

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

Friday, November 14, 2025

Minutes

Held at the University Club of Michigan State University and Remotely *via* Zoom

I. Commencement (Nathan Piwowarski)

A. Call to Order and Welcome

Mr. Piwowarski called the regular meeting of the Council to order at 10:10 a.m. and welcomed those attending in person and by Zoom. He noted that the meeting was being recorded via Zoom for the sole purpose of preparing the minutes and that the recording would be deleted after the minutes are finalized.

B. Attendance

Ms. Mysliwiec conducted a roll call of Zoom participants and confirmed the presence of in-person attendees.

The following officers and members of the Council were present either in person or remotely via Zoom (“Z” reflects via Zoom):

1. Nathan R. Piwowarski, Chairperson
2. Richard C. Mills, Chairperson Elect (Z)
3. Christine M. Savage, Vice Chairperson
4. Melisa M. W. Mysliwiec, Secretary (Z)
5. Angela M. Hentkowski, Treasurer (Z)
6. Ernsce Augustin (Z)
7. Daniel W. Borst (Z)
8. Susan L. Chalgian
9. Georgette E. David (Z)
10. Patricia E. Davis (Z)
11. Daniel S. Hilker
12. Elizabeth L. Luckenbach (Z)
13. Alexander S. Mallory (Z)
14. Kathleen A. Martone (Z)
15. Nicholas A. Reister (Z)
16. Michael D. Shelton (Z)
17. Hon. Sara A. Schimke
18. Joseph J. Viviano (Z)
19. Rebecca K. Wrock

Others present either in person or remotely via Zoom:

1. Theresa Castle (Administrative Assistant)
2. Shannon DeWall
3. Brianne M. Gidcumb (Z)
4. Dustin Foster (Z)
5. Jeff Kirkey (ICLE) (Z)
6. Peter Langley (Public Affairs Associates)
7. David Lucas (Ex Officio)
8. Katie Lynwood (Ex Officio) (Z)
9. Rachael Sedlacek (ICLE) (Z)
10. Mitchell Sickon
11. James P. Spica (Ex Officio)
12. James Stewart (Ex Officio) (Z)
13. Matthew J. Wiebe

C. Excused Absences

The following were noted as excused:

1. James V. Anderton
2. Sandra D. Glazier
3. Warren H. Krueger, III
4. Hon. David Murkowski
5. James P. Spica
6. David Sprague

D. Approval of Agenda

The Chair reviewed the agenda included in the meeting materials. No additions or changes were requested, and the agenda was accepted as presented.

II. Monthly Reports

A. Lobbyist's Report (Public Affairs Associates)

Mr. Piwowarski reported on behalf of Public Affairs Associates (PAA), who were unable to attend because they were meeting with the mayor of Detroit. Mr. Piwowarski noted that their written report would be included with the meeting materials and highlighted several items that overlap with the Chair's Report:

1. **Senate Bill 160 – Marital Agreements Act.** Representative Leitner is awaiting input from both this Section and the Family Law Section on SB 160, the proposed Marital Agreements Act.

2. **House Bills 4033 and 4034 – Unitrust and Rule Against Perpetuities.** HB 4033, the Unitrust legislation, and HB 4034, the Rule Against Perpetuities legislation, have both passed the House and are pending before the Senate Judiciary Committee.
3. **House Bill 4408 – Powers of Appointment technical changes.** HB 4408, a technical bill addressing the Powers of Appointment Act, remains in the House Judiciary Committee; the Committee Chair is awaiting additional information from the sponsor’s office.
4. **House Bill 4014 – Property Tax.** HB 4014, which is the property tax ownership of property proposal, has passed the House and is awaiting action in Senate Finance.

B. Minutes of Prior Council Meetings (Melisa Mysliwec)

Ms. Mysliwec directed Council to the draft minutes in the meeting materials (**Attachment 1**). After discussion, Patricia Davis noted that in the prior minutes, under the Court Rules report, the reference to testimony from “Dan and Professor Davis” should be corrected; Ms. Davis clarified that only Mr. Hilker testified and requested that “and Professor Davis” be deleted.

With that correction noted, Ms. Mysliwec moved that the minutes of the prior Council meeting be approved; Chris Savage supported. There being no further corrections, the motion to approve the minutes as corrected carried without objection.

