

**THE BYLAWS OF THE REAL PROPERTY SECTION
OF THE STATE BAR OF ARIZONA**

Article I. NAME AND PURPOSE OF THE SECTION

Section 1.01 NAME: This Section shall be known as “The Real Property Section of the State Bar of Arizona” and shall be designated simply as the “Section” herein.

Section 1.02 PURPOSE: The general purposes of the Section shall be the promotion of the objectives of the State Bar of Arizona within the particular fields designated by the name of the Section. To that end, it shall be the purpose of the Section to consider all matters of legal interest relating to interests in real property, title thereto, and transactions therein, and of improvements and reforms in real property and related law, and in title and recording practices, through legislation, title standards or otherwise, and other matters of interest in the field of real property law.

Section 1.03 LIMITATIONS: These bylaws are adopted subject to the Rules of the Supreme Court and bylaws of the State Bar of Arizona.

Article II. MEMBERSHIP IN THE SECTION

Section 2.01 ENROLLMENT: Any member in good standing of the State Bar of Arizona shall, upon request and payment of annual Section dues, be enrolled as a member of the Section.

Section 2.02 THE MEMBERSHIP: Members so enrolled and whose dues are paid pursuant to the provisions of the articles shall constitute the membership of the Section.

Section 2.03 SECTION AFFILIATES: Non-State Bar of Arizona members may be eligible to join the Section as a “Section Affiliate” pursuant to the policy of the State Bar of Arizona upon application to the State Bar of Arizona and payment of the applicable dues. Section Affiliates will be entitled to the same section benefits as State Bar of Arizona members except that such non-State Bar of Arizona members may not vote, hold elected office, or be counted in determining the presence of a quorum. Section Affiliates shall not advertise or hold themselves out as members of the State Bar of Arizona or any of its sections, nor shall they use or knowingly permit the use of their status as a Section Affiliate in any directory or law list for the purpose of soliciting or obtaining business or financial advantage. In any advertisements or professional listings, Section Affiliates must describe their association with the State Bar of Arizona (if referenced it at all) as Section Affiliates of a particular section, and must include the phrase “not licensed to practice law in Arizona” in any such advertisements or professional listings. Section Affiliates who advertise themselves as members of the State Bar of Arizona will be immediately removed from their section.

Section 2.04 DUES: Dues for membership in the Section shall be in an amount set by the Section, payable upon enrollment and thereafter annually in advance each year, at the beginning of the State Bar of Arizona’s fiscal year succeeding such enrollment.

Section 2.05 DELINQUENCY: Any member of the Section whose annual dues shall be more than six (6) months past due shall cease to be a member of the Section.

Article III. THE EXECUTIVE COUNCIL

Section 3.01 POWERS: The executive council shall be vested with the powers and duties necessary for the administration of the affairs of the Section. The policy of the executive council shall be consistent with the policies set by the Board of Governors. It shall especially authorize all commitments which entail the payment of money, and shall authorize the expenditure of all monies appropriated by the State Bar of Arizona for the use or benefit of the Section. It shall not, however, authorize commitments which entail the payment of more money during any fiscal year than the amount appropriated to the Section for the fiscal year. No action of any Section committee shall be effective until approved by the executive council or by the Section. The executive council of the Section is authorized to establish, or to empower the chairperson of the Section to establish, such committees as it may deem necessary and desirable to promote effectively the activities of the Section within the jurisdiction of the Section. In establishing a new committee, the executive council shall state the area of its proposed activities.

Section 3.02 MEETINGS: The executive council shall hold regularly scheduled meetings to dispatch any necessary business. The chair shall call and set the agenda for such regularly scheduled meetings. Meetings may be held telephonically and all executive council members shall be given reasonable advance written (which shall include, without limitation, electronic mail) notice of the regularly scheduled meetings. Special meetings may be called at any time by the chair or, in his or her absence, the vice chair, or upon the written request by at least a majority of the executive council.

