The Annual Meeting of the Members of the Probate and Estate Planning Section will be held on Saturday, September 9, 2017, immediately following the conclusion of the Committee for Special Projects of the Probate Council. It is anticipated that the Meeting of the Members will start at approximately 10:00 am. The meeting will be held at the University Club of Michigan State University, located at 3435 Forest Road, Lansing, Michigan 48910.

AGENDA

I. Call to Order

II. Minutes of September 12, 2015, Annual Meeting of the Section
   See Attachment 1

III. Minutes of the June 24, 2017, Special Meeting of the Section
   See Attachment 2

IV. Chairperson's Report – James Steward
   See Attachment 3

V. Treasurer's Report – David Lucas

VI. Election of Council Officers and Members
   See Attachment 4 – Nominating Committee Report
   Note that nominations were closed at the June 24, 2017 Meeting. Because there is only one nominee for each position, all nominees will be deemed elected without the need to take a vote.

VII. Other Business

VIII. Adjournment of Annual Meeting of Section Membership
Attachment 1
SPECIAL MEETING OF THE MEMBERS OF THE PROBATE AND ESTATE PLANNING SECTION OF THE STATE BAR OF MICHIGAN

June 24, 2017
Lansing, Michigan

Minutes

I. Call to Order

The Chair of the Section, James B. Steward, called the meeting to order at 10:15 am.

II. Attendance

A. The following members of the Section were in attendance:

James B. Steward
Marlaine C. Teahan
Marguerite Munson Lentz
David P. Lucas
George F. Bearup
Christopher J. Caldwell
Kathleen M. Goetsch
Hon. Michael L. Jaconette
Mark E. Kellogg
Michael G. Lichterman
Katie Lynwood
Raj A. Malviya
Richard C. Mills
Melisa M.W. Mysliwiec
Lorraine F. New
Nathan R. Piwowarski
David L.J.M. Skidmore
Geoffrey R. Vernon
Nancy H. Welber
Robert D. Brower, Jr.
George W. Gregory
Amy N. Morrissey
James P. Spica
Ryan Bourjaily
Neal Nusholtz
Tom Sweeney
Susan Chalgian
Daniel S. Hilker
Aaron Bartell
Mike Shelton
A total of 32 Section members were present, representing a quorum.

B. **Others in attendance:** none

III. **Amendment to the Section Bylaws**

Mr. Steward stated that the purpose of the Special Meeting was to consider and act upon a proposal from the Section’s Bylaws Committee to amend the Section’s Bylaws by deleting section 8.4 of the Bylaws.

Mr. Steward stated that the proposal for Amendment has been published in the Michigan State Bar Journal, and has been distributed to Section members by eblast, and that the proposal for Amendment has complied with and met all other requirements for acting on an amendment to the Bylaws of the Section.

Mr. Steward asked for discussion, and, seeing none, called for a vote. The motion to amend the Bylaws was approved on a voice vote with no nays and no abstentions. Mr. Steward declared the proposed Amendment passed and adopted.

IV. **Adjourn**

The meeting was adjourned by Chair James Steward at 10:20am.
Attachment 2
I. Call to Order

The Chair of the Section, Shaheen Imami, called the Annual Meeting of the Probate and Estate Planning Section to order at 10:15 a.m. All in attendance were asked to sign an attendance sheet. The following Section members were in attendance:

Shaheen I. Imami, Chair
James B. Steward, Chair Elect
Marlaine C. Teahan, Vice Chair
Marguerite Munson Lentz, Secretary
Christopher A. Ballard, Treasurer
George F. Bearup
Constance L. Brigman
Christopher J. Caldwell
Rhonda M. Clark-Kreuer
Mark E. Kellogg
Michael G. Lichterman
David P. Lucas
Raj A. Malviya
Richard C. Mills
Lorraine F. New
Geoffrey R. Vernon
George W. Gregory
Phillip E. Harter
Nancy L. Little
Douglas A. Mielock
W. Josh Ard
John R. Dresser
Jeanne Murphy
Patricia M. Ouellette
Ryan Bourjaily
Melissa Mysliwiec
Nathan Piwowarski
Kurt A. Olson
Robert Labe
Justine M. Sylvester
II. Minutes of the June 4, 2016 Annual Meeting of the Section

The minutes of the September 12, 2015 Annual Meeting of the Section were attached to the combined Agenda for the Annual Meeting and the September Council Meeting, which Agenda posted on the Section’s web page prior to the meeting. Ms. Lentz moved that the minutes be approved. The motion was seconded. The motion was approved on a voice-vote with no nays and no abstentions.

III. Chairperson’s Report – Shaheen I. Imami

Mr. Imami gave the Chair’s report.

