



REAL PROPERTY LAW SECTION

A publication of the Real Property Law Section of the State Bar of Georgia – 1st Quarter 2025 Newsletter



Letter from the Chair

By: *Stuart Gordan, RPLS Chair 2024-2025*



A while ago I heard an observation that as kids we experienced days moving by quickly and years passing slowly, and then as adults we experience the opposite: days move slowly and years move quickly. When I was growing-up, time couldn't move fast enough until I could get my drivers license, and now of course, there isn't enough time to get to everything I need or want to do.

I say this as this past year as Chair of the Section has flown by so quickly, in the blink of an eye. I have enjoyed my time on the RPLS Executive Committee and serving this past year as Chair. The members of the Executive Committee truly act in the best interests of the Section, and at times volunteer a significant amount of their time to the Section. I want to thank this year's Executive Committee members for all they have done, as well as all those who I served with in the past.

In a related thought, as part of my practice I engage with attorneys from other states. From my experiences, the attorneys in our Section are tremendously knowledgeable, professional and respectful of each other. The Real Property Law Section has such a deep bench of incredibly talented attorneys and individuals, that I know the Section is in good hands.

I look forward to seeing many of you at the Real Property Law Institute in May, and there still is time for anyone who wants to attend to still register. Please reach out to me if anyone needs information about registration or the Institute.

One initiative that the Executive Committee has tried to advance over the past couple of years is our presence on and involvement in social media. I personally am not active on social media so I certainly can't fault others who aren't as well, but if you are someone who is active then please follow and support the Section's accounts on [Instagram](#), [Facebook](#), and [LinkedIn](#).

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About the Section

The 2024-25 Committee is led by Chair: Stuart Gordan, Chair-Elect: Tenise Chung, and Secretary/Treasurer: Beth Jones, all of whom will be assisted by Immediate Past Chair: Amanda Calloway.

In turn, the officers are supported by several subcommittees. While Committee officers and subcommittee chairpersons are limited, any member of the section can volunteer to work with a subcommittee. Each of the subcommittees serves a different purpose and agenda for the year, and each welcomes the participation of the Section membership. Below are the current subcommittees, along with a description of their main purpose and current leadership. Serving on a sub-committee is a great way to keep apprised of issues facing the State Bar. Subcommittee membership is open to all RPLS members, the time commitment varies by subcommittee but never is burdensome, and it would be great to have more involvement from the Section membership.

For your reference, on the following page is a list of each subcommittee and its respective chair(s). If you are interested in volunteering to serve on one of the subcommittees, please reach out to the identified chairperson.

Standing Committees:

Legislative: [Matthew Totten](#)

This Committee is charged with monitoring pending state legislation that might affect the practice of real estate law. They work closely with the State Bar's legislative counsel, Christine Butcher Hayes, to identify pending legislation that the State Bar may need to take a position on and participates, when permitted under the Keller rule, in the State Bar's lobbying efforts. Current efforts are following the Remote Online Notary Bill and a bill modifying the Lis Pendens statute but may include additional items that arise during the legislative session.

Real Property Law Seminar- Chair: [Tenise Chung](#)

Assist in co-planning the Real Property Institute held in May, including planning the location, topics, social events and obtaining speakers.

Title Standards-Co-Chairs: [Allie Jett](#) and [Aimee LaTourette](#)

This Committee has two functions: putting on the annual Title Standards CLE and updated/maintaining the written Title Standards.

Special Committees:

Commercial Real Estate-Co-Chairs: [Kyle Levstek](#) and [Paula Rothenberger](#)

This Committee focuses primarily on issues involving commercial practitioners and is tasked with planning the annual Commercial Real Estate Seminar currently scheduled for November 17, 2022.

Communication-Chair: [Kelsea Laun](#)

This Committee gathers content and produces communications to the section membership regarding both the Executive Committee's activities and issues that affect the practice of real estate. Additionally, this committee updates the section website and maintains the listserv.