Section 3.03 CONTROLLING VOTE AND QUORUM: Action of the executive council shall be by majority vote of those executive council members present. A quorum consisting of a majority of the executive council members shall be required to conduct business.

Section 3.04 POLL OF COUNCIL: The chair may submit to each of the members of the executive council, a proposition upon which the council may be authorized to act, and the members of the executive council may vote upon the proposition either by written ballot, electronic mail ballot, facsimile transmission or by telephone vote, and the secretary shall record the proposition and votes in the matter.

Section 3.05 EXPECTATIONS: If any officer or member of the executive council shall fail to attend two (2) successive meetings of the executive council without excuse, the officer or executive council member's office shall be automatically vacated, unless excused upon good cause accepted by the members of the executive council. All members of the executive council are expected to either hold office or be involved with at least one (1) committee.

- Section 3.06 REMOVAL: A member of the executive council may be removed at a meeting of the executive council by majority vote of those executive council members present.
- Section 3.07 NO COMPENSATION: No salary or compensation for services shall be paid to or by any officer, member of the executive council, or member of any committee, except as may be specifically authorized by the Board of Governors.
- Section 3.08 REFERENDUM: A majority of the executive council may direct that a matter be submitted to the members of the Section for vote. In such event, binding action of the Section shall be a majority of the votes received in accordance with rules fixed by the executive council.

Article IV. ELECTION OF MEMBERS OF THE EXECUTIVE COUNCIL

- Section 4.01 ELECTION: From time to time as determined by the executive council and subject to the conditions set forth herein, the executive council shall direct the members of the Section to nominate members of the Section for election to the executive council in accordance with rules fixed by the executive council. Upon receipt of a sufficient slate of nominees as determined by the executive council, and subject to the conditions set forth herein, election of members of the executive council shall occur by vote of the membership of the Section in accordance with rules fixed by the executive council. In such event, binding action of the Section membership shall be by a majority of the votes received from members of the Section in accordance with rules fixed by the executive council. Any member of the Section whose good standing can be certified by official State Bar of Arizona records for thirty (30) days prior to the time of voting shall be eligible to vote.
- Section 4.02 QUALIFICATION AND NUMBER: All members of the executive council shall be members of the Section in good standing, and shall have been members of the State Bar of Arizona in good standing for at least one (1) year (excluding the Young Lawyers Division representative and the law school liaison referenced below). The executive council shall be composed of no less than nine (9) voting members in total (including the officers), and no more than fifteen (15) voting members in total (including the officers). The executive council shall include no less than three (3) voting members who reside in Maricopa County, Arizona, and no less than three (3) voting members who reside in Pima County, Arizona. The executive council shall also include the following non-voting members: (a) the immediate past chair for one (1) year following his/her term as chair; provided however, in the event the year following the immediate past chair's term as chair falls within a three (3) year term, then the immediate past chair shall be a voting member of the executive council for the remainder of his/her term; (b) a representative of the Board of Governors from among its members for a term of one (1) year; (c) a representative of the Young Lawyers Division from among its members for a term of one (1) year; and (d) a law school liaison, at the discretion of the executive council, for a term of one (1) year.
- Section 4.03 TERM: Members elected to the executive council shall serve a term of three (3) years. A member elected to the executive council shall not be eligible to serve more

than two (2) consecutive three (3) year terms. Election of a member of the executive council to a second (2nd) three (3) year term shall be determined by a vote of the majority of the members of the executive council. A member of the executive council who has served two (2) consecutive three (3) year terms shall not be eligible for future service as a member of the executive council until at least two (2) years have elapsed after the expiration of a second (2nd) consecutive three (3) year term. Notwithstanding the foregoing, a vote of two-thirds (2/3^{rds}) of the members of the executive council can override the limitations set forth herein to allow an individual to be eligible for future service as a member of the executive council before at least two (2) years have elapsed after the expiration of a second (2nd) consecutive three (3) year term.

