

**ANNUAL MEETING OF THE COUNCIL OF THE  
OF THE PROBATE AND ESTATE PLANNING SECTION  
OF THE STATE BAR OF MICHIGAN**

Friday, September 8, 2023  
10:00 A.M. or Immediately Preceding the Council Meeting

University Club of Michigan State University  
3435 Forest Rd, Lansing, MI 48910  
and  
Remote via Zoom

**Agenda**

- I. Call to order and Welcome (Mark Kellogg).**
- II. Roll Call and Confirmation of Attendees (Mark Kellogg)**
  - A. Officers and Council Members
  - B. Determination of quorum
  - C. Confirmation of ex officio members and others present
- III. Approval of September 2022 Annual Meeting Minutes – Attachment 1**
- IV. Chairperson’s Report (Mark Kellogg) – Attachment 2**
- V. Treasurers Report (Rick Mills)**
- VI. Nominating Committee (Mark Kellogg) / Nominating Committee’s Report from Christopher A. Ballard – Attachment 3**
  - A. Nominated officers
  - B. Nominated council members (partial terms)
  - C. Nominated council members (full terms)
- VII. Other Business**
- VIII. Adjournment**

# ATTACHMENT 1

**ANNUAL MEETING OF THE PROBATE AND ESTATE PLANNING SECTION  
OF THE STATE BAR OF MICHIGAN**  
Friday, September 9, 2022 @ 9:15 AM

University Club of Michigan State University  
3435 Forest Rd, Lansing, MI 48910  
and  
Remote

**Minutes**

**I. Call to order and Welcome:** Chairperson David Skidmore called the meeting to order at 9:15 AM noting that the meeting was being recorded and that the resulting recording is to be deleted once the minutes of the meeting have been submitted by the Secretary and accepted by the Section.

**II. Zoom Roll Call Confirmation of Attendees:** The following members of the Section were “present” (physically or by remote):

1. David L.J.M Skidmore, Chairperson
2. Mark E. Kellogg, Chairperson Elect
3. James P. Spica, Vice-Chairperson
4. Katie Lynwood, Secretary
5. Nathan Piwowarski, Treasurer
6. David Sprague
7. Daniel S. Hilker
8. Christine M. Savage
9. Angela M. Hentkowski
10. Kurt A. Olson
11. Nazneen Hasan
12. Melisa M.W. Mysliwicz
13. Rebecca K. Wrock
14. Hon. Shauna L. Dunning
15. Andrew W. Mayoras
16. James F. Anderton
17. Sandra D. Glazier
18. Georgette E. David
19. Kenneth F. Silver
20. Neal Nusholtz
21. Richard C. Mills
22. Warren Krueger III.

23. David P. Lucas
24. Hon. David M. Murkowski
25. Daniel W. Borst
26. James B. Steward
27. Patricia Felix
28. Kathleen M. Goetsch
29. Lindsey A. DiCesare
30. Elizabeth Siefker
31. Anthony Misuraca
32. Elizabeth McLachlan
33. Kelly O'Connor
34. Jeffery Bruss
35. Morgan Cole
36. Marguerite Munson Lentz
37. David Lentz
38. Michael D. Shelton
39. Christopher J. Caldwell
40. Kathleen A. Cieslik
41. Michael G. Lichterman
42. Susan L. Chalgian
43. Jonathan K. Beer
44. Andrea Neighbors (Administrative Assistant)

**III. Minutes of the September 17, 2021 Annual Meeting of the Section (James Spica):**

The minutes of the September 17, 2021 Annual Meeting of the Section were attached to the combined Agenda for the Annual Meeting as Attachment 1 and the September Council Meeting, which Agendas were posted to the Section’s web page prior to the meeting. It was moved and seconded to approve such Minutes as posted and presented at the meeting. On voice vote, the Chair declared the motion approved.

