

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

Friday, March 13, 2026

**Held in person at the University Club of Michigan State University, East Lansing, with
remote participation via Zoom
Minutes**

I. Commencement (Nathan R. Piwowski)

A. Call to Order and Welcome

Chairperson Nathan R. Piwowski called the meeting of the Council of the Probate & Estate Planning Section of the State Bar of Michigan to order at approximately 10:20 a.m. and presided.

B. Attendance

Secretary Melisa 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 participation via Zoom):

1. Nathan R. Piwowski, Chairperson (Z)
2. Richard C. Mills, Chairperson-Elect
3. Christine M. Savage, Vice Chairperson (Z)
4. Melisa M. W. Mysliwiec, Secretary (Z)
5. Angela M. Hentkowski, Treasurer (Z)
6. Ernsie 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. David Sprague (Z)
19. Rebecca Wrock (Z)

Others present either in person or remotely via Zoom:

1. Chad R. McDonald
2. Theresa Castle (Administrative Assistant) (Z)
3. Brianne M. Gidcumb (Z)
4. Dustin Foster (Z)
5. Peter Langley (Public Affairs Associates) (Z)
6. David Lucas (Ex Officio)
7. Katie Lynwood (Ex Officio) (Z)
8. James Stewart (Ex Officio) (Z)
9. Marguerite Munson Lentz (Ex Officio) (Z)
10. Lindsey DiCesare (ICLE) (Z)
11. Michael G. Lichterman (Z)
12. Amanda Knaffla (Z)
13. Austin McKee (Z)
14. Hon. Avery Rose (Z)
15. Brooks Rodino (Z)
16. Charlotte F. Shoup (Z)

C. Excused Absences

The following were noted as excused:

1. J.V. Anderton
2. Sandra D. Glazier (Z)
3. Joseph J. Viviano

D. Unexcused Absences

1. Warren H. Kreuger

II. Monthly Reports

A. Lobbyist's Report (Public Affairs Associates)

Peter Langley presented the lobbyist's report on behalf of Public Affairs Associates. He reported that:

- House Bill 4959 remains on the House floor.
- Senate Bill 585 was referred to House Judiciary.
- House Bills 5152 and 5153 remain pending in House Economic Competitiveness Committee.
- Senate Bill 160 remains pending.

- House Bills 4033 and 4034 are pending in the Senate committee.
- House Bills 4523 and 4408 were referred to House Judiciary and may be taken up after spring break.
- House Bill 4014 passed the House and awaits action in Senate Finance.

Mr. Langley further reported that, after spring break, legislative attention is expected to shift primarily to supplemental appropriations and the budget. During discussion, the Chair noted that Representative Leitner may also take up remote notarization and witnessing legislation in May.

B. Minutes of Prior Council Meeting (Melisa Mysliwiec)

The draft minutes of the February 13, 2026, Council (**Attachment 1**) meeting were presented for approval. Ms. Mysliwiec noted that she prepared the draft from the transcript and materials from that meeting. Hearing no corrections, Ms. Mysliwiec moved to approve the minutes. On voice vote, the motion carried. Rebecca Wrock abstained because she had been absent from that meeting, and the Chair also abstained.

C. Chair's Report (Nathan Piwowski)

Chairperson Piwowski reported that the State Bar of Michigan Board of Commissioners had reviewed the Section's public policy position concerning publication requirements and supported it. He also reported that he had signed and returned the sponsorship agreement with ICLE for the Probate Institute. He further noted that Brian Jenny is applying for a judgeship in Oakland County.

D. Treasurer's Report (Angela Hentkowski)

Treasurer Hentkowski reported on the Section's February 2026 financial materials included in the agenda packet. **Attachment 2**

III. Committee Reports

A. Committee on Special Projects (Dan Hilker)

Mr. Hilker reported on the Committee on Special Projects meeting held before the regular Council meeting.

The Committee considered the Real Estate Committee's proposed revisions to the uncapping statute and took the following straw polls:

- The unanimous majority of CSP supports defining a "qualified family member" in the statute.
- The unanimous majority of CSP supports expanding the exemption to qualified family members to include a spouse if the transfer is to the qualified family member and a their spouse as tenants by entireties, as set forth in the Helinski case.
- The unanimous majority of CSP supports defining a spouse to include a deceased spouse, a surviving spouse, and a living spouse.
- A majority of CSP supports adding lineal descendants of the transferor's parents to the

list of qualified family members, but there were some opposed.

The Committee participated in a discussion on whether the definition of commercial purpose should be refined so that it excludes residential real property. A few people raised public policy concerns and others raised concerns that this would negatively impact the attempt to update this statute as a whole. No straw poll was taken on this issue.

The Committee considered the Ad Hoc Committee on Various Issues Involving Death and Divorce's report and proposal to amend MCL 700.2807 to ensure that, on divorce, where the prior spouse is presumed deceased, that the State of Michigan is not a deemed heir. CSP supported moving this proposal forward to Council for a public policy position at a future meeting.