Ethics and Professionalism-Chairs: [Katharine Oates](#)

This Committee has a broad focus on ethics and professionalism issues affecting real estate practitioners. They also monitor potential issues involving the unauthorized practice of law and work with the State Bar to obtain Formal Advisory Opinions from the Supreme Court when appropriate.

Litigation-Chair: [Larry Evans](#)

This Committee follows and reports on pending and final litigation decisions of interest to our Section.

Pro Bono-Co-Chairs: [Jennifer Rentenbach](#) and [Ellen Smith](#)

This Committee coordinates responses to requests for assistance on real estate matters in the local community and plans pro-bono activities and opportunities for the Section.

Recognition: [Thua Barlay](#)

This Committee promotes the growth of section membership and recognition of outstanding current and future members. In addition to collecting nominees for the annual Pindar Award, this Committee solicits applicants and awards scholarships to deserving law students in our local law schools who show an aptitude and commitment to practicing real estate in Georgia upon graduation.

Residential Real Estate- Co-Chairs: [Tamara Brooks](#) and [Kirsten Howard](#)

In addition to its involvement with other Section activities and acting as a liaison with other real estate groups, this committee is charged with planning the annual Residential Real Estate Seminar.

From the Membership

It is with great sadness that we bring the news of the passing of one of our section members, [Kristine Smith Cavin](#).

Kristine was a Legacy Partner with the firm Smith, Cavin and Corbin, specializing in real estate law. She was a Georgia practicing attorney for thirty years, a member of the Real Property Law Section of the State Bar of Georgia, and a Past-President and Membership Chair of the Georgia Real Estate Closing Attorneys Association (GRECAA).

You may recall seeing Kristine's smiling face at the GRECAA membership table each year during the annual RPLI and at the check in desk of every bi-monthly GRECAA meeting.

Kristine was a mother, wife, daughter, sister, aunt, friend, lawyer, and a leader. Her passing is a great loss to the State Bar of Georgia, the RPLS, GRECAA and to all who knew her.

The family is hld a private service and requests contributions in lieu of flowers to the Georgia Transplant Foundation (gatransplant.org).

Upcoming Events

❖ [2025 Real Property Law Institute](#)

When: May 8-10, 2025 **with a welcome reception on May 7th at 6 p.m.*

Where: Omni, Amelia Island Plantation
39 Beach Lagoon Rd,
Fernandina Beach, FL 32034

What: Annual CLE event with breakout sessions focusing on commercial and residential real estate. Hope to see you all there!

Recent Events

2025 Title Standards Seminar

Our first half-day session was on February 11. Our topics and speakers included Bill NeSmith, Deputy General Counsel for the Bar, who gave a very entertaining discussion on attorney ethics. Mr. Ed Carver of Fidelity Title gave an ever-relevant discussion on Decedent's Estates. And Faith Lynn a commercial title examiner with Bold Examinations presented on the basics of running a title examination.

Our second session, an afternoon session that was followed by a reception, was on February 25. Our speakers included Thua Barlay of Leuder Larkin & Hunter, who presented a very topical discussion of Transfer On Death Deeds, David Klein of Rountree Lietman Klien & Greer presented on Forms of Title Litigation, and committee co-chair Aimee LaTourette of Schulten Ward Turner & Weiss presented a legal update on matters coming out of the last legislative session including prohibited transactions by foreign nationals and HB 1292. We very much enjoyed being able to socialize with the seminar attendees following the session.

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REAL PROPERTY LAW SECTION 2025 INSTITUTE

SHIFTING THE SANDS; SHORELINE STRATEGIES FOR AN EVOLVING LANDSCAPE



SAVE THE DATE!

