consent of the Council, biannually, a Settlement and Title Committee, the Chair of which shall be a Council Member in accordance with Section 3.2, whose function shall be, within the limitations set forth by the Council, to coordinate discussion and research within the Section on the topic of settlement and title issues in Maryland and on such topics as are recommended by such Chair from time to time and approved by the Council.

## **Article VIII**

### Meetings of the Council and Section

**Section 8.1. Annual Meeting.** The Annual Meeting of the Section shall be held in one or more sessions at or about the time of the Annual Meeting of the Association, in the same place that such Annual Meeting of the Association is held, with such program and order of business as may be arranged by the Chair and the Council.

**Section 8.2. Council Meetings.** The Council shall meet no less than four times in one term at locations and times designated by the Chair with adequate notice of such Council Meeting provided to all Council Members. The agenda for each meeting of the Council shall include the discussion of the current business of the Section with reports from all active committees.

**Section 8.3. Special Meetings.** Special meetings of the Section may be called by the Chair upon approval of the Council, at such time and place as the Council may determine.

**Section 8.4. Meetings by telephone.** Council Members or a committee may participate in a meeting by means of a conference telephone or similar communications equipment if all persons participating in the meeting can hear each other at the same time. Participation in a meeting by these means constitutes presence in person at the meeting.

## **Article IX**

### Miscellaneous Provisions

**Section 9.1. Fiscal Year.** The Fiscal Year of the Section shall be the same as that of the Association.

**Section 9.2. Salary.** No salary may be paid to any Section Member for service to the Section.

**Section 9.3. Days.** All references to “days” in these By-Laws shall be construed as meaning “business days,” which include each day except Saturday, Sunday, or any legal holiday observed by the State government.

## **Article X**

### Amendments

These By-Laws may be amended at any meeting of the Council, by a 2/3 vote of the Council Members present and voting, or at any meeting of the Section, by a 2/3 vote of the Section Members present and voting.