

BY-LAWS
REAL PROPERTY SECTION
of the
NORTH CAROLINA BAR ASSOCIATION

ARTICLE I

Name and Purpose

Section 1. **Name.** This Section shall be known as the Real Property Section of the North Carolina Bar Association (“NCBA”).

Section 2. **Purpose.** The purpose of the Section shall be to further the purposes of the NCBA as stated in Article 1.2 of the NCBA Bylaws and to bring together members of the NCBA with a special interest in Real Estate practice.

ARTICLE II

Membership

Section 1. **Eligibility.** Any member in good standing of the NCBA shall be eligible for membership in the Section.

Section 2. **Admission to Membership.** Admission to membership shall be by application and by payment of then applicable dues or other fees.

Section 3. **Quorum for Meeting of Membership.** Those members present at meetings duly called as provided for in the By-Laws shall constitute a quorum.

Section 4. **Eligibility for Officer/Council Positions.** Only members in good standing with the Real Property Section shall be eligible for consideration as Officer under Article III below or as a Council member under Article IV below, and such members shall remain in good standing with the Real Property Section during their tenure as an Officer or Council member hereunder.

ARTICLE III

Officers

Section 1. **Chair and Vice Chair.** The Section Council shall submit recommendations for each office in writing to the President-Elect by no later than March 1 of each year. The Chair shall perform the duties and have the responsibilities of the Chief Executive Officer of the Section. The Chair shall preside at meetings of the Section Council and at meetings of the Section. The Chair shall have such other and further duties as the Section, from time to time, may provide. The Vice-Chair shall assume the duties of the Chair in the absence of the Chair and shall have such other and further duties as the Chair or the Section, from time to time, may provide.

Section 2. **Secretary-Treasurer.** The Council shall elect a Secretary-Treasurer who shall, in consultation with the Director of Communities of the NCBA, maintain the minutes of meetings, financial records, and other records and reports of the Section and shall provide such reports and records of the Section as may become necessary. The Secretary-Treasurer shall

have such other duties as the Chair of the section, from time to time, may provide.

Section 3. **Qualifications for Officers.** The officers shall be members in good standing of the Section who are engaged in the practice of law, which shall include inhouse lawyers who are engaged in the practice of law, and shall remain in good standing with the Section during their tenure as an officer.

Section 4. **Term.** Officers of the Section shall serve a one-year term, which shall begin at the close of the annual meeting of the NCBA following election and shall end at the close of the next succeeding annual meeting of the NCBA.

ARTICLE IV

Council

Section 1. **Composition.** The Section shall have a Council composed of the officers of the Section and 21 members elected by the membership of the Section.

Section 1.a. **Young Lawyers.** At least one voting member on the Council shall be 36 years of age or younger at the time of election.

Section 2. **Nomination.** Except for the initial 21 members-at-large of the Section Council, the members-at-large shall be nominated by the Section nominating committee, to be comprised of the immediate Past Chair, Chair, Vice Chair, the Secretary-Treasurer, and one Council member designated by the Chair. The immediate Past Chair shall serve as chair. The nominating committee shall present its nominations for the 21 members-at-large of the Council at the annual meeting of the Section. For the initial 21 members-at-large of the Council appointed by the Section Chair, 7 members shall serve one-year terms, 7 members shall serve two-year terms, and 7 members shall serve three-year terms. Thereafter, the nominating committee shall present its nominations at each annual meeting for expired terms. All terms, except for the initial Section Council and for members who have been elected to fill a vacancy, each member of the Council shall hold office for a term beginning at the close of the annual meeting of the NCBA following election and ending at the close of the third succeeding annual meeting of the NCBA.

Section 2.a. **Vacancy.** The Executive Committee shall make nominations to fill any vacancies which may occur on the Council, subject to approval by the Council at its next regularly scheduled meeting. Additional nominations may be made from the floor in accordance with the election procedures to be specified by the Section.

Section 3. **Powers.** The Council shall be the governing body of the Section subject to the control of the Board of Governors of the NCBA.

Section 4. **Regular Meetings.** The Council shall hold an annual meeting and other meetings as needed.

Section 5. **Quorum.** A majority of the members of the Council shall constitute a quorum for the purpose of transacting business.

Section 6. **Special Meetings.** Special meetings of the Council shall be held at any time at the call of the Chair, any three members of the Council or of the President or the Board of Governors of the NCBA.

Section 7. **Notice of Meetings.** All meetings of the Section Council, except the annual meeting, shall be upon not less than ten days advance notice by email or regular mail to all Council members.

