



## REAL PROPERTY LAW SECTION

# KNOWING THE ROPES FOR THE VOYAGE: *The Michigan Real Estate Recovery Sails On* Grand Hotel • Mackinac Island, Michigan July 15-18, 2015

### Program Co-Chairs:

**Michael Luberto**, Chirco Title Agency, Inc.

**J. Scott Timmer**, Miller Johnson

### WEDNESDAY, JULY 15, 2015

**6:30 – 7:30 ~ Welcoming Reception**

### THURSDAY, JULY 16, 2015

**8:00 – 8:15 a.m. ~** Bob Tagatz, Grand Hotel Historian - Families welcome

**8:15 – 9:00 a.m. ~ Round Robin/Special Committee Introductions**

**9:00 a.m. – Noon ~ Bridging the Gap: Financing Alternatives to Traditional Bank Lending**

*Moderator:* Mark P. Krynski, Jaffe Raitt Heuer & Weiss, P.C.

**MSHDA Programs:** Willard G. Moseng, Michigan State Housing Development Authority

Cynthia P. Ortega, Miller Johnson

**Government Development Incentives:** Grant W. Williams, Miller, Canfield, Paddock and Stone, P.L.C.

**Seller Financing:** Patrick A. Karbowski, McDonald Hopkins LLC

**Private Equity:** John A. Sellers, Law Office of John A. Sellers, P.C.

### FRIDAY, JULY 17, 2015

**8:00–8:15 a.m. ~** Tabitha J. Zimney, Karoub Associates

**8:15–8:45 a.m. ~ Round Table Discussions (Choose One):** *Selected members of the Section will chair discussions.*

**8:45–9:45 a.m. ~ State of the Law**

John D. Gaber, Williams, Williams, Rattner & Plunkett, P.C.

Nicholas P. Scavone, Jr., Bodman PLC

**9:45–9:55 a.m. ~ Section Annual Meeting**

David E. Pierson, McClelland & Anderson, LLP, Chairperson

Land Titles Standards Meeting, Brian J. Page, Dykema

**10:00 a.m.–Noon ~ Workshops (Choose Two)**

**Management and Transfers of Family Property**

David S. Fry, Law Offices of David S. Fry, PLC

George F. Bearup, Smith Haughey Rice & Roegge

**Oil and Gas Rights**

Lawrence M. Elkus, The Law Offices of Lawrence M. Elkus, PC

Gary Worman, Worman Dixon PLC

**What Every Real Property Attorney Needs to Know About Advanced Like Kind Exchanges**

Dean A. Rocheleau, Plante Moran

William B. Acker, Kemp Klein Law Firm

**For Our Newer Practitioners: (Choose One for each hour):**

**(10:00–11:00 a.m.) Title Insurance 101**

Lawrence R. Duthler, Sun Title Agency

John C. Bommarito, Attorneys Title Agency LLC

**(11 a.m.–Noon) Fundamentals of Real Estate Remedies**

Steven A. Roach, Miller Canfield

Abby H. Cooper, Cooper & Riesterer, PLC

### SATURDAY, JULY 18, 2015

**8:30–9:30 a.m. ~ Round Table Discussions (Choose Two):** *Selected members of the Section will chair discussions.*

**9:40 – 10:40 a.m. ~ Special Presentation** by John U. Bacon, author of six books on sports and business, including Bo's Lasting Lessons: The Legendary Coach Teaches the Timeless Fundamentals of Leadership, Three and Out: Rich Rodriguez and the Michigan Wolverines in the Crucible of College Football, and Fourth and Long: The Fight for the Soul of College Football -- all national best sellers.



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## KNOWING THE ROPES FOR THE VOYAGE: *The Michigan Real Estate Recovery Sails On*

### FACULTY

#### Program Coordinators



**Michael A. Luberto**, Co-Program Coordinator, is President of Chirco Title Agency, Inc. He leads the company's commercial and residential title and escrow operations, and its tax-deferred exchange intermediary business. He has structured affiliated business arrangements under RESPA and other joint ventures. As an attorney, he represented sellers, buyers and developers of many types of properties, including industrial, retail, office and hospitality. Mr. Luberto represented lenders and borrowers in various financing transactions, including asset-based lending, tax-exempt bond financing, sale-leaseback transactions, loan workouts and foreclosures. His experience also includes representing businesses in mergers, acquisitions and other business transactions. Mr. Luberto is the Co-Chair of the Real Property Section's Special Committee on Conveyancing and Title. He is the author of "Tax-Deferred Exchanges of Second Homes and Mixed-Use Properties" in the *Michigan Real Property Review*, and "Title Insurance Policy Endorsements" in the *Michigan Bar Journal*.



