

ARTICLE 1 – Name and Purpose

Section 1. The Section shall be known as the Real Property, Trust and Estate Law Section (the "Section") of the New Jersey State Bar Association (the "Association").

Section 2. The purpose of this Section shall be to promote the purposes of the Association and unite members of the Association who engage in the practice of real property, trust and estate law. The Section shall hold forums and institutes for discussion of problems, proposed legislation, enacted legislation, cases pending before the Appellate Division and/or Supreme Court of the State of New Jersey relating to real property, trust and estate law matters, and for the publication and dissemination of information and knowledge relating to these fields of law.

ARTICLE II – Membership

Section 1. The membership of this Section will consist of all members of the Association in good standing who signify their desire in writing to become a member of this Section.

Section 2. Members shall pay annual dues in the amount and at such time as shall be determined by the Board of Trustees of the Association ("Trustees"), which a member shall pay directly to the Association.

ARTICLE III – Scope of Activities

Section 1. The Section's activities shall be divided into the Real Property Law Division and the Trust and Estate Law Division.

Section 2. The Real Property Law Division shall encompass real property law generally, including, but not limited to, the method of creating, acquiring, insuring, and conveying real property and estates therein.

Section 3. The activities of the Trust and Estate Law Division shall encompass the law of wills, the administration of estates and the law of trusts, including, but not limited to the drafting and construction of wills, the probate of wills, estate planning, the administration of intestate estates, the drafting and construction of trust agreements, and other inter vivos agreements, and the administration of trusts.

ARTICLE IV – Board of Consultors

Section 1. The Section shall be governed by the Board of Consultors, who shall have full power to direct the activities and affairs of the Section, subject only to the direction of the Board of Trustees of the Association.

Section 2. The Board of Consultors shall consist of eighteen (18) members of the Section including the officers of the Section set forth in Article V, Section 1 of these Bylaws, nine (9) of whom shall be members of the Real Property Law Division, and nine (9) of whom shall be members of the Trust and Estate Law Division. Consultors, other than the officers elected by the Board, shall be elected by the members of the Section at the Section's and Association's Annual Meeting to serve a term of three (3) years. The members shall elect such number of Consultors whose terms of office are expiring at the conclusion of the Association's Annual Meeting, and such other individuals as are needed to fill any vacancies such that there will be a total of nine (9) Real Property Law Division Consultors and nine (9) Trust and Estate Law Division Consultors. No Consultor shall serve more than two (2) consecutive terms, except that a consultor who holds the office of Vice Chair in the Consultor's second term may serve an additional term as Chair of the Section. For purposes of this Section, an individual who is elected by the Board, or membership of the Section, as the case may apply, to fill a vacancy for a term of less than three (3) years will not be considered to have served a term for purposes of any limitation of service as a Consultor imposed by these Bylaws, and shall not be considered to have succeed him or herself. A person who has previously served as a Consultor for two (2) terms is eligible for election to the Board after being out of office for a period of one (1) year.

Section 3. The Board of Consultors shall meet regularly at such times and places as the Board shall determine, but the Board shall have no less than five (5) meetings per year. Special meetings may be called by the Board's Chair at any time, or upon the written request of six (6) Consultors.

Notwithstanding the foregoing, if a decision by the Board is required between meetings, and it is not practical to call a special meeting, the Consultors may discuss the matter or matters at issue using telephone conference calls, email, Skype, Go-To-Meeting or any other viable means, and vote using the same methodology, subject to Section 4 of this Article IV.

Section 4. Eight (8) Consultors present, in person, in person by telephone, or by any electronic means, including, but not limited to telephone, email, Go-To-Meeting, Skype or other electronic means, at any regular or special meeting will constitute a quorum for the transaction of business. A majority vote of those Consultors present, in person or at the meeting by electronic or telephonic means, shall bind the Board, subject to any requirement that the Association's Board of Trustees approve any action voted upon.

Section 5. Any past chair of the Section will be an ex-officio Consultor for life, provided such past chair continues to be a member in good standing of the Section and the Association. Such ex-officio Consultors shall have the right to participate in all meetings of the Board and the right

to vote on all matters that require Board approval Ex-officio members of the Board shall be counted as Consultors for purposes of determining if a quorum is present.

Section 6. A Consultor, other than an ex-officio Consultor, who fails to attend three consecutive regular meetings of the Board shall be automatically be removed as a Consultor unless due to illness or reinstated by a majority vote of the Board of Consultors.

