

DELAWARE STATE BAR ASSOCIATION  
REAL AND PERSONAL PROPERTY SECTION MEETING

Minutes from December 12, 2018 Section Meeting

- (1) December 2018 meeting of the Real and Personal Property Section was held at 4:00p.m. on December 12, 2018 in the offices of the DSBA, 405 N. King Street, Suite 100, Wilmington, Delaware 19801.
- (2) Attendees:
  - a. On location: Stephen A. Spence
  - b. By phone: Steve Norman; Brian Funk; Melanie Thompson; Jon Conly; Bill Brady; Billy Scott; Jim Harker; Kathleen Geiszler; Valerie Carr; Ping Xu; Todd Rowe
- (3) Approval of Minutes: The Minutes for the November 2018 meeting were approved with the modification that Adam Singer and Bill Brady, among others, called into the November meeting but encountered technical difficulties listening and participating.
- (4) New Business:
  - (a) Continuing discussion on the revised Form 5403 and implementation on January 1, 2019. Steve Spence noted that Richard Forsten had raised an issue about the use of the new Form with Real Estate Investment Trusts. It was also noted that the CLE on the new Form is available for viewing online with the DSBA. And Brian Funk offered to circulate with the Section his informal guide to the new Form.
  - (b) The Delaware Law Review needs submissions. Rob Krapf is working on a submission for the Section. Others who are interested in submitting an article should contact the Law Review.
- (5) Old Business:
  - (a) Brian Funk gave the Section a recap of Paula Marsilii of New Castle County presentation on the enhancements to the New Castle County's Parcel View website. Brian noted that the updated website shows more information on permits and other activity for each parcel. The website has information from 2001 to the present. He noted that when looking for information on fines owed, a blank screen shows no fines. It was noted that this may allow practitioners to avoid FOIA requests for that information, but that is not yet clear. It was suggested that the County law department be contacted about that issue. Jim Harker and Todd Rowe noted that permits and violations are not usually considered a title issue and would not be on a title report. But the settlement attorney should be checking anyway.
  - (b) It was noted that a sub-committee has been formed to discuss the issue of fraudulent deeds and possible measures to reduce that risk. That sub-committee will report back soon.

- (6) Other Matters. Steve Spence updated the Section on concerns that had been shared with him about well water issues in Delaware, the idea of requiring mandatory well-water testing, and some pros and cons of such a requirement.

There being no further business, the meeting was adjourned.

Respectfully submitted,  
*Thomas P. Carney*  
Secretary