

**MEETING OF THE COUNCIL OF THE  
OF THE PROBATE AND ESTATE PLANNING SECTION  
OF THE STATE BAR OF MICHIGAN**  
Saturday, October 22, 2022 @ 10:12 AM

the Courtyard by Marriott – Lansing Downtown  
600 E Michigan Ave, Lansing, MI 48912  
and  
Remote

**Minutes**

**I. Call to order and Welcome:** Chairperson Mark E. Kellogg called the meeting to order at 10:12 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. Attendees**

A. The following officers and members of the Council were “present” either in person at the University Club of Michigan State University or by remote *via* Zoom:

1. Mark E. Kellogg, Chairperson
2. Katie Lynwood, Vice-Chairperson
3. Nathan Piwowarski, Secretary
4. Richard C. Mills, Treasurer
5. Daniel S. Hilker
6. Angela M. Hentkowski
7. Kurt A. Olson
8. Hon. Shauna L. Dunning
9. Andrew W. Mayoras
10. Neal Nusholtz
11. Georgette E. David
12. Robert Tiplady
13. Kenneth F. Silver
14. Daniel W. Borst
15. Michael D. Shelton

B. It was noted that a quorum was “present.”

C. Others “present” either in person at the University Club in East Lansing or by remote *via* Zoom:

David P. Lucas  
Robert B. Labe

James B. Steward  
Jehan Crump-Gibson  
Elizabeth Siefker  
Stephen J. Dunn  
Sean Blume  
Charlotte Shoup  
Kathleen M. Goetsch  
Marguerite Munson Lentz  
Robert D. Brower, Jr.  
Kathleen A. Cieslik  
Rebecca Bechler  
Lindsey Dicesare (ICLE)  
Andrea Neighbors (Administrative Assistant)

**III. Excused Absences:** James P. Spica, David Sprague, Susan L. Chalgian, Melisa M.W. Mysliwicz, Rebecca K. Wrock, Sandra D. Glazier, James F. Anderton and Warren Krueger III.

**IV. Lobbyist's Report (Public Affairs Associates):** Becky Bechler reported that:

- A. The EPIC bills have a good opportunity to get completed.
- B. Due to term limits there will be new committee chairs.

**V. Monthly Reports**

**A. Minutes of Prior Council Meeting:** Katie Lynwood motioned to accept the minutes of the September Council meeting (Attachment 1 to the 10/22/2022 Council meeting materials and was seconded by Dan Hilker, whereupon a voice vote was taken, and the minutes were accepted without objection.

**B. Chairperson's Report:** Mark Kellogg reported that:

1. Chair Mark Kellogg thanked everyone who was in attendance of the Chairs dinner.
2. Chair Mark Kellogg proposed to give a financial contribution to the Access to Justice Lansing Committee. Mark will obtain information regarding how donated funds will be used.
3. There are new committee assignments in the meeting materials.
4. Jeff Kirkey of ICLE made a request for the council to increase the sponsorship of the Institute from \$15,000 to \$17,000. Mark Kellogg motioned the council and was seconded by Katie Lynwood, whereupon a voice vote was taken, and the minutes

were accepted without objection.

**C. Committee on Special Projects (CSP):** reported that:

CSP explored four topics offered by Rob Tiplady the Chair of the Legislative Development and Drafting Committee. The first concern is the effect of divorce on fiduciary office and property rights in trust in decedents estates. The straw poll from the CSP indicated that both of these topics should be pursued by a committee of our section. The second topic involved the Key Bank case and the power of the court to remove a trustee on account of the trustee's fees being too large for the fiduciary estate. The Legislative Development and Drafting Committee recommended maintaining the status quo. The straw poll was in agreement of that recommendation such that changes to the status quo would not be pursued. The third topic concerns standing in conservatorships and the Legislative Development and Drafting Committee considered the statute to be clear but disagreed with the court of appeals such that remedial legislation should be pursued and the straw poll was in agreement with the committees recommendation. The fourth topic considered by the CSP was the effect of divorce on estate planning documents and the definition of affinity and the straw poll indicated that a committee of our section should explore that topic. No recommendations were made regarding public policy positions during CSP.

**D. Amicus Committee (Andy Mayoras)** – Andy summarized attachment to the 10/22/2022 meeting materials.

**VI. Written Report Only:**

**A. Tax Committee Tax Nugget.** A written report was submitted by JV Anderton and was included as Attachment 4 to the 10/22/2022 Council meeting materials.

**B. A. Public Affairs Associates** – A Tracking Status Report was submitted by Becky Bechler and was included as Attachment 5 to the 10/22/2022 Council meeting materials.

**VIII. Adjournment:** There being no other business before the Council, the Chairperson declared the meeting adjourned at 10:48 PM.

Respectfully Submitted,

Nathan Piwowarski, Secretary

The next Council meeting will be held on Friday, November 18, 2022.