Section 7. Vacancies in the Board of Consultors that will exist for more than three (3) months prior to the next annual meeting of the Section, may be filled by a majority vote of the remaining Consultors and each individual so elected shall hold office for the balance of the unexpired term of the person replaced. If the vacancy occurs in the Real Property Law Division, the Board shall elect an individual practicing real property law. If the vacancy occurs in the Trust and Estate Law Division, the Board shall elect an individual practicing trust and estate law.

ARTICLE V – Officers

Section 1. The officers of the Section shall be a Chair, a Vice-Chair for the Real Property Law Division, a Vice-Chair for the Trust and Estate Law Division, a Secretary, and one Assistant Secretary for each of the Divisions, who shall also serve as the Legislative Liaison for that Division.

Section 2. The Chair of the Board of Consultors, the two Vice-Chairs, the Secretary and the two Assistant Secretaries/Legislative Liaisons, shall be elected by the Board from its membership.

Section 3. The term of office for the Chair of the Board shall be one (1) year. The term of office for all other offices; the two Vice-Chairs of the respective Real Property and Trust & Estate Law Divisions, the Secretary and the two Assistant Secretaries of the respective Real Property and Trust & Estate Law Divisions shall serve a term of two (2) years unless elected to a higher officer position sooner. The officers may not succeed themselves and serve an additional term. The Board shall elect officers for the ensuing year at a meeting of the Consultors held preceding the annual meeting of the Section and Association. The Board shall elect a member of the Real Property Law Division of the Section who is a member of the Board to serve as Chair one year, and a member of the Trust and Estate Law Division of the Section to serve as Chair in alternate years.

Section 4. The Board of Consultors may at any time, upon resolution, remove any officer during that individual's term; provided, however, that a vote of two-thirds of the entire Board of Consultors shall be required for the removal of any officer. Notwithstanding the provisions of Section 5 of Article IV, for the purposes of this Section, an ex-officio Consultor shall not have a vote.

Section 5. In the event of a vacancy occurring in any office during the term of office held by any individual, the Board shall elect a Consultor to fill the unexpired term. Serving as an officer for an unexpired term of office will not constitute a term of service if a limitation is imposed by these Bylaws. If the vacancy occurs as the result of the resignation or removal of a Real Property

Consultor, an individual practicing real property law shall be elected to fill that vacancy. If the vacancy occurs as the result of the resignation or removal of a Trusts and Estate Consultor, an individual practicing trust and estate law shall be elected to fill that vacancy.

ARTICLE VI – Nomination and Election of Board of Consultors

Section 1. At the first meeting of the Board following January 1 of each calendar year, the Chair shall appoint a nominating committee (the "Committee") of three (3) members of the Section, consisting of a current Consultor, the immediate past chair of the Board, and an ex officio Consultor. The Committee shall make and report at the next annual meeting nominations for members of the Board to succeed those whose terms will expire at the close of the annual meeting. The Committee shall also propose to the Board the names of individuals to fill vacancies then existing or which become vacant during the year. The Committee shall submit its slate of candidates at the meeting of the Board that immediately precedes the Annual Meeting of the Section and Association. The Secretary shall post, or have posted, the slate of nominated individuals on the Section's listserv operated by the Association; called the NJSBA CommunityNET .

Section 2. Unless otherwise provided with respect to filling a vacancy, all elections of Consultors shall be by a majority vote of Section members present, in person, at the Annual Meeting of the Section.

ARTICLE VII – Duties of Officers

Section 1. Chair. The Chair shall preside at all meetings of the members of the Section and the Board. The Chair shall have those duties, including the coordination of the activities of the Divisions and officers of the Section, normally ascribed to a chairperson of an organization, including the appointment of Consultors and/or members of the Section to special subcommittees of the Board. The Chair shall be subject to the supervision of the Board and the Association.

Section 2. Vice-Chair. The Vice-Chair of each Division of the Section's activities as above outlined, shall direct and supervise the activities of the Division of the Section that the Vice-Chair heads, subject to the supervision of the Chair and the directions of the Board. The Vice-Chair of each Division shall be responsible for coordinating an annual symposium in conjunction with the New Jersey Institute for Continuing Legal Education, on topics related to the law relevant to Section members and non-Section members who practice Real Property Law or Trust and Estate Law, as the case applies. The Vice-Chair of each Division shall also direct activities of the Assistant Secretaries/Legislative Liaisons of their respective Divisions. In the event of the absence, death or disability of the Chair, the Vice-Chair who has seniority on the Board, or, in the event that Vice-Chair is unable or unwilling to act, for any reason whatsoever, then the other Vice-Chair shall perform the duties of Chair.