B. Amicus Curiae (Andy Mayoras)

Treasurer Hentkowski discussed the Committee's report in Andy Mayoras' absence. The Committee made a motion to authorize submission of a concise amicus brief, PEPS third amicus brief in this case, *In re Fowler Estate & Trust*, as set forth in the committee's memorandum (**Attachment 3**). A public policy position was taken authorizing submission of an amicus curiae brief, to be drafted by Andy Mayoras, setting forth the following:

1. The first question is a factual one and the PEPS takes no position as to when the assets were transferred to the trust;
2. Section 7605(1) does indeed apply to assets received post-death into a revocable living trust that became irrevocable upon death, as inherently discussed in our prior amicus brief, and more specifically, because the language of both 7605(1) and 7506(1)(b) limit the term "trust" based on revocability but do not discuss or limit application of those statutes based on when the trust received the property at issue; and,
3. If found otherwise, Section 7506(1)'s application would be governed by (1)(b) – which mirrors the application of 7605(1) – instead of (c), which applies to trusts that were irrevocable when created; otherwise, (1)(b) would have no meaning.

18 voted in support, 1 abstained, and 4 were absent and did not vote.

C. Annual Meeting (Nathan Piwowarski)

No report.

D. Awards (Katie Lynwood)

No report.

E. Budget (Melisa Mysliwiec)

No report.

F. Bylaws (David Lucas)

Chairperson Piwowski noted that he had assigned the Bylaws Committee a series of questions. The Committee, i.e. David Lucas, submitted a report shortly before the meeting. Chairperson Piwowski agrees with Ex Officio Lucas' recommendation to circulate the memo and allow more time for review, with discussion to begin at the April meeting.

G. Charitable and Exempt Organizations (Rebecca Wrock)

Ms. Wrock reported that the committee would next meet on March 26th. She thanked Chairperson Elect Mills for covering the prior meeting and said the committee is nearing completion of proposed revisions to several charitable and nonprofit statutes for eventual Council review.

H. Citizens Outreach (Kathleen Goetsch)

No report.

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

No report.

J. Electronic Communications (Susie Chalgian)

No report.

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

Mr. Mallory reported that the committee is reviewing an ABA ethics opinion on AI's potential issues for attorneys and plans to distill the guidance into practical takeaways for the Section.

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

No formal report, but Ex Officio Steward reported that the committee does not recommend opposing the Uniform Guardianship Jurisdiction Act at this time, but believes it requires further review to address its interaction with Michigan law and probate court jurisdiction. Chairperson Piwowski indicated that this position would be relayed to the Section's lobbyists and that an ad hoc drafting committee may be considered.

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

No report.

N. Legislation Monitoring and Analysis (Mike Shelton)

Mr. Shelton reported on recently introduced bills concerning electronic execution of estate planning documents, including bills addressing notarization, powers of attorney, and electronic wills. He noted that patient advocate designations do not appear to be covered and may warrant comment, and also reported on Senate Bill 819 concerning an uncapping exemption for certain spousal transfers of entity interests.

O. Legislative Testimony (Dan Hilker)

No separate report.

P. Membership (Angela Hentkowski)

Treasurer Hentkowski, on behalf of the Membership Committee, moved to authorize up to \$10,000 for Annual Probate and Estate Planning Institute scholarships and up to \$2,300 for the Section's reception in connection with the Acme Institute. The motion carried on voice vote.

Q. Nominating (Mark Kellogg)

No report. However, Chairperson Piwowski noted that nominations should be sent to Ex Officio Mark Kellogg, James Spica, or Katie Lywood.

R. Planning (Nathan Piwowski)

No report.

S. Probate Institute (Chris Savage)

Vice Chairperson Savage reported strong Probate Institute registration numbers and noted that a new mini session on the FinCEN real estate disclosure rules update has been added to the schedule.

T. Real Estate (Angela Hentkowski)

No separate report beyond the CSP discussion summarized above.

U. State Bar and Section Journals (Rebecca Wrock)

Ms. Wrock reported that the spring journal is in editing and that content is already lined up for the following issue, and she invited committee chairs and section liaisons to submit short blurbs for inclusion.

V. Tax (J.V. Anderton)

No report.

W. Assisted Reproductive Technology (Nancy Welber)

No report.

X. Electronic Wills (Kathleen Martone)

Ms. Martone reported that, in light of newly introduced House bills, the committee would review the bills and convene a committee meeting in mid-March.

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

No report.

Z. Nonbanking Entity Trust Powers (Jim Spica and Rob Tiplady)

No report.

AA. Premarital Agreements (Chris Savage)

No report.

BB. Trust Accounts (Elizabeth Luckenbach)

Ms. Luckenbach reported that she had received comments that morning from Patricia Herndon of the Michigan Bankers Association on the redlined draft previously submitted, and that the committee would meet again and likely provide another update at the next Council meeting.

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)

No report.

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 separate report beyond the CSP discussion summarized above.

IV. Good of the Order

The Council extended congratulations to Joseph J. Viviano on the birth of his child.

V. Adjournment

There being no further business, the regular Council meeting adjourned at 11:33am.

Respectfully submitted,

Melisa M. W. Mysliwiec, Secretary
Probate & Estate Planning Section Council
State Bar of Michigan