**IV. Chairpersons Report (David Skidmore):** David Skidmore gave the Chair’s report at the meeting. A written report was included with the annual meeting materials as Attachment 2. A written copy of the report is attached hereto.

**V. Treasurers Report (Nathan Piwowarski):** Nathan Piwowarski gave the Treasurer’s Report. A written copy of the Treasurer’s Annual Report was posted as a supplement to the meeting materials on the Section’s website.

**VI. Nominating Committee:** David Skidmore reported that the Section’s Nominating Committee report was attached to the combined Agenda for the Annual Meeting as Attachment 3 and the September Council Meeting, which Agendas were posted to the Section’s web page prior to the meeting. The nominations are as follows:

Chairperson Elect	James P. Spica
Vice Chairperson	Katie Lynwood
Secretary	Nathan P. Piwowarski
Treasurer	Richard C. Mills

For the Council for a second three-year term:

Andrew W. Mayoras  
Kenneth F. Silver

For the Council for an initial three-year term:

Daniel W. Borst  
Susan L. Chalgian  
Hon. Shauna L. Dunnings  
Michael D. Shelton

Hon. Shauna L. Dunnings was initially elected to serve the remaining 1-year balance of Nathan P. Piwowarski's term as a member of the Council, which expires at the end of this fiscal year. Hon. Shauna L. Dunnings is now eligible for election to two three-year terms of her own as a member of the Council.

It was moved to elect the Section officers and Council members as nominated. On unanimous voice vote, with no votes against the motions and no abstentions, the Chair declared such individuals elected as Council officers and members.

**VII. Adjournment:** There being no other business before the Section, the Chairperson declared the meeting adjourned at 9:25 AM.

Respectfully Submitted,

Katie Lynwood, Secretary

# ATTACHMENT 2

Annual Chair's Report – Mark E. Kellogg  
Probate and Estate Planning Section  
State Bar of Michigan  
2023 Annual Meeting

The Probate and Estate Planning Section held its Annual Meeting on September 8, 2023.

The Probate and Estate Planning Council held its regular meetings on:

- September 13, 2022
- October 22, 2022
- November 18, 2022
- December 16, 2022
- January 13, 2023
- February 10, 2023
- March 10, 2023
- April 14, 2023
- June 9, 2023
- September 8, 2023

Each of these meetings was a hybrid of in-person attendance (generally at the University Club of Michigan State University) and video (Zoom) attendance.

The Probate and Estate Planning Council has 22 standing committees and 10 ad hoc committees.

Standing committee meetings were held as follows:

- Amicus Curiae: No formal meetings reported.
- Awards: No formal meetings.
- Budget: No reported formal meetings.
- Bylaws: No formal meetings.
- Charitable and Exempt Organizations:
  - September 30, 2022
  - January 6, 2023
  - March 17, 2023
  - April 21, 2023
  - May 5, 2023
  - June 2, 2023
  - June 22, 2023
  - July 7, 2023
  - July 27, 2023

- August 4, 2023
- Citizens Outreach: No formal meetings (see attached report).
- Committee on Special Projects: Same dates as the Council meetings (except no meeting on January 13, 2023).
- Court Rules, Forms & Proceedings: No formal meetings reported.
- Electronic Communications: No formal meetings.
- Ethics & Unauthorized Practice of Law: No formal meetings.
- Guardianship, Conservatorship & End of Life Committee:
  - March 24, 2023 (also see written report attached)
- Legislation Development and Drafting: No formal meetings reported.
- Legislation Monitoring & Analysis: No formal meetings reported.
- Membership:
  - March 3, 2023
  - April 12, 2023
- Nominating: No formal meetings reported.
- Real Estate: No formal meetings reported.
- Tax: No formal meetings.

