

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

Friday, February 10, 2023 @ 10:00 AM

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

**Minutes**

- I. **Call to Order and Welcome** (Mark Kellogg)
  - a. Chairperson Mark E. Kellogg called the meeting to order at 10:00 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 Council.
- II. **Zoom Roll Call Confirmation of Attendees** (Mark Kellogg)
  - a. In Person: Mark E. Kellogg, Richard Mills, Ryan Phillips, David Sprague, Angela Hentkowski, Susan Chalgian, Daniel Hilker, Elizabeth Siefker, Michael Lichterman, and Michael D. Shelton.
  - b. Remote: James Steward, James P. Spica, Daniel Borst, Melisa Mysliwicz, David Lucas, Kenneth Silver, Christine Savage, Neal Nusholtz, Robert Tiplady, Sandra Glazier, Nathan Piwowski, James F. Anderton, Katie Lynwood, Marguerite Lentz, David Lentz, Kurt Olson, Jonathan Beer, Stephen J. Dunn, Kathleen A. Cieslik, Georgette David, Rebecca Wrock, Warren Krueger, Katie Szymanski, Sean Blume, Kenneth Tacoma, Lindsey DiCesare (ICLE), Alaina Nelson, Rebecca Bechler (Public Affairs Associates), and Andrea Neighbors (Administrative Assistant)
- III. **Excused Absences** (Mark Kellogg)
  - a. Andrew Mayoras
- IV. **Lobbyist's Report** (Public Affairs Associates)
  - a. According to Rep. Graham Filler, we are waiting for LSB to release the second half of the reintroduced EPIC Omnibus bills. Becky is hopeful that the package will be introduced within the next week or two. Rep. Graham Filler and Rep. Kelly Breen will be sponsoring this package. Both are ready to go, the committee chair, Rep. Kelly Breen and Rep. Kara Hope who chairs the judiciary committee are ready to move this as soon as we can get it introduced.
  - b. A meeting has been requested with Sen. Stephanie Chang, who chairs the Senate judiciary committee, regarding powers of appointment and rules against perpetuity to see if she could put those bills in on the Senate side. Both the house and senate are actively engaged in the councils' issues.
- V. **Monthly Reports**
  - a. **Minutes of Prior Council Meeting** – January (Nathan Piwowski) –Attachment 1
    - i. Motion by Nathan Piwowski, second by Melisa Mysliwicz to accept minutes with the spelling corrections of Susan Chalgian and Elizabeth Siefkers' names. Approved.

- b. **Chair's Report** (Mark Kellogg)
  - i. Mr. Kellogg received a communication regarding the Corporate Transparency Act from Sharon Lavine regarding a webinar with the participants Mark High of Dickinson's Wright and Alexis Lupo of Michigan Corporations Division of LARA. Ms. Lavine requested permission to use the sections' email list to send out a blast regarding the webinar. There was a discussion with the end result of the Chair will make the decision and communicate that decision to Sharon Lavine.
- c. **Treasurer's Report** (Rick Mills)
  - i. Mr. Mills suggested that the council member donation to Hearts & Flowers is \$35.
- d. **Committee on Special Projects** (Melisa Mysliwec)
  - i. General thresholds in the EPIC Omnibus

Ms. Mysliwec related that CSP had considered whether the threshold amounts identified in Exhibit 1A related to the EPIC Omnibus Legislation should be increased as reflected in the exhibit as well as whether the limits in MCL 700.3918 and 700.5102 should be increased to \$50,000.

- A significant majority of the CSP believed that Council should adopt a public policy position in favor of increasing the threshold amounts in the EPIC Omnibus Legislation that are identified on page 2 of Exhibit 1A of the CSP Agenda.
- A majority of the CSP believed that Council should leave the threshold amounts in MCL 700.3918 and 700.5102 at \$25,000, as listed, rather than increase those limits.

Based on that, Ms. Mysliwec moved the the Council adopt a public policy position in favor of increasing the threshold amounts in the EPIC Omnibus Legislation identified on page 2 of Exhibit 1A of the CSP Agenda, specifically,

MCL 700.3605: increase threshold to \$30,000  
MCL 700.3981: increase threshold to \$1,500  
MCL 700.3982: increase threshold to \$50,000  
MCL 700.3983: increase threshold to \$50,000  
MCL 257.236: increase threshold to \$120,000  
MCL 324.80312: increase threshold to \$230,000

The Secretary recorded a vote of 20 in favor, 0 opposed, 3 not voting, and 0 abstaining, and the Chair declared the motion carried.

- ii. Threshold for the small estate proceeding (MCL 700.3982) in the EPIC Omnibus

Ms. Mysliwec shared that CSP also considered a proposal to amend MCL 700.3982 to allow for netting of certain liens in determining eligibility for administration of small estates using a Petition and Order for Assignment.

Ms. Mysliwicz moved, based on that recommendation, that the Council adopt a public policy position in favor of amending MCL 700.3982 as reflected in Exhibit 1B of the CSP materials, except that the amount of indebtedness "not to exceed amount" is increased to \$250,000 rather than \$50,000, so that it reads:

(5) Beginning \_\_\_\_\_, in calculating the balance of a decedent's gross estate under subsection (1), if real property that is included in the estate is encumbered by or used as security for an indebtedness, the amount of the indebtedness (not to exceed \$250,000) must be deducted from the value of the real property.

and further, that Council grant the Chair of the Legislative Drafting and Development Committee the authority to make non-substantive changes in the legislative process leading to enactment of this amendment.

The Secretary recorded a vote of 20 in favor, 0 opposed, 3 not voting, and 0 abstaining, and the Chair declared the motion carried.

- e. **Tax Committee Tax Nugget** (Christine Savage) – Attachment 2. Christine Savage reviewed the information included in Attachment 2.
- VI. **Written Report Only**
- VII. **Other Business.**
- VIII. **Adjournment**
  - a. There being no other business before the Council, the Chairperson declared the meeting adjourned at 10:38 AM.

Respectfully Submitted,

Nathan Piwowarski, Secretary