

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

Friday, September 12, 2025

Minutes

I. Commencement: (Piwowarski)

A. Call to Order and Welcome

Chairperson Piwowarski called the meeting to order at 10:30 a.m. 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 Council.

B. Zoom Roll Call

Andrew Mayroas, Rebecca Bechler (Public Affairs Associates), James Steward, Brianne Gidcumb, David Skidmore, Ernschie Augustine, Kenneth Silver, Austin McKee, Jonathan Beer, Kathleen Cieslik, David Sprague, Sandra D. Glazier, Warren Krueger, David Lentz, James F. Anderton, John Mabley, Alexander S. Mallory, Daniel W. Borst, Elizabeth Siefker, Josephine Parrinello, Krysten Hergert, Patricia E. Davis, Marguerite Munson Lentz, Georgette David, Rebecca Wrock, Ryan Buck, Rachael Sedlacek, Joseph Viviano, Hon. Shauna Dunnings, Rachel Kilgallen, Dustin Foster, Nicholas Reister, Michael Shelton, and Karen Whitcomb.

Confirmation of In-Person Attendees

Katie Lynwood, Angela Hentkowski, Daniel Hilker, Michael Lichterman, Nathan R. Piwowarski, Christine Savage, Hon. David Murkowski, James P. Spica, Susan Chalgian, Noel Martzloff, Mitchell Sickon, Chad McDonald, Melisa M. W. Mysliwiec, and David Lucas.

C. Excused Absences

Michael Shelton and Richard C. Mills

II. Monthly Reports

A. Lobbyist's Report (Public Affairs Associates):

- i. Ms. Beckler reported that Senate Bill 160, which is the premarital agreement bill, with Senator Sue Shink, passed the Senate. PAA is working with Representative Sarah Lightner. Rep. Lightner has concerns with Senate Bill 160, as passed by the Senate and would prefer that there's an agreement

reached between the Family Law and Probate and Estate Planning sections, and until that happens, Ms. Bechler does not think Rep. Lightner has an interest in moving this bill along.

ii. HB 4033 and 4034 were passed in the House unanimously earlier this year. Rep. Lightner is trying to get them in front of the Senate Judiciary Committee by the end of this year.

iii. House Committee action is expected on HB 4408 and 4523. Those related to powers of appointment and mandatory MTC provisions, respectively. They are on the docket to pass out of house judiciary by the end of the year.

B. Minutes of Prior Council Meeting – June (Christine Savage) – **Attachment 1**. Chris Savage motioned, and it was supported, accepting the June minutes. Motion carried.

C. Chair's Report (Nathan Piwowarski) Mr. Piwowarski reported:

i. Mr. Piwowarski recognized Katie Lynwood for her dedication and service over the years to the section.

ii. Mr. Piwowarski thanked Ken Silver, Andy Mayoras, and Hon. Shauna Dunnings for their dedication and service to the Section.

iii. Mr. Piwowarski welcomed Hon. Sara A. Schimke, Joseph J. Viviano, and Elizabeth L. Luckenbach to the council. He also thanked the officers for their involvement.

iv. Mr. Piwowarski thanked the Section Administrative Assistant, Andrea Neighbors, for her dedication to the Section. Andrea Neighbors has stepped down and is being replaced by Theresa Castle.

v. The letter from Katie Lynwood to Representative Lightner regarding the pre-marital agreement legislation has been well received.

vi. There was an electronic vote between the June and September meetings regarding the Fowler matter and Andrew Mayoras authored an Amicus brief in that matter.

vii. The Chair's dinner this year will be on Friday, October 17th at The Cadillac Grill and invitations will be going out to invitees this weekend.

viii. The section is co-sponsoring an educational event with the Institute of Continuing Legal Education on September 30th and it is a virtual event. Sam Donaldson will be the expert in estate planning presenting on income tax and transfer tax planning.

ix. The Council's plan of work will be in the October meeting materials.

- x. The existing committees will be preserved with the addition of two new committees, the ad hoc Committee on trust accounts and the ad hoc Committee for the Uniform Guardianship, Conservatorship, and Protective Arrangements Act. Kathleen Cieslik will serve as the Vice-Chair, Jim Spica offered to serve as ULC liaison, and Judge Murkowski and Sandy Glazier have agreed to serve on the committee.
- D. Treasurer's Report (Melisa Mysliwiec) – Ms. Mysliwiec directed the section to Attachment 3 of the September 12, 2025, meeting materials.