**J. Scott Timmer**, Co-Program Coordinator, is a member of Miller Johnson and has been in practice since 1980. He concentrates in real estate, construction, creditors' rights, mergers and acquisitions, and general corporate matters. Mr. Timmer has represented developers, landlords, tenants, commercial and industrial property owners, school systems, townships, financial institutions, and individuals in matters relating to the

acquisition, sale, leasing, and zoning of real property. He has lectured and written articles on a variety of real estate topics such as adverse possession, boundary disputes, oil and gas leases, real estate transfer taxes, liens, and title issues, including "Adverse Possession, Prescriptive Easements, and Acquiescence: Some Current Issues and a Case Law Update," *Michigan Real Property Review*, Winter 2014, and "The Application of State Transfer Tax to Entity Interest Transfers," *Michigan Real Property Review*, Summer 2009. Mr. Timmer has handled the acquisition and sale of innumerable businesses in Michigan and throughout the United States. He has served as counsel to two NYSE corporations formerly based in Muskegon and as to numerous acquisitions and divestitures. He has also served for more than 25 years as general counsel for one of West Michigan's largest private holding companies of manufacturing concerns, and has represented it in 18 acquisitions. He is listed in "The Best Lawyers in America®" for Real Estate Law and is named as a Michigan "Super Lawyer" in Real Estate/Business.

### THURSDAY, JULY 16, 2015

#### Faculty



**Mark P. Krysinski** is a partner in the Southfield office of Jaffe Raitt Heuer & Weiss and an Adjunct Professor at the University of Michigan Law School in Ann Arbor. Mark specializes in the commercial development financing and leasing of office, industrial, apartment and retail projects nationwide, complex mixed-use condominium developments, manufactured housing communities and multi-family housing communities. Mark is a past Chair of

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### Faculty continued

the Real Property laws Section of the State Bar of Michigan and the Commercial Leasing Committee. He is listed in The Best Lawyers in America, Chambers Best Lawyer, Top Rated Lawyer by The American Lawyer and Corporate Counsel, AV rate (Pre-eminent 5.0) by Martindale Hubble, Michigan Super Lawyers and Order of the Coif. He is a member of the Firm's Opinion Letter Committee, a former head of the Attorney Development Committee and a member of the Finance Committee. Mark is a fellow of the American College of Real Estate Lawyers and is a frequent speaker for the State Bar of Michigan, ICSC, BOMA and the Institute of Continuing Legal Education in Ann Arbor, Michigan on leasing, development and condominium issues. Mark can be reached at 248.727.1419 or mkrysinski@jaffelaw.com.



**Patrick A. Karbowski** of McDonald Hopkins has more than 26 years of experience practicing business and real estate law. His expertise covers a wide spectrum of complex real

estate transactions and litigation involving real estate sales, acquisitions, development, title insurance, leasing, lending, property taxes, foreclosures, and workouts. Patrick also has significant experience in commercial finance, handling real estate based and asset based loans, for both lenders and borrowers. Patrick, a past Chairperson of the Real Property Law Section of the State Bar of Michigan, is a recipient of the C. Robert Wartell Distinguished Service Award for exemplary contributions to the section over an extended period of time. He is an ex officio member of the section's governing council and serves on many of its committees, including as chair of the Pro Bono Committee. Patrick is a Fellow of the American College of Real Estate Lawyers and has been an adjunct professor of law teaching real estate transactions at the

Ave Maria School of Law. Patrick is on the real estate advisory board for the Institute of Continuing Legal Education. A frequent author and lecturer on real estate topics for professional and industry organizations, Patrick is listed in The Best Lawyers in America, Chambers USA and Super Lawyers for Real Estate. Patrick is a Leadership Oakland alumnus and has served on the boards of several community organizations.



**Willard G. Moseng** is the Deputy Director of Legal Affairs for the Michigan State Housing Development Authority. During his 29 years at

MSHDA, Mr. Moseng has closed numerous construction and permanent loans for multi-family residential and mixed-use developments. For most of his tenure, he also advised MSHDA's Homeownership Division regarding single-family home loans and tax-exempt bond compliance. He has published a number of articles in the Real Property Law Review, presented for various real estate seminars, and served on the council for the Real Property Law Section. His duties at MSHDA include advising staff on federal and state housing programs, reviewing and drafting legislation, and participating in the issuance of tax-exempt and taxable bonds. Prior to working at MSHDA, Mr. Moseng was in private practice and also owned and operated a title insurance agency.



