

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

Friday, December 12, 2025

Held at the University Club of Michigan State University and remotely via Zoom

**Minutes**

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**I. Commencement (Nathan R. Piwowarski)**

**A. Call to Order and Welcome**

Chairperson **Nathan R. Piwowarski** called the regular meeting of the Council to order at 10:30 a.m. and welcomed those attending in person and by Zoom. He noted that the meeting was being recorded via Zoom solely for the purpose of preparing the minutes and that the recording would be deleted after the minutes were finalized.

**B. Attendance**

Susan L. Chalgian 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 participation via Zoom):

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

18. Sandra Glazier (Z)
19. Warren Krueger (Z)

Others present either in person or remotely via Zoom:

1. Theresa Castle (Administrative Assistant) (Z)
2. Brianne M. Gidcumb (Z),
3. Dustin Foster (Z),
4. Jeff Kirkey (ICLE) (Z)
5. Peter Langley (Public Affairs Associates) (Z)
6. David Lucas (Ex Officio) (Z)
7. Katie Lynwood (Ex Officio) (Z)
8. James P. Spica (Ex Officio) (Z)
9. James Stewart (Ex Officio) (Z)
10. Brien Heckman (Z)
11. Becky Bechler (Public Affairs Associates) (Z)
12. David Lentz (Z)
13. Jonathan Beer (Z)
14. Kenneth Silver (Z)
15. Lindsey DiCesare (ICLE) (Z)
16. Lisa Gehrin (ICLE) (Z)
17. Michael Lichterman (Z)

### **C. Excused Absences**

The following were noted as excused:

1. Richard C. Mills, Chairperson-Elect
2. Alexander S. Mallory
3. J.V. Anderton
4. Nicholas A. Reister

### **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.

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## **II. Monthly Reports**

### **A. Lobbyist's Report (Public Affairs Associates)**

The Chair reported on behalf of Public Affairs Associates, referring Council to the written lobbyist report included in the meeting materials. The report addressed pending and proposed legislation affecting probate, estate planning, and real estate matters. No action was requested.

**B. Minutes of Prior Council Meetings (Melisa Mysliwicz)**

Ms. Mysliwicz directed Council to the draft minutes included as **Attachment 1**. After discussion, a motion was made and supported to approve the minutes as presented. The motion carried without objection.

**C. Chair's Report (Nathan Piwowarski)**

The Chair provided a brief oral report highlighting coordination among committees, upcoming legislative priorities, and ongoing collaboration with the Committee on Special Projects ("CSP"). No written report was submitted.

**D. Treasurer's Report (Angela Hentkowski)**

Ms. Hentkowski presented the Treasurer's Report included as **Attachment 2**, noting the Section remains financially sound. No questions were raised.

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**III. Committee Reports**

**A. Committee on Special Projects (Dan Hilker)**

Mr. Hilker summarized the CSP meeting held earlier that morning. He explained that CSP focused primarily on the Real Estate Committee's proposed revisions to the uncapping statute, with additional introductory remarks from the Undue Influence Ad Hoc Committee.

**B. Amicus Curiae (Andy Mayoras)**

Written report received; no oral report was presented.

**C. Annual Meeting (Nathan Piwowarski)**

The Chair provided a brief update on planning efforts for upcoming Section events.

**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 Report. Next meeting, January 15th.

**H. Citizens Outreach (Kathleen Goetsch)**

No Report.

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

Ms. Davis reported that the committee reviewed the proposed amendment to the definition of “newspaper” in **MCR 2.106**, which is intended to mirror **MCL 691.1051**. The committee identified no significant concerns and recommends supporting the proposed amendment. The committee will circulate a memo and seek a special meeting in this regard.

**J. Electronic Communications (Susan Chalgian)**

No report.

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

No report.

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

No report.

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

No report.

**N. Legislation Monitoring and Analysis (Mike Shelton)**

No report.

**O. Legislative Testimony (Dan Hilker)**

No report.

**P. Membership (Ernschie Augustin)**

No report.

**Q. Nominating (Mark Kellogg)**

No report.

**R. Planning (Nathan Piwowski)**

Addressed earlier in the Chair's Report.

**S. Probate Institute (Chris Savage)**

Mr. Savage referenced the written report included as **Attachment 3** and provided a brief update on program planning.

**T. Real Estate (Angela Hentkowski)**

Ms. Hentkowski summarized the Real Estate Committee's work on proposed revisions to **MCL 211.27a (uncapping)**, referencing the materials reviewed at CSP earlier that day. She explained the committee's goal of clarifying statutory language, expanding the definition of qualifying family transfers, and addressing issues arising in trust and estate planning contexts. Council discussion reflected the range of perspectives expressed at CSP. No formal action was taken.

**U. State Bar and Section Journals (Melisa Mysliwec)**

Ms. Mysliwec reported that all articles have been finalized and are expected to be submitted to ICLE shortly, with the Winter Journal anticipated to be published in the near future.

**V. Tax (J. V. Anderton)**

Council was directed to the **Tax Nugget regarding hanging withdrawal rights** included in the supplemental materials for informational purposes only.

**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. Nonbanking Entity Trust Powers (James Spica & Rob Tiplady)**

No report.

**AA. Premarital Agreements (Chris Savage)**

No report.

**BB. Trust Accounts (Elizabeth Luckenbach)**

Ms. Luckenbach reported that an ad hoc committee has been reconstituted to review **House Bill 6011**, which would add a new provision to the Michigan Trust Code addressing trustee termination and limitations periods. The committee expects to resume work in early 2026 and is coordinating with legislative staff.

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

No report.

**DD. Uniform Guardian, Conservatorship, and Protective Arrangements Act**

(Nathan Piwowarski & Kathleen Martone)

Written report received.

**EE. Undue Influence (Ken Silver)**

Council was reminded that the Undue Influence Ad Hoc Committee is seeking continued CSP feedback on draft statutory language. The CSP discussion earlier that day was introductory only, with further discussion anticipated at a future meeting.

**FF. Uniform Fiduciary Income and Principal Act (James Spica)**

No report.

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

No report. Next meeting December 22nd. At 11:30

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**IV. Good of the Order**

There was no additional business.

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## **V. Adjournment**

There being no further business, Mr. Piwowarski adjourned the regular Council meeting at 12:23 p.m.. A roundtable discussion followed, time permitting.

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**Respectfully submitted,**

**Melisa M. W. Mysliwiec, Secretary**

Probate & Estate Planning Section Council

State Bar of Michigan