III Committee Reports

- A. Committee on Special Projects (Hilker): Mr. Hilker reported that the committee had a lengthy discussion on undue influence and proposed statutes led by the Undue Influence committee. There was also a discussion of the Nonbanking Entity Trust Powers committee.
- B. Amicus (Mayoras):
 - i. Mr. Mayoras reported that the amicus brief for the Fowler case was filed. The Supreme Court has not yet issued any opinion or orders. There are no new submissions.
- C. Annual Meeting (Piwowarski): No report.
- D. Awards (Spica): Mr. Spica reported that the Awards committee has a new chair, Katie Lynwood.
- E. Budget (Savage): No report.
- F. Bylaws (Lucas): No report.
- G. Charitable and Exempt Organizations (Wrock). Ms. Wrock reported that the committee is continuing its review and their next meeting is Thursday September, 24th at 10:00 am.
- H. Citizens Outreach (Goetsch): No report.
- I. Court Rules, Forms, and Proceedings (Davis): No report.
- J. Electronic Communications (Chalgian): No report.
- K. Ethics and Unauthorized Practice of Law (Mallory): Mr. Mallory referred to the Memorandum by Mr. Spica at Attachment 4 of the September 12, 2025, meeting materials.
- L. Guardianship, Conservatorship, and End of Life (Glazier): No report.

- M. Legislation Development and Drafting (Mills/Tiplady): No report.
- N. Legislation Monitoring and Analysis (Shelton). No report.
- O. Legislative Testimony (Hilker): No report.
- P. Membership (Augustine): No report.
- Q. Nominating (Skidmore): No report.
- R. Planning (Piwowarski): Mr. Piwowarski reported that the officers will continue their meetings on the Monday following the council meetings during his term as chairperson.
- S. Probate Institute (Savage): Ms. Savage had an initial meeting with Jeff Kirkey and Lisa Gehrin from ICLE and there is a preliminary draft of the topics.
- T. Real Estate (Hentkowski): Ms. Hentkowski reported that the committee is almost done revising the uncapping statute.
- U. State Bar and Section Journals (Mysliwiec): Ms. Mysliwiec reported that she will be stepping down as editor of the journal and Rebecca Wrock will be the incoming editor. That change will take place for the Spring 2026 journal.
- V. Tax (Anderton): Mr. Anderton reported that One Big Beautiful Bill became One Big Beautiful Act.
- W. Assisted Reproductive Technology (Welber): No report.
- X. Electronic Wills (Cieslik): Ms. Cieslik reported that she has a draft of legislation that incorporates the protection mechanisms that she had previously discussed earlier this year.
- Y. Fiduciary Exception to the Attorney-Client Privilege (Krueger): No report.
- Z. Nonbanking Entity Trust Powers (Spica): Mr. Spica reported that the committee will be bringing back to council a version of the Michigan Trust Company Act that involves two separate acts, one having the same provisions regarding family trust companies that the Michigan Trust Company Act had, and another having the same provisions regarding small commercial trust companies that the Michigan Trust Company had.
- AA. Premarital Agreements (Savage): Ms. Savage reported that the committee is going to work with the Family Law Section to try to work on a compromise in addition to the lobbyist's support.
- BB. Uniform Community Property Disposition at Death Act (Spica): No report.

- CC. Undue Influence (Glazier): No report.
- DD. Uniform Fiduciary Income and Principal Act (Spica): Mr. Spica reported that the Unitrust Act, HB 4033, passed in the House 160 to 0 and now it will go on to the Senate.
- EE. Various Issues Involving Death and Divorce (Borst/Blume): No report.
- FF. Elder law, disability, and rights liaison report (Hentkowski): No report.
- III. ULC liaison report (Spica): Mr. Spica directed the council to Attachment 5 of the September 12, 2025, meeting materials.
- IV. Good of the Order:

Chairperson Piwowarski lead a discussion regarding having virtual-only meetings for January and February as opposed to meeting in-person.
- V. Adjournment of Regular Meeting at 11:28 a.m.

Respectfully Submitted,
Christine Savage, Secretary

The next Council meeting will be held on Saturday, October 18, 2025.