**Cynthia P. Ortega** is a member of Miller Johnson, Chair of the Real Estate practice group, and has been practicing law since 1981. Her practice is focused on representing

developers and builders in matters relating to residential, commercial and industrial real estate development, acquisitions, sales and financing, and representing small



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### Faculty continued

businesses in a variety of general business matters. Ms. Ortega has represented residential, commercial and industrial owners, developers and tenants in front of various municipalities with regard to zoning matters and development approvals. She has acquired a specialty in the affordable housing tax credit financing area. Ms. Ortega is involved in many professional associations including the Michigan Housing Council. She is also a member of a number of law-related organizations, including the State Bar of Michigan where she is involved in the real estate section and serves as co-chair of the Commercial Real Estate Development and Ownership Committee; the Kalamazoo County Bar Association and the American Bar Association. She is a Michigan State Bar Foundation Fellow. Ms. Ortega is listed in "The Best Lawyers in America®" for Corporate Law and Real Estate. She was named *Best Lawyers 2015 Kalamazoo Real Estate Law Lawyer of the Year*.



**John A. Sellers**, Law Office of John A. Sellers, P.C. focuses his practice on corporate and securities law, mergers and acquisitions, corporate finance, commercial real estate, and commercial business transactions. In addition, he counsels clients on related debt and equity finance, contract negotiation, business combinations, and asset acquisitions. John's experience also includes structuring asset-based loan facilities, securities offerings, and a wide range of business endeavors involving venture capital funds, real estate syndications, e-commerce ventures, automotive suppliers, and manufacturers. In addition to counseling clients, John has frequently penned articles for *Offshore Finance U.S.A.* magazine as well as other publications.



**Grant W. Williams**, Senior Attorney at Miller Canfield, focuses his practice on corporate real estate transactions and secures economic development incentives for clients' investments across the United States and North America. He assists clients throughout the entire development process including strategy, negotiation, special legislation, incentive compliance and collection. He also represents clients in all aspects of real estate transactions, including leasing, acquisition, sale, design and construction of a variety of properties including manufacturing facilities and corporate office space. In each transaction, he works to ensure that his client enters into agreements providing the greatest protection and least exposure. He is the author of "Enhancing The Deal: Integrating Government Incentives Into Real Estate."

### FRIDAY, JULY 17, 2015 State of the Law



**John D. Gaber** is a shareholder of Williams, Williams, Rattner & Plunkett, P.C., in Birmingham, Michigan. Mr. Gaber practices real estate, land use and zoning law, corporate and general business law, specializing in commercial real estate acquisitions, dispositions, land use, developments, construction, financing and leasing. He represents developers, national retailers, landlords, tenants, operators, franchisees and municipalities. He has represented clients in the development and redevelopment of numerous commercial and mixed use projects. Previously, Mr.

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### State of the Law continued

Gaber was a senior real estate attorney for Kmart Corporation. Mr. Gaber is an active member of the Real Property Section of the State Bar of Michigan, where he co-chairs the Commercial Real Estate Development, Ownership and Finance Committee, co-chaired the 2012 and 2013 Summer Law Conferences and is a member of the Continuing Legal Education Committee. He is also a member of the American Bar Association, The Fellows of the American Bar Foundation, International Council of Shopping Centers and the Oakland County Bar Association. Mr. Gaber serves on the Board of Directors for the Rochester Regional Chamber of Commerce and the Rochester DDA. He also served on the Rochester Hills City Council and Planning Commission. He graduated *summa cum laude* from Wayne State University Law School, and earned his BBA degree with high distinction in finance from the University of Michigan.



**Nicholas P. Scavone, Jr.,** is a member of Bodman PLC and Chair of Bodman's Real Estate Practice Group. He has represented banks and other financial institutions in a wide variety of complex, multi-million dollar, secured loans and other financial arrangements involving real estate. Mr. Scavone also has extensive experience with commercial real estate loan workouts, foreclosures, receiverships, deeds in lieu of foreclosure, and sales of REO. In addition to banking and finance matters, Mr. Scavone also represents clients in a wide variety of complex real estate transactions, including purchases and sales and commercial lease transactions. Mr. Scavone is a member of the State Bar of Michigan (Real Property Law and Business Law Sections) and the American Bar Association (Real Property Law Section).