Section 3. Secretary. The Secretary of the Section shall be the custodian of the Section's records, including the minutes of the Board and meetings of the Section members. The Secretary shall keep an accurate record of the proceedings of all meetings of the Section and of the Board and obtain a summary of the proceedings of the respective Divisions of the Section from the Assistant Secretaries/Legislative Liaisons. The Secretary shall report the same to the Board at each meeting of the Board and shall post, or have posted, the minutes of each meeting of the Board and Divisions on the Section's CommunityNET website maintained by the Association. The Secretary, in conjunction with the Chair, shall also keep an accurate record of all monies appropriated to and expended for the use of the Section.

Section 4. Assistant Secretaries and Legislative Liaisons. The Assistant Secretary of each Division of the Section shall generally perform the duties of a secretary to their respective Division, and shall be subject to the supervision and direction of the Vice-Chair of their respective Divisions. The Assistant Secretary of a Division shall also be responsible for presenting to the Consultors of that Division, and then the Board as a whole, any and all legislation pending in Trenton or legislation the Division members believe should be adopted by the Legislature, and/or judicial decisions affecting the Divisions' practice of law upon which the Section should request the Board of Trustees of the Association to take a position.

ARTICLE VIII – Meetings of the Section

Section 1. The annual meeting of the membership of the Section will be held during the Annual Meeting of the Association. The Annual Meeting must shall be held in the same city in which the Annual Meeting of the Association occurs, at the time and place designated by the Association's Secretary in the notice of such meeting, with such program(s) and/or order of business as may be fixed by the Board . The Section will also hold a mid-year meeting at a place and time to be determined by the Consultors.

Section 2. Special meetings of the membership of the Section may be called by the Chair at such time and place as the Chair may determine, and shall be called by the Chair upon the written request of no less than ten (10) members of the Board at such time and place as shall be set forth in the notice sent to members by the Section's Secretary.

Section 3. Fifteen (15) members of the Section, present, in person at any regular or special meeting of the Section, will constitute a quorum for the transaction of business. A majority of the members present, in person, shall bind the Section membership unless vetoed by the Association's Board of Trustees.

Section 4. Members shall be present for purposes of Article VIII, Section 3 if they vote by email, telephone, fax, Skype, Go-To-Meeting, or any other electronic means.

ARTICLE IX – Meetings of the Divisions

Section 1. Meetings and forums of the respective Divisions of the Section may be held at such times and places as the Vice-Chair of the Division designates, subject to the approval of the Chair. The Vice-Chair of the Division holding the meeting shall preside over such meeting(s).

Section 2. Notice of meetings of the respective Divisions will be given to the Section members by the Assistant Secretary of the Division holding the meeting or forum in a manner prescribed by the Board. A copy of the proposed agenda or program of all such meetings must be filed by the Vice-Chair in charge of such meeting with the Secretary and Chair of the Section at least ten (10) days in advance of the meeting. The Chair may make such changes in the program or agenda of all such meetings as the Chair determines appropriate.

Section 3. No action that will bind the Section at large may be taken at any meeting or forum of the respective Divisions without the prior approval or authority of the Board .

ARTICLE X – Committees

Section 1. There shall be an Executive Committee consisting of the Chair, two Vice-Chairs, the Secretary, the immediate past chair, and the Trustee of the Association assigned to the Section, who shall meet at the pleasure and direction of the Chair. In the event of an emergency occurring between meetings of the Board, the Executive Committee may act on behalf of the Board.

Section 2. The Chair of the Section may create such committees as the Chair may determine to be necessary or desirable, and appoint members of the Section to serve on such committees without Board approval. Members of a committee shall serve for a term of two (2) years or such shorter period of time as the Chair may designate. The committee leader shall serve at the pleasure of the Chair. Members of a committee shall have no term limits other than remaining dues paying members of the Section and the Association, unless a member qualifies, per the Bylaws of the Association, as exempt from paying dues.

ARTICLE XI – Section Subject to the Bylaws of the NJSBA.

Notwithstanding anything contained in these Bylaws to the contrary, this Section shall be organized and conducted in all respects subject to the Bylaws of the Association, and no action of this Section or the Board shall be construed to determine the Association's policies, nor will any recommendations or resolutions of the Section, or any Division, be acted upon or publicized until after the approval by the Association or the Association's Board of Trustees.

ARTICLE XII – Amendments

Section 1. These Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present, in person, provided that notice of such proposed amendment is described in detail in the notice of the meeting at which it will be acted upon, and such notice is delivered to Section members no less than thirty (30) days prior to said meeting. Amendments may be proposed by the Association.

Section 2. No proposed amendment to these Bylaws, when adopted by the Section, may take effect until approved by the Board of Trustees of the Association.