DATES

Commence: May 8, 2025 @ 8:15 AM
Adjourn: May 10, 2025 @ 12:45 PM

LOCATION

Omni Amelia Island Resort
39 Beach Lagoon Road
Fernandina Beach, FL 32034

ITINERARY

Day 1: Joint Session
Day 2: Concurrent Sessions
• Commercial & Residential
Day 3: Joint Session

QUESTIONS

Registration: icleregistration@gabar.org
Partnership & Events: kevinmc@titlelaw.com

Room Block & Registration to open in February 2025

404.527.7700

@realpropertylawstatebargorgia

FEATURED EVENTS



KICKOFF PARTY
WEDNESDAY MAY 7 @ 6:00 PM



RAIFORD MEMORIAL GOLF TOURNAMENT
THURSDAY MAY 8 @ 1:30 PM



FEAT FOR MCFEE 5K FUN RUN
FRIDAY MAY 9 @ 6:30 AM



ECOLOGY TOUR OF AMELIA ISLAND
FRIDAY MAY 9 @ 2:00 PM



SUNRISE YOGA
SATURDAY MAY 10 @ 6:30 AM



BEACH ACTIVITIES (FAMILY FRIENDLY)
SATURDAY MAY 10 @ 2:00 PM

INSTITUTE OF CONTINUING LEGAL EDUCATION



12 CLE HOURS



1 ETHICS HOUR



1 PROFESSIONALISM HOUR



1 TRIAL PRACTICE HOUR

Legislative Committee Update

By: Matthew Totten

The General Assembly recently concluded its annual legislative session – while the below bills passed both chambers, all bills previously from this year’s session that were introduced, heard before legislative committees, or having cleared one chamber are all still “alive” for the second year of Georgia’s two-year legislative cycle. I strongly encourage you to review outstanding House or Senate bills – especially those with bipartisan sponsorship or majority leadership support – to evaluate which bills may move quickly in 2026.

House Bill 575, addressing condemnation actions by the DoT, was sent to the Governor for signature. This bill notably streamlines purchase and pre-suit purchase discussions of association property by empowering association boards to convey common property, unless otherwise prohibited by recorded instrument. The association equally stands as a proper party-defendant in a condemnation suit, as opposed to the DoT naming all record owners within the association.

The General Assembly proposed many bills which addressed landlord-tenant and brokerage-related matters, one of which was passed and sent to the Governor. Particularly, pursuant to House Bill 399, non-Georgia resident landlords are generally required to retain a Georgia licensed broker; to the extent the Georgia-licensed broker does not themselves reside in Georgia, the broker must have Georgia-located staff who are responsible for communicating with tenants, including on maintenance matters.

In an attempt to cleanup and reduce any confusion from last year’s “China Bill” restricting foreign ownership of certain sensitive lands in Georgia, the General Assembly passed House Bill 358, which more particularly defined “military installation”, which served as the point from within which certain non-resident foreign nationals were barred from owning certain lands within a ten-mile radius.

Within House Bill 327, the General Assembly further revised and expanded the equitable powers of a court to modify trusts or nonjudicial settlement agreements made prior to the 2018 expansion of the statutory Rule Against Perpetuities, as well as the legitimation and determination of heirs via artificial reproduction means, all of which may tangentially affect a real property conveyance at issue.

As the legislative chair for the Real Property Section, I anticipate going over these bills and others in greater detail at RPLI in May at Amelia.

A dark blue rectangular graphic with a subtle wave pattern at the bottom. At the top left is the CERTIFID logo, which consists of a blue shield icon with a white diamond inside, followed by the word "CERTIFID" in white capital letters. Below the logo, the text "Protect against wire fraud" is written in large, bold, white sans-serif font. Underneath that, the text "Secure and insure every transaction." is written in a smaller, white sans-serif font. At the bottom of the graphic is a stylized illustration of a laptop computer. The laptop screen displays a green shield with a black padlock in the center, symbolizing security and protection.

www.certifid.com

Pro Bono Committee Update

At our April Executive Committee Meeting, donations totaling \$15,000 were approved for five non-profit organizations throughout the state. These funds will support Georgia families in various real property related matters, including landlord/tenant issues, foreclosure prevention assistance, tangled title and heirs property issues, home purchase & ownership education, and preserving property rights through estate planning. The non-profit organizations to receive the donations are:

Atlanta Legal Aid Society, Inc.