He is Secretary of the Council of the Real Property Law Section of the State Bar and a member of the Michigan Land Title Standards Committee. He is listed in The Best Lawyers in America 2015 under Banking and Finance Law and Real Estate Law, Chambers USA: America's Leading Lawyers for Business 2014 under Real Estate, and Michigan Super Lawyers under Real Estate. He is listed as a 2014 "Top Lawyer" by DBusiness magazine and is AV® Peer Review Rated by Martindale-Hubbell.

### Workshops



**William B. Acker** of Kemp Klein, P.C. has focused his 40 years of practice on creating cost effective solutions to complex business and taxation matters for business and real property owners. Bill has extensive experience in structuring business and real estate matters, family estate planning and administration, and planning to avoid and resolve business and tax disputes. Bill has represented many clients in complex wealth and dispute avoidance planning, and in tax controversy matters against the Internal Revenue Service, both in administrative hearings and extensively in tax litigation. He is a graduate of the University of Michigan's Business School (BBA) and Law School. He has authored numerous articles on tax and estate planning law; strategies for owners of real property; workouts and debt restructuring; tax deferred like-kind exchanges of property; partnership tax matters; state property tax and other tax matters for many professional journals, including the State Bar of Michigan Real Property Section's professional journal, *The Real Property Review*, the *Wayne Law Review*, and State Bar of Michigan Taxation Section's professional journal, the *Michigan Tax*

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### Workshops continued

*Lawyer.* He is a frequent seminar speaker on the tax impact of federal tax legislation on real estate ownership, investment, development and financing, as well as structuring real estate and other business and joint commercial ventures. Bill is a Kemp Klein, P.C. shareholder, director and corporate vice president. Bill is "AV" rated by Martindale Hubbell, and included in Best Lawyers in America, Super Lawyers and "Top Lawyer" (DBusiness).



**George F. Bearup** of Smith Haughey Rice & Roegge has practiced law in Traverse City for 36 years. He is recognized in Michigan and the nation as a leader in the areas of estate planning and retirement planning. George is one of only 2,600 attorneys in the nation elected to be a Fellow of the American College of Trust and Estate Counsel. The College is a national organization that includes attorneys who have demonstrated the highest level of integrity, commitment to the profession, competence, and experience as trust and estate counselors. George is very active in the Traverse City community. Currently George is chair of the Board of Trustees of Munson Medical Center and he also sits on the Board of Trustees of Munson Healthcare System. In addition, George is currently Chair of the Real Estate Committee of the Probate and Estate Planning Section of the State Bar of Michigan. Over the years, he has donated a significant amount of time, legal expertise, and resources to the Rotary Charities of Traverse City, the largest grant giving chapter of all Rotary Charities in the world. In addition, George is a frequent speaker and moderator for the Institute of Continuing Legal Education seminars, including the Annual Drafting Estate Planning Documents Seminar and Annual Probate and Estate Planning Institute. He

has written several articles on divorce, probate trusts, and estate planning, and is a chapter author and former co-editor of the "Michigan Revocable Grantor Trusts" (ICLE 2d and 3d eds). Notably, George was a founding member of Smith Haughey's Traverse City office in 1990. George is a Fellow of the State Bar of Michigan. He has been listed in "The Best Lawyers in America" (Trusts) for over 20 years, is AV rated by Martindale-Hubbell, and has been named as a "Michigan Super Lawyer" since 2006. In addition, George has been a Fellow of The American College of Trusts and Estates Council since 2002.



**John C. Bommarito** is General Counsel and Corporate Secretary for Attorneys Title Agency LLC and its family of companies. Prior to joining Attorneys Title, he was associate state counsel with LandAmerica Financial Group and before that, in-house counsel for a large metropolitan Detroit title agent. Mr. Bommarito also has experience in private practice, primarily in the areas of real estate and title insurance, which includes underwriting, claims resolution, and litigation as well as other aspects of these primary fields. He is: an active member of the State Bar of Michigan's Real Property Law Section; a director of the Michigan Land Title Association (MLTA); chair of the Oakland County Bar Association Real Estate Committee; Past President of the Italian American Bar Association; and a member of the Macomb County Bar Association and its Real Estate Committee. Mr. Bommarito enjoys opportunities to speak at Real Property Law Section, MLTA, and ICLE events. He also has been published in the MLTA "Examiner"; "Michigan Real Property Review"; ICLE practice materials; "LACHES" (OCBA) and "Bar Briefs" (MCBA).



