

**MODEL ACT ON THE APPOINTMENT AND POWERS  
OF REAL ESTATE RECEIVERS (MAPRER)**

**AGENDA FOR APRIL 19 AND 20, 2013 DRAFTING COMMITTEE MEETING**

- 1) Housekeeping
  - a) Call to order
  - b) Introduction of committee members, reporter, advisors, and observers
  - c) Process review
    - i) Review of the Drafting Committee's charge: *RESOLVED, that . . . a drafting committee on a Model Act on the Appointment and Powers of Real Estate Receivers be formed, and that the act not cover receivers appointed with respect to owner-occupied residences.*
    - ii) Any questions on the ULC processes, role of ABA Advisors, role of Observers
  - d) Other housekeeping issues
    - i) Agenda
    - ii) Committee dinner plans
  
- 2) Approach and Scope
  - a) Drafting approach – memo section (A)(2)
  - b) Scope – memo sections (A)(3) and (4) and (L)
    - i) Relationship of proposed statutory provisions to equitable principles
    - ii) Demarcation as to owner-occupied property
    - iii) Special receiverships, general receiverships, and custodial receiverships
  - c) Property to which proceeding may apply – memo section (A)(5)
  
- 3) Appointment of receivers – memo sections (B), (C), (D) and (E)
  - a) Grounds for appointment
  - b) Court's discretion
  - c) Standing to seek appointment of a receiver
  - d) Defenses, and grounds for suspending or vacating the receivership
  
- 4) Power to sell real estate – memo section (H)(2)

- 5) Other powers
  - a) Operation and maintenance of the property
  - b) Make improvements – *memo section (H)(3)*
  - c) Obtain secured credit and unsecured credit – *memo section (H)(3)*
  - d) Executory contracts and unexpired leases – *memo section (H)(6)*
  - e) Multi-jurisdiction cases – *memo section (K)*
  - f) Relation to other law – *memo section (L)*
  - g) Whether to address non-real estate cases – *memo section (A)(1)*
  
- 6) Report of the Questionnaire Subcommittee – separate report
  - a) Briefing by Subcommittee Chair Patricia Fry
  - b) Discussion and action on Subcommittee recommendations
  
- 7) Enactability issues – to the extent not raised during substantive discussions
  - a) Identification of potential enactability concerns
  - b) Identification of additional potential observers
  
- 8) Other issues
  - a) Stay of creditor actions – *memo section (I)(8)*
  - b) Avoidance powers – *memo section (H)(8)*
  - c) New leases and executory contracts – *memo section (H)(5)*
  - d) Receiver’s legal status and immunity – *memo section (J)*
  - e) Who may serve as receiver – *memo section (F)*
  - f) Bonding – *memo section (G)*
  - g) Power to prosecute and defend – *memo section (H)(7)*
  - h) Employment of professionals – *memo section (H)(4)*
  - i) Receivership procedure/operation – *memo section (I)*
  - j) Model or form receivership order – *memo section (H)(9)*
  
- 9) Work plan and next steps
  - a) Summarize decisions made at this meeting
  - b) Additional directions to the Reporter on preparing draft of an Act for the Fall 2013 meeting
  - c) Next meeting