C. Chair’s Report (Nathan Piwowarski)

Mr. Piwowarski referred Council to his written Chair’s Report (**Attachment 2**) and summarized several items:

1. **Overlap with Lobbyists’ Report.** The Chair noted substantial overlap between his report and PAA’s written report regarding SB 160, HB 4033/4034, and HB 4408, and directed Council to those materials for details.
2. **Tax Forfeiture Redemption Legislation (SB 5152 and 5153).** The Chair described new legislation addressing “tax forfeiture redemption schemes” under the General Property Tax Act. Determining there was no perfect committee fit, he concluded that the Real Estate Committee would be best positioned to evaluate the bills and make a public policy recommendation. Senate Bills 5152 and 5153 were formally referred to the Real Estate Committee, with an expectation that recommendations could be brought to Council at the January or February meetings.

3. **Definition of “Newspaper” – MCR 2.106.** The Chair also reported a referral request concerning the definition of “newspaper” in court rule MCR 2.106 and indicated that this issue would be referred to the Court Rules, Forms, and Proceedings Committee for evaluation and potential recommendation.
4. **Meeting Format and Attendance.** The Chair reminded Council that the December meeting would be a “banquet” meeting at the University Club and encouraged in-person attendance. He further noted that the January and February winter meetings are expected to be held virtually and referred to his written report for related deadlines.

D. Treasurer’s Report (Angela Hentkowski)

Ms. Hentkowski reported that she did not yet have a fully updated financial snapshot because the State Bar was in the midst of its year-end audit. She reminded members to use the current Section expense reimbursement form (**Attachment 3**) and to submit mileage and other reimbursable expenses timely. No anomalies had been reported, and the Section continues to be in sound financial condition.

III. Committee Reports

A. Committee on Special Projects (Dan Hilker)

Mr. Hilker reported on several items presented by the Committee on Special Projects for Council action:

1. By a straw poll vote, CSP recommended that the Council adopt a public policy position opposing SB 585, SB 586, HB 4727, and HB 4728 as drafted. Mr. Hilker moved to adopt the suggested position. 18 voted yes, 1 abstained, and 4 were absent. The motion carried.
2. By a straw poll vote, CSP recommended that the Council adopt a public policy position opposing HB 4676 and HB 4677 as drafted. Mr. Hilker moved to adopt the suggested position. 16 voted yes, 1 voted no, 1 abstained, 4 were absent, and 1 was present but did not vote. The motion carried.
3. By a straw poll vote, CSP recommended that the Council adopt a public policy position in support of the Amendments to MCR 5.105, but with recommended Amendments as set forth below. Mr. Hilker moved to adopt the suggested position. 17 voted yes, 1 abstained, 4 were absent, and 1 was present but did not vote. The motion carried.

Public Policy Position: The Council adopts a public policy position in favor of amending Michigan Court Rule 5.105 as presented with the following additional

amendments to clarify application of the proposed electronic service rules in probate court:

Addition to MCR 5.105(A)(2)(b) “A Petition or Application which opens a file are considered ‘case initiating documents’ for the purpose of applying MCR 1.109(G)(6)(a) and MCR 2.107(C).”

Addition to MCR 5.105 (B)(4): “Except as otherwise ordered by the court, any interested person in a probate proceeding is considered a party for the purpose of applying MCR 1.109(G)(6)(a) and MCR 2.107(C).”

4. By a straw poll vote, CSP recommended that the Council adopt a public policy position to include the following additional comment to the public policy position regarding MCR 5.105, above:

The Probate Courts should be similarly required to accept filings and to submit communications to the interested persons and their attorneys through electronic means of the Court’s choosing and to accept remote payments.

Mr. Hilker moved to adopt the suggested position. 15 voted yes. 2 voted no. 1 abstained. 4 were absent. 1 was present but did not vote. The motion carried.

B. Amicus Curiae (Andy Mayoras)

Ms. Hentkowski presented the Amicus Committee’s recommendation that the Section decline to the application made for Council to submit an amicus curiae brief in the *Kalbach Trust* matter, now before the Michigan Supreme Court. She summarized the trust administration issues at stake and the Committee’s view. After discussion, a motion was made and supported to deny the application requesting the Council to participate as amicus curiae in the *Kalbach Trust* case, consistent with the memorandum in **Attachment 4**. The motion carried.

C. Annual Meeting (Nathan Piwowarski)

The Chair noted that planning is underway for the next annual meeting to be held in September of 2026, and that further details will follow as the program and location are finalized.

D. Awards (Katie Lynwood)

No report.

E. Budget (Melisa Mysliwicz)

No report.

F. Bylaws (David Lucas)

No report.

G. Charitable and Exempt Organizations (Rebecca Wrock)

No new action items were presented. Ms. Wrock noted that the committee continues to welcome new members and is monitoring charitable sector developments relevant to estate planning.

H. Citizens Outreach (Kathleen Goetsch)

No report.