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### Workshops continued



**Abby H. Cooper** is a member of Cooper & Riesterer, PLC, located in Brighton, Michigan. Prior to joining Cooper & Riesterer, she was a research attorney for the Michigan Court of

Appeals, and before that, she worked for the City of Detroit Corporation Counsel and the Michigan Supreme Court. Abby specializes in real estate and municipal law, counseling commercial and residential property owners, sellers, buyers, lessors, and tenants on all aspects of real estate and zoning law. She advises clients on their simple and complex transactional and litigation issues including buy/sell agreements, land contracts, leases, easements, maintenance agreements, boundary disputes, variances, special use/site plan approvals, rezoning, mortgage workouts, foreclosures, and deed in lieu of foreclosures. Abby is a frequent lecturer on all aspects of real estate law for local realtor groups, and during the economic downturn, held several community forums on mortgage default remedies including short sales, modifications, foreclosures, and deed in lieu of foreclosures. She is an active member of the Livingston County Association of Realtors, Brighton Rotary, and Livingston County Bar Association. She is municipal counsel to Conway Township (Livingston County) and corporate counsel to Brighton Veterans Memorial Committee.

**Lawrence R. Duthler** is the president and co-owner of Sun Title Agency. Since founded in 2005, Sun Title has grown into one of the largest commercial and residential title agencies in Michigan, recently appearing on the Inc. 5000 list, 101 Best and Brightest Companies to Work For, and 50 Businesses to Watch in Michigan. Before co-founding Sun Title, Mr. Duthler was an attorney in the corporate and real estate practice groups of Warner Norcross & Judd and Barnes & Thornburg. He is a Certified Public

Accountant with a Masters in Taxation, and holds numerous licenses in the title and real estate industries. In addition to directing the operations of Sun Title, Mr. Duthler is an active developer and real estate investor, with numerous award-winning commercial real estate projects. He is a regular speaker on title and real estate subjects and conducts commercial and residential continuing education seminars for numerous real estate boards, including the West Michigan Commercial Alliance of Realtors and the Grand Rapids Association of Realtors.

**Lawrence M. Elkus**, The Law Offices of Lawrence M. Elkus, PC - Licensed in Colorado, Michigan, Pennsylvania and Texas, Mr. Elkus has a national boutique oil and gas law practice. Wayne State University, B.S. Business Administration (Accounting), Southern Methodist University School of Law, J.D. CPA (inactive). For over 30 years his practice involves representing independent oil companies, oil and gas investors and mineral owners in leasing, lending, securities, tax strategies, corporate, mergers and acquisitions, and joint ventures activities. Former chair of the Oil and Gas Standing Law Committee of the State Bar of Michigan, author and lecturer.



**David S. Fry**, Law Offices of David S. Fry, PLC, is an attorney who specializes in the field of cottage law, using his personal experience as a fourth generation cottage owner, and drawing on his

estate planning, real estate and business law background. As a lawyer and authority on a variety of business, estate planning, and real estate issues, Mr. Fry has over 35 years of experience in representing individuals, families and corporations on a number of legal matters related to the ownership and transfer of ownership of various properties, including LLCs. Mr. Fry is a graduate of Michigan State University and Georgetown

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### Workshops continued

University Law School. He has worked with families who own all types of vacation property located all over the United States and Canada. He is also a co-author of the most recent edition of the leading book in this field—"Saving the Family Cottage," as well as numerous newspaper and magazine articles on this subject. Mr. Fry is a member of the State Bar of Michigan (past elected member, Business Law Section Council) and the Grand Rapids Bar Association. He has served as an elected member of the Chief Legal Officer Council of The Conference Board, a member of the American Corporate Counsel Association and the American Society of Corporate Secretaries. He is admitted to practice before the Supreme Court of Michigan, the Federal District Court for the Western District of Michigan, the Court of Appeals for the Federal Circuit and The Supreme Court of the United States.