Section 8. **Eligibility for Council Positions.** Only members in good standing with the Section shall be eligible for consideration as a Section Council member under Article IV, and such members shall remain in good standing with the Section during their tenure as a Council member hereunder.

Section 9. **Removal of Council Members.** A Council member shall be automatically terminated as a member of the Council if the member fails to attend three (3) consecutive meetings of the Council, unless such failure is the result of the member attending to other business of the Council or Section at the time of the Council meeting. Upon termination, the Chair shall notify the terminated member of the termination and shall proceed, after consulting with the Council to appoint a new member to fill the vacancy. The new member shall serve until the next Annual Meeting, at which time the nominating committee shall include in their nominations a nomination for the balance of the term of the member removed as provided above.

ARTICLE V

Committees

Section 1. **Standing Committees.** The Council may designate such standing committees as it may deem appropriate.

Section 2. **Special Committees.** The Chair of the Council may appoint special committees as the Chair may deem appropriate.

Section 3. **Jurisdiction.** The Council shall establish the jurisdiction of the Section committees and shall resolve any disputes among its committees. The Board of Governors of the NCBA shall govern any disputes concerning the jurisdiction of the Section committees in relation to the jurisdiction of the various Sections, Standing and Special Committees of the NCBA.

Section 4. **Executive Committee.** There shall be a standing committee denominated the Executive Committee. It shall be chaired by the Chair of the Section and shall have as its other members the immediate Past Chair, Vice-Chair, and Secretary-Treasurer of the Section. It shall have the power to act in the place and the stead of the Council in the intervals between meetings of the Council. Three of the four members shall constitute a quorum, and all action shall be by a majority vote of the Executive Committee. The Chair or Vice-Chair of the Section may call a meeting of the Executive Committee upon reasonable notice to all Committee members. Any action of the Executive Committee shall be reported at the next meeting of the Council.

Section 5. **Administrative Committee.** There shall be a standing committee denominated the Administrative Committee. It shall be chaired by a member of the Section appointed by the Executive Committee and shall have such other members as the Executive Committee shall designate from time to time. The Administrative Committee shall be responsible for maintaining a permanent record of the activities of the Section, including the minutes of Council meetings, a regular calendar of section activities, and such other matters as the Executive Committee shall assign from time to time. The chair of the Administrative

Committee shall attend Council and Executive Committee Meetings for the purpose of taking minutes and providing information as needed, but shall not have a vote.

ARTICLE VI

Miscellaneous Provisions

Section 1. **Annual Meeting of the Section.** The Section shall have at least one meeting for the entire membership of the Section to be known as the Annual Meeting. The Section may have such other meetings of the entire Section as the Council or Chair may deem necessary. The nominating committee of the Section shall make its report and the Section shall hold elections for the members of the Council at its Annual Meeting.

Section 2. **Amendments.** Any amendments or additions to these By-Laws shall be upon the approval of a majority of the members of the Section present and voting at the Annual Meeting. Upon such approval by the Section, such amendments or changes shall be presented to the Board of Governors of the NCBA for approval. No changes or amendments shall be effective until approved by the Board of Governors of the NCBA.

Section 3. **Publications.** The Section may produce and distribute a newsletter or other publications in furtherance of its objectives. Any such publications shall be produced in consultation with the President and Executive Director of the NCBA.

Section 4. **Continuing Legal Education.** In order that the NCBA may continue to coordinate Continuing Legal Education (“CLE”) programs so as to provide the greatest possible benefit to all members of the NCBA, all CLE programs, except such publications as the Section may be authorized to publish, shall be conducted in consultation with the Continuing Legal Education Committee of the NCBA.

Section 5. **Expenditure of Funds.** Except as otherwise provided herein or in the Bylaws of the NCBA, the Section may expend the funds it collects through the payment of dues and other fees in the manner that it sees fit. However, the Section is not empowered to spend funds in excess of those actually on hand, nor may it obligate the NCBA in any financial matter.

Section 6. **Budget.** The Section shall submit its budget to the Board of Governors of the NCBA for its review and approval no later than April 1 of each year.

Section 7. **Reports.** The Section will submit an annual report to the Board of Governors and the President of the NCBA. The Section shall submit such other reports as may be requested by the Board of Governors or the President of the NCBA.

Section 8. **Authentication.** These By-Laws were approved by the Board of Governors of the NCBA on October 5, 1979 and amendments were approved on June 23, 1988, June 29, 1989, April 24, 1998, October 12, 2001, January 19, 2006, June 20, 2008, and June ____, 2019.