Atlanta Volunteer Lawyers Foundation

Georgia Heirs Property Law Center

Middle Georgia Justice

Pro Bono Partnership of Atlanta

Each of these organizations would also welcome pro bono volunteer assistance from our membership. Information about volunteer opportunities is below:

- The **Atlanta Legal Aid Society** offers a variety of pro bono opportunities, ranging from limited, brief service to full case representation. Please contact **Kate Gaffney** at kmgaffney@atlantalegalaid.org if interested in volunteering or learning more about Legal Aid's estate planning project, property tax appeal project, homestead exemption clinic, probate and family law clinics and other opportunities. Pro bono makes a significant difference in addressing the civil justice gap and serving low-income clients in our communities.

- **Atlanta Volunteer Lawyers Foundation (AVLF):** Volunteers can find a list of opportunities, and sign-up, here: <https://golden.avlf.org/>. AVLF provides extensive assistance to all its volunteers. Ways to get involved include:

Landlord-Tenant Cases: Review summaries and accept a case as your schedule allows: app.joinpaladin.com/avlf/opportunities

Eviction Defense Cases: Attend a virtual Eviction Defense training. Then receive occasional requests as cases are available, or sign up to be "on call" for a month. Accept or decline as your schedule allows.

Housing Phone Bank: (virtual) Speak with

Fulton County tenants with pending evictions or ongoing conditions issues. Many of these tenants seek only simple advice and consultations. Calls can be made from anywhere.

Housing Court Assistance Center: (in-person) HCAC is a walk-in advice clinic located in the Fulton County Courthouse for tenants whose landlords are taking them to court. With the help of an AVLF staff attorney, volunteers meet with tenants to explain their rights under Georgia law.

Saturday Lawyer Clinic: (virtual or in-person) This program assists low-income Atlanta tenants with landlord-tenant disputes.

- The **Georgia Heirs Property Law Center** (www.gaheirsproperty.org) is a not-for-profit law firm that helps low- to moderate-income heirs property owners, nonprofits, and municipalities remediate fractured title, increase equity, and transfer wealth to the next generation. The total tax-appraised value of probable heirs property in Georgia is more than \$47 billion. To learn more, contact the organization at (706) 424-7557 or info@gaheirsproperty.org.

- **Middle Georgia Justice** would appreciate the opportunity to partner with volunteer Section members who would be willing to provide pro bono legal consultations to organization staff attorneys when they encounter complex real property law issues in their cases (for example, within the broader context of probate and family law cases). More information can be found at www.mgajustice.org and by contacting **Amy Griffith Dever, Executive Director**, at amy@mgajustice.org, to discuss how to volunteer.

- **Pro Bono Partnership of Atlanta** matches nonprofit clients with experienced corporate attorneys who help get them to the next level. From contracts to corporate governance, to intellectual property and employment, PBPA attorneys assist nonprofits with their business law needs. Information about opportunities can be found here: <https://pbpatl.org/for-attorneys/> PBPA staff attorneys prescreen every client and coordinate the kick-off of each matter. Most projects take 10-15 hours over a couple of months. PBPA provides model documents and when requested, co-counsel assistance to volunteer attorneys.



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If you are looking for a peer or are interested in being a peer volunteer, visit www.GeorgiaLHL.org for more information.

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Call to Action

1. The Real Property Law Section wants to hear from you! Please submit your substantive articles or editorials for publication in the Section newsletter. Submissions may be sent to GArlpscommittee@gmail.com.

2. We are always looking for new speakers or topics of interest from our members. Please reach out to any of our Executive Committee leaders or members to nominate yourself or others to speak at a future CLE or to suggest a topic relevant to our Section. We are also accepting articles or items of interest from our membership throughout the year.

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