**Steven A. Roach** of Miller Canfield, applies his 28 years of commercial transaction and litigation experience in restructuring lending relationships and enforcing loan transactions, and

provides a unique perspective as both a trial and transactional lawyer when representing and counselling the firm's financial institution clients. Steve has represented lenders in a variety of lending structures, including syndications, financing leases, structured debt and equity financings, multi-jurisdictional and international transactions. He has assisted lenders with the liquidation of many different types of collateral that include operational assets, construction equipment, retail and wholesale inventory, real estate, intellectual property, aircraft and ships, with borrowers located in Michigan, throughout the United States, Mexico, Canada, and elsewhere. Steve delivers results both out of court and when litigation is needed. Steve utilizes pre- and

post-judgment remedies in both state and federal courts when appropriate to preserve and enhance the value of collateral and to liquidate collateral. He has been actively involved with a large number and variety of receivership actions that have sought to preserve the value of assets, to wind down operating companies, to complete construction projects, and to liquidate both real and personal property. His receivership practice includes representation of both receivers and secured lenders. His practice experience also includes jury trials, bench trials and arbitrations involving millions of dollars in damages, including lender liability, license and royalty contracts, real estate, construction disputes, Uniform Commercial Code issues, fraudulent transfers, probate issues, shareholder disputes, and, of course, the enforcement of loan agreements. He looks for immediate solutions and creative solutions, when cost effective and beneficial for his clients. In one particularly memorable case, Steve represented the Trustees of Detroit's historic Mariners' Church in a property dispute with the Episcopal Diocese of Michigan, prevailing at both the trial and appellate levels.



**Dean Rocheleau** is a Plante Moran tax partner specializing in the real estate and construction industries. He is known for his creative and practical approach to structuring

entities and their transactions to meet the needs of their owners while minimizing the associated income taxes for all parties involved. Dean often successfully represents clients before the Internal Revenue Service and other taxing authorities. He has provided tax assistance to clients and their attorneys for more than 32 years, with an emphasis on clients in the real estate and construction industries. Most recently, he has worked with clients to minimize the income tax impact of



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### Workshops continued

debt restructurings while positioning them to keep their tax burden reduced as they return to profitability. Dean is often asked to conduct meetings and seminars educating his audience on popular tax topics such as determining the optimal organizational form, how to best admit or redeem owners, and how to acquire, develop, and sell assets and businesses.



**Gary Worman**, Worman & Dixon PLC is licensed in Michigan, Pennsylvania and Kansas. He has over thirty years experience in various aspects of the oil and gas business. Prior to forming

Worman & Dixon, he was employed by Sabine Corporation and Sun Oil Company. His practice is limited to oil and gas matters for clients ranging from major oil companies to small independents. His expertise includes the negotiation and preparation of oil and gas agreements, title opinions, oil and gas lease negotiations and administrative hearings at the DEQ and PSC. He serves on the Board of Directors for the Michigan Oil & Gas Association and is the co-chair for the MOGA legal /legislative committee and the leasing committee.

### ROUND TABLE DISCUSSION LEADERS

**Friday and Saturday,  
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**Gail A. Anderson** is a partner at McClelland & Anderson, LLP, a Lansing-based firm specializing in real estate, land use and commercial litigation. She received her undergraduate and law degrees from the University of Illinois. Ms. Anderson represents developers, real estate brokers, title companies, and other businesses. She is a past chairperson of the Real Property Law Section of the State Bar and is listed in "Best Lawyers in America" in real estate law.

Ms. Anderson has authored numerous articles and is a frequent lecturer on real property law matters for a number of organizations, including the Michigan REALTORS®.



**Lavinia S. Biasell** is VP, Michigan and Indiana Agency Underwriting Counsel for Fidelity National Title Group. Prior to joining the Fidelity team, she represented title insurance underwriters and

their insureds in claims and coverage disputes as a partner at Maddin Hauser Roth & Heller PC. She has over ten years of experience and has litigated hundreds of title matters. Ms. Biasell is currently the Co-Chair of the Bench Bar Culinary Challenge Committee, which organizes an annual charity event for the legal community to raise money for local women's and children's charities. She was selected as a 2012, 2013 and 2014 Rising Star by Super Lawyers. Ms. Biasell also serves on the State Bar District I Character and Fitness Committee and the MLTA Legislative and Education Committees.

**Michael P. Donovan** serves as Commercial Underwriting Counsel in the National Commercial Services division of Fidelity National Title Insurance Company, where he works on state and national development projects. He previously served as General Counsel of a Detroit title company specializing in urban redevelopment and commercial transactions, where he worked with land banks on numerous projects. He also established a real property litigation practice in which he represented approximately a dozen land banks in title-clearing efforts, using the Expedited Quiet Title provisions of the land bank statute (MCL 124.759), and he has been appointed a Special Assistant Attorney General for purposes of representing the Michigan Land Bank Fast Track Authority. He is a frequent speaker on issues involving tax foreclosure and land banks.