I. Court Rules, Forms, and Proceedings (Patricia Davis and Georgette David)

In connection with the Chair's referral, Ms. David reported that the committee will review the proposed re-definition of "newspaper" in MCR 2.106 and provide its recommendation at a future meeting.

J. Electronic Communications (Susie Chalgian)

No report.

K. Ethics and Unauthorized Practice of Law (Alex Mallory)

No report.

L. Guardianship, Conservatorship, and End of Life (Sandra Glazier)

No separate report was given during the Council meeting, as Ms. Glazier had participated earlier in the Committee on Special Projects session regarding guardianship legislation and was excused from the Council meeting. The Chair and several members expressed appreciation for her extensive work on guardianship reform efforts.

M. Legislation Development and Drafting (Rob Tiplady and Rick Mills)

No report.

N. Legislation Monitoring and Analysis (Mike Shelton)

Mr. Shelton identified HB 5235 as something we may want to pay attention to, related to the homestead tax credits and the definition of a property owner. The Chair, Mr. Piwowarski, referred this bill to the Tax Committee for further review.

O. Legislative Testimony (Dan Hilker)

No report.

P. Membership (Ernschie Augustin)

No report.

Q. Nominating (Mark Kellogg)

No report.

R. Planning (Nathan Piwowarski)

No report.

S. Probate Institute (Christine Savage)

Ms. Savage reported that planning is complete and all topics and speakers have been selected and confirmed. Mr. Kirkey from ICLE reported that registration for the Institute should be posted within the week. Paul Lee and Lou Harrison, both from past Institutes, are confirmed as national speakers for 2026.

T. Real Estate (Angela Hentkowski)

Ms. Hentkowski reported that the Real Estate Committee recently met and devoted substantial time to the property tax “uncapping” statute. The committee anticipates continuing that work in the coming months. The Chair’s referral of Senate Bills 5152 and 5153 (tax forfeiture redemption legislation) to the Real Estate Committee was noted, and the committee will prepare recommendations for Council consideration at a future meeting.

U. State Bar and Section Journals (Melisa Mysliwiec)

Ms. Wrock reported that the Section’s Journal Committee plans to add “short items” to the Probate & Estate Planning Journal in addition to longer articles. She invited Council members and committee chairs to submit brief updates, practice tips, or news items and asked that any submissions for the upcoming issue be provided by December 1.

V. Tax (J.V. Anderton)

Mr. Reister presented the Tax Committee’s “Tax Nugget” (**Attachment 5**), summarizing IRS Notice 2025-55 and inflation-adjusted federal gift and estate tax parameters for 2026. He noted, in particular, the increase in the basic exclusion amount and the impact on planning for high-net-worth clients, as well as related adjustments for annual exclusion gifts and GST exemptions.

W. Assisted Reproductive Technology (Nancy Welber)

No report.

X. Electronic Wills (Kathleen Martone)

No report.

Y. Fiduciary Exception to the Attorney-Client Privilege (Warren Krueger)

No report.

Z. Non-Banking Entity Trust Powers (Jim Spica and Rob Tiplady)

No report.

AA. Premarital Agreements (Chris Savage)

No report beyond the Chair's earlier comments regarding pending marital agreement legislation (SB 160).

BB. Trust Accounts (Luckenbach)

No report.

CC. Uniform Community Property Disposition at Death Act (Jim Spica)

No report.

DD. Uniform Guardian, Conservatorship, and Protective Arrangements Act (Nathan Piwowarski and Kathleen Martone)

Ms. Martone reported that their committee meeting will be November 20 at noon if anyone would like to join the committee.

EE. Undue Influence (Ken Silver)

No report.

FF. Uniform Fiduciary Income and Principal Act (Jim Spica)

No report.

GG. Various Issues Involving Death and Divorce (Dan Borst and Sean Blume)

No report.

IV. Good of the Order

Under Good of the Order, Council members discussed recognizing Sandra Glazier's induction into the National Association of Estate Planners & Councils (NAEPC) Estate Planning Hall of Fame. Members agreed that the Section should send flowers or a similar token of appreciation, and Ms. Hentkowski volunteered to coordinate the arrangement once Ms. Glazier's preferred mailing address is confirmed.

Additional informal discussion followed regarding practical practice issues (including registered agent address requirements and mailing addresses) and upcoming Section activities.

V. Adjournment of Regular Meeting

There being no further business, Mr. Piwowarski adjourned the regular Council meeting at approximately 11:16 a.m. He reminded members that the December meeting will be held at the University Club as one of the Section's two "banquet" meetings and encouraged in-person attendance, especially given that the January and February 2026 meetings are expected to be virtual-only.

Respectfully submitted,

Melisa M. W. Mysliwicz, Secretary