Article V. OFFICERS OF THE EXECUTIVE COUNCIL

Section 5.01 OFFICERS: The officers of the Section shall be the chair, the vice chair, the secretary, and the treasurer.

Section 5.02 CHAIR: The chair, or the vice chair in the absence of the chair, shall preside at all meetings of the Section and of the executive council. The chair shall appoint the chair and members of all committees of the Section who are to hold office during his/her term as chair. During the chair's term, the chair shall plan and superintend the program of the Section, subject to the directions and approval of the executive council. The chair shall superintend the performance of all activities of the Section. The chair shall keep the executive council duly informed and carry out its decisions. The chair shall perform such other duties and acts as usually pertain to the chair office or as may be designated by the executive council.

Section 5.03 VICE-CHAIR or CHAIR-ELECT: The vice-chair shall aid the chair in the performance of the vice-chair's responsibilities in such manner and to such extent as the chair may request. The vice-chair shall perform such further duties and have such further powers as usually pertain to the vice-chair's office or as may be designated by the executive council or the chair. In case of the death, resignation, or disability of the chair, the vice-chair shall perform the duties of the chair for the remainder of the chair's term or disability, as the case may be.

Section 5.04 SECRETARY: The secretary shall consult with and assist all the officers of the Section as to the work of the Section generally in the manner and to the extent they may request. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the executive council, whether assembled or acting under submission. The Secretary, in conjunction with the chair, as authorized by the executive council, shall attend generally to the business of the section.

Section 5.05 TREASURER: The Accounting Office of the State Bar of Arizona shall keep an accurate record of all monies appropriated to the Section and expended by the State Bar of Arizona for the purposes of the Section. The Treasurer receives reports and other documents prepared by the Accounting Department of the State Bar of Arizona as to the Section funds, revenues, and expenditures, and works with State Bar of Arizona staff and the accounting department to ensure the accuracy of the

reports. The Treasurer reports on the Section's present and projected financial condition at each meeting of the executive council. State Bar of Arizona staff and the Treasurer advise the officers and executive council as to the financial impact of any proposed action by the officers, executive council or Section.

Article VI. ELECTION OF OFFICERS OF THE EXECUTIVE COUNCIL

Section 6.01 ELECTION AND TERM: If only one (1) executive council member is up for election to a particular office, such officer shall be elected by the executive council for a period of one (1) year. In the event there is more than one (1) executive council member up for election to a particular office, then the Section membership shall elect such officer for a period of one (1) year. In such event, binding action of the Section membership shall be by a majority of the votes received from members of the Section in accordance with rules fixed by the executive council. Any member of the Section whose good standing can be certified by official State Bar of Arizona records for thirty (30) days prior to the time of voting shall be eligible to vote.

Section 6.02 SUCCESSION: The vice-chair or chair-elect shall automatically succeed to the office of chair.

Section 6.03 REMOVAL: An officer of the executive council may be removed at a meeting of the executive council by majority vote of those executive council members present.

Article VII. REPRESENTATION OF STATE BAR OF ARIZONA'S POSITION

Section 7.01 The Section must seek Board of Governor's approval before taking any official action or making official comments on behalf of the State Bar of Arizona or the Section. Any action by the Section must be approved by the Board of Governors of the State Bar of Arizona before action can be effective as the action of the State Bar of Arizona. Any resolution adopted or action taken by the Section shall be reported by the chair or the chair's representative to the Board of Governors for action by the State Bar of Arizona.

Article VIII. AMENDMENTS

Section 8.01 These bylaws may be amended at any executive council meeting by a majority vote of the members of the executive council present and voting. They shall become effective upon approval by the Board of Governors.

These bylaws supersede and replace any existing bylaws of the Section and any amendments or restatements thereof, and were duly adopted as of the ___ day of _____, 2011.