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### Round Table Discussion Leaders continued



**Corey J. Hughes**, Professional Consulting for Riparian & Property Boundaries, work experience includes extensive background in survey areas such as: topographic; road alignment; property and boundary control; title and description; forensic; riparian; mineral rights and allocation; utility topographic and alignment; subdivision plats; Geodetic Control and Global Positioning System (GPS) control; first order horizontal and vertical control; aerial photographic control, ALTA surveys; and river, harbor, channel and structure condition surveys. He is the annual contract surveyor for the Grand Traverse Remonumentation Program for the years 1991 through 2004. Contract Peer Review member for the Grand Traverse Remonumentation Program for the years 2004 to the present.



**James M. Marquardt** is a shareholder with Lewis Reed & Allen P.C. Jim's real estate expertise is in sale and leasing transactions, condominium developments, zoning and land use law, construction contracts and liens, property tax appeals, real estate litigation, and oil & gas, as well as the more esoteric areas of dam law, avigation easements, and wind energy leases. Prior to joining Lewis Reed & Allen, Jim was Vice President Real Estate for First of America Bank Corporation, the holding company of First of America Bank. Jim is a member (1986- ) and former chair (2010-2013) of the Michigan Land Title Standards Committee, a member of the Michigan Real Property Law Section, and has authored articles for the *Michigan Real Property Review*.



**David H. Martyn** is a Vice President, East Region Senior Underwriter – Direct Division, and Senior Underwriting Counsel for Michigan for First American Title Insurance Company. He received his J.D. degree from Emory University and his B.A. degree from Cleveland State University. Mr. Martyn has practiced in the real estate and title insurance industries for more than 20 years in Michigan and Georgia, and is a member of the Real Property Law Section and is a past Chair of the Oakland County Bar Association (OCBA) Real Estate Committee. He has been a speaker for the Real Property Law Section, the OCBA, Albany State University, the Cleveland-Marshall College of Law, and the Cleveland Affordable Housing Roundtable.



**Brandy L. Mathie** of Kerr, Russell and Weber, PLC focuses her practice on real estate law. She is experienced in all aspects of real estate law, including real estate development and financing. Brandy has substantial experience in the areas of acquisitions, dispositions and leasing. She is particularly proficient in identifying trouble spots in real estate transactions and offering creative solutions. Brandy is skilled at synthesizing massive amounts of complicated historical real estate information and assembling it into accessible and understandable charts and checklists to keep her clients informed. Brandy assists in matters ranging from simple residential acquisitions to the acquisition and development of large commercial projects for sophisticated clients. She structures business entities with the purpose of owning and operating commercial real estate and creates limited liability companies to own and maintain family cottages. Brandy drafts

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## Round Table Discussion Leaders continued

real estate purchase and sale agreements, leases, commercial financing documents, development agreements, declarations and use restrictions and easements. Brandy also assists a large, national client in connection with the purchase of assets in several regions of the United States. Before joining Kerr Russell, Brandy was associated with a large international law firm, where she assisted clients in many complex real estate transactions, ranging from public-private partnerships to wind energy.



**Steve Morris** of Axis Advisors is a Managing Partner in Detroit, Michigan, bringing over 25 years of commercial real estate experience. Mr. Morris has extensive consulting and transaction experience with office and technology/research property assignments in local and national markets. He provides clients with diverse services including strategic planning, financial analysis and document preparation. Before joining AXIS Advisors, Inc., and founding the Detroit office, Mr. Morris served as a Principal with Mohr Partners and Executive Managing Director and Principal with Newmark Knight Frank. In 1982, he opened his own firm, which became a leading office brokerage company and in 1986, Mr. Morris was a founding partner in GVA Worldwide. Mr. Morris is an instructor at the Ross School of Business at University of Michigan where he teaches Real Estate Finance and continues to lecture each semester. He also teaches real estate finance at the CoreNet Institute in its Masters of Corporate Real Estate Program. Mr. Morris has authored a feature article in the summer 2000 issue of the Journal of Corporate Real Estate and has received the 2000 Broker of the Year award presented by the University of Michigan/Urban Land Institute Real Estate Forum.

**David E. Pierson** practices in the areas of real estate, land use, and environmental regulation, representing developers, landowners, and trade

associations including participation as amicus curiae in major land use and real property cases and counsel on amendments in the Michigan legislature. He participated in the negotiation and drafting of the amendments that changed the Michigan Subdivision Control Act to the Land Division Act, authorization of conditional zoning in Michigan, the 2005 Michigan Zoning Enabling Act and 2008 Michigan Planning Enabling Act. Mr. Pierson is Chairperson of the State Bar of Michigan's Real Property Law Section and chaired its Zoning and Land Use Committee, 2004 to 2015. He has presented seminars around the state for ICLE, the Michigan REALTORS®, and municipal officials.