Ad hoc committees met as follows:

- Assisted Reproductive Technology: No formal meetings.
- Electronic Wills: No formal meetings reported.
- Fiduciary Exception to the Attorney-Client Privilege: No formal meetings reported.
- Nonbanking Entity Trust Powers:
  - September 21, 2022
  - October 5, 2022
  - October 19, 2022



- November 2, 2022
  - November 16, 2022
  - November 30, 2022
  - December 14, 2022
  - January 11, 2023
  - January 25, 2023
  - February 8, 2023
  - February 22, 2023
  - March 8, 2023
  - March 22, 2023
  - April 5, 2023
  - April 19, 2023
  - April 26, 2023
  - May 3, 2023
  - May 10, 2023
  - May 24, 2023
  - June 7, 2023
- Premarital and Marital Agreements:
    - December 21, 2022
    - February 9, 2023
    - February 23, 2023
    - March 9, 2023
    - March 23, 2023
- Uniform Community Property Disposition at Death Act:
    - January 19, 2023
    - February 16, 2023
    - March 2, 2023
    - March 16, 2023
- Undue Influence: No formal meetings reported.
- Uniform Fiduciary Income & Principal Act: No formal meetings reported.
- Uniform Partition of Heirs Property Act:
    - February 14, 2023
    - February 21, 2023
    - March 21, 2023
- Uniform Power of Attorney Act:
    - June 15, 2022

- August 5, 2022
- August 10, 2022
- August 12, 2022
- August 29, 2022
- March 3, 2023
- June 21, 2023

The Council sponsored the following seminars:

- May 17 – 20, 2023 Probate Institute in Acme, MI
- June 15 – 16, 2023 Probate Institute in Plymouth, MI

The Amicus Committee took action on the following:

- MSC Amicus invitation for: Cindy Schaaf, Colleen m. Fryer and Gwen Mason v. Charlene Forbes. Council voted in favor of submitting an Amicus Brief.
- MSC Amicus invitation for In the Matter of Anna-Marie Bazakis, an Individual with a developmental disability. Council vote in favor of submitting an Amicus Brief.

The Council took the following public policy positions (see attached):

Update on Legislation introduced by the Probate and Estate Planning Section (through September 1, 2022):

- The legislation related to the Powers of Appointment Act and the Uniform Statutory Rule Against Perpetuities have been introduced as House Bills 4863-4864.
- The EPIC Omnibus Bill (House Bills 4416-4419) has made it through the House committees and has made its way to the House floor for passage in September. We look to have this legislation introduced in, and passed by, the Senate this fall.
- The Uniform Power of Attorney Act (introduced as House Bills 4597-4599) has passed the House and currently sits with the Senate Civil Rights/Judiciary Committee.
- With regard to ART, Members of the Section have met with House Members who are supportive of the legislation and have agreed to have it introduced in the fall.

FINAL 9.5.2023

# ATTACHMENT 3

**Report of the Nominating Committee  
To the Probate & Estate Planning Council of the State Bar of Michigan  
June 9, 2023**

The Nominating Committee of the Probate and Estate Planning Section of the State Bar of Michigan consists of Christopher Ballard, David Lucas, and David Skidmore.

The Committee reminds the Council and Section that under Sections 4.2.3 and 5.2 of the Section's By-Laws the incumbent Chairperson Elect assumes the office of Chairperson upon the conclusion of the Section's annual meeting. Therefore, the Committee does not nominate a candidate for Chairperson of the Section, and the incumbent Chairperson Elect, James P. Spica, will succeed to the office of Chairperson without action by the Committee, Council or Section.

The Committee met and pursuant to Section 4.1 of the Section By-Laws, the Committee nominates the following individuals for the positions shown opposite their names:

Chairperson Elect	Katie Lynwood
Vice Chairperson	Nathan Piwowarski
Secretary	Richard C. Mills
Treasurer	Christine M. Savage

For the Council for a second three-year term:

James F. Anderton  
Georgette E. David  
Daniel Hilker  
Warren H. Krueger III

For the Council for an initial three-year term:

Ernschie Augustin  
Alexander S. Mallory

Respectfully submitted,

Christopher A. Ballard, Chair