**Lynn Sagar** is senior underwriting counsel for First American Title Insurance Company for the direct division offices in the State of Michigan. She has over 20 years of experience in the title insurance industry. Ms. Sagar is an active member of the Michigan Land Title Association and serves on the Legislative Committee. She has been a presenter for the Association's educational seminars and has conducted numerous presentations on title insurance issues to real estate practitioners and local bar associations.



**Eric R. Starck** is a member of Miller Johnson and has been practicing law since 2001. His corporate practice focuses on all aspects of commercial real property, including the acquisition, construction, financing, leasing and disposition. He also advises clients on zoning, land use, environmental compliance and environmental due diligence issues. He works with developers, contractors, realtors and investors with site selection, evaluation and acquisition of real property for all types of projects. Mr. Starck also works with school districts, municipalities, retail centers, industrial and office complexes, residential site condominium and plat developments, title insurance companies, commercial and residential real estate



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## KNOWING THE ROPES FOR THE VOYAGE: *The Michigan Real Estate Recovery Sails On*

### Round Table Discussion Leaders continued

brokerage firms, and senior and multi-family housing throughout the State of Michigan.



**Sarah Maddox Sutton** of Fidelity National Title Group, earned the Michigan Land Title Association designation of Certified Land Title Professional (CLTP) in July of 2011 and the American Land Title Association designation of National Title Professional (NTP) in 2013. She served as the State Agency Manager in Michigan for the Fidelity National Title Group for 9 years and is now FNTG's Regional Director of Education for Midwest Agency. Sarah started her career more than 30 years ago as a licensed real estate agent and previously owned her own title company prior to working for Fidelity National Title Group (Fidelity, Chicago, & Commonwealth). She was a State approved real estate continuing education instructor, served on the Board of Review for the content of the real estate broker state exam for licensing, served on a Board of Realtors education committee for 9 years, and served on the Board of Review for content of the title insurance state exam for licensing. Sarah has served as Co-Chair of the Education Committee for the MLTA, as Chair for the Board of Review for the new MLTA Education Designation Program, and on that Board as a committee member.



**Glen M. Zatz** is a member of Bodman PLC. He has over 35 years of experience providing lending and real estate related legal services to financial institutions and other clients. He has represented purchasers and sellers in various types of commercial and industrial projects, including construction and development related activities. He has provided representation to lenders and to borrowers in a wide range of real estate and other types of loans. He has extensive experience in drafting and negotiating commercial leases for both landlords and tenants. Before joining Bodman, Mr. Zatz was a senior vice president and

associate general counsel for Comerica Bank where he managed Comerica's corporate legal real estate practice and its contract administration group. Mr. Zatz is a member of the governing Council of the State Bar of Michigan's Real Property Law Section. He is a former chairperson of the RPLS Commercial Real Estate Finance Committee. While practicing in Chicago, Mr. Zatz was the chairperson of the Consumer Credit Committee of the Chicago Bar Association. He has lectured for the Real Property Law Section, ICLE, and other organizations on a variety of real estate topics. He is AV® Peer Review Rated by Martindale-Hubbell and a member of the American College of Mortgage Attorneys. Mr. Zatz is also active in pro bono matters and serves on the Board of Directors of Community Legal Resources which provides pro bono legal services to non-profit organizations. He is also very nice to dogs and cats.

### SPECIAL PRESENTATION BY JOHN U. BACON



**John U. Bacon** is the author of six books on sports and business, including Bo's Lasting Lessons: The Legendary Coach Teaches the Timeless Fundamentals of Leadership, Three and Out:

Rich Rodriguez and the Michigan Wolverines in the Crucible of College Football, and Fourth and Long: The Fight for the Soul of College Football -- all national best sellers. He freelances for *The Wall Street Journal*, Yahoo and others, appears often on TV, including HBO, ESPN, Fox Business, MSNBC, Al Jazeera and the Big Ten Network, and delivers weekly essays for Michigan Radio and occasionally NPR. He is a popular public speaker, who teaches at Northwestern University and the University of Michigan, where the students awarded him the Golden Apple in 2009. John is also a decent Spanish speaker, an average hockey player, and a poor piano player, but he still enjoys all three!