- Mr. Imami expressed heartfelt thanks to everyone. The Probate Council has been wonderful from a professional and personal standpoint. He was grateful for everyone’s help in continuing the Section’s tradition of improving the practice of estate planning and probate.
- Mr. Imami submitted his annual report to state bar. His report was attached to the Agenda for the meeting.
- Mr. Imami has also been involved with, and may continue to be involved with two State Bar work groups: (1) the lawyer referral workgroup (concerning issues with the web site of the State Bar and marketing aspects of the practice) and (b) the justice initiative workgroup (concerning issues with delivery of legal services to low and moderate income people).

IV. Treasurer’s Report – Christopher Ballard

The Treasurer’s Report was attached to the combined Agenda. Mr. Ballard reported that after 11 months, the Section’s August 31, 2016 report shows a surplus of approximately $6,900. The budget had projected a deficit of approximately $8,000. There will be an additional expense in this fiscal year of $4000 for the Probate Journal.

V. Elections of Council Officers and Members

The report of the Nominating Committee was attached to the combined Agenda.

At the close of the Annual Meeting, he Chairperson-Elect, Mr. Steward, will become the Chair without a further vote.

As reported in the minutes for the June 4, 2016 Council meeting attached to the combined Agenda, at the June meeting, Mr. Imami called for nominations for officers and members from the floor and there were none. The nominations were then closed.
The following were nominated for the Section officers for 2016-2017:

<table>
<thead>
<tr>
<th>Position</th>
<th>Nominee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson-Elect</td>
<td>Marlaine C. Teahan</td>
</tr>
<tr>
<td>Vice Chairperson</td>
<td>Marguerite Munson Lentz</td>
</tr>
<tr>
<td>Secretary</td>
<td>Christopher A. Ballard</td>
</tr>
<tr>
<td>Treasurer</td>
<td>David P. Lucas</td>
</tr>
</tbody>
</table>

The nominations for Section officers were read and a vote was called. The nominated officers were unanimously elected by voice vote, with no nays and no abstentions.

The following were nominated to the Council for a second three-year term:

- Lorraine F. New
- Geoffrey E. Vernon

The following were nominated to the Council for an initial three-year term:

- Richard C. Mills
- Robert C. Labe
- Nathan R. Piwowarski
- Nazneen H. Syed

Mr. Mills had previously been elected to fill the unexpired term for Ms. Lentz when Ms. Lentz was elected to be Treasurer. That term expired with the annual meeting in 2016. Under the Section’s bylaws, Mr. Mills is eligible to serve for two three-year terms.

Melisa M.W. Mysliwiec was nominated to serve the balance of Mr. Lucas’ term as a member of the Council, which ends with the annual meeting in 2017. Ms. Mysliwiec will thereafter be eligible for election to two three-year terms as a member of the Council.

The nominations for Council member positions were read and a vote was called. The nominated Council members were elected by voice vote, with no nays and no abstentions.

VI. Other Business

Mr. Imami had plaques for those leaving the probate council: Michele Marquardt, Susan Allan, and Constance Brigman. Mr. Imami thanked them for all their work on the Council. Mr. Imami also gave a gavel to the incoming Chair, James Steward.

Ms. Lentz thanked Mr. Imami for all his work on the Council, and Mr. Steward handed Mr. Imami a plaque, also expressing gratitude for Mr. Imami’s efforts.

VII. Adjournment

The meeting was adjourned by Chairperson Shaheen I. Imami at 10:27.
Attachment 3
State Bar of Michigan | 2016-2017 SECTION ANNUAL REPORT

Article VIII §1, Bylaws of the State Bar of Michigan

Every Section and State Bar entity so directed by the Board of Commissioners or Representative Assembly shall annually make a written report containing a summary of its activities during the association year which shall be submitted to the Secretary on or before May 31. Annual reports may not exceed five 8 1/2" x 11" pages unless a waiver of this limitation is approved by the Executive Director.

Probate and Estate Planning Section

Chair
P23098 James B. Steward
Steward & Sheridan PLC
205 S Main St
Ishpeming MI 49849-2018
Phone: (906) 485-6311
Fax: (906) 485-6315
e-mail: jamessteward@stewardsheridan.com

Vice Chair
P30583 Marguerite Munson Lentz, Detroit

Chair-Elect
P56603 Marlaine C. Teahan, Lansing

Secretary
P47015 Christopher A. Ballard, Ann Arbor

Treasurer
P34466 David P. Lucas, Battle Creek

Council Member
Term Ending: 2017
P24647 George F. Bearup, Traverse City
P47209 Hon. Michael L. Jaconette, Battle Creek
P38306 Mark E. Kellogg, Lansing
P71256 Michael G. Lichterman, Grandville
P68762 Raj Anand Malviya, Grand Rapids
P34533 Nancy H. Welber, Farmington Hills

Term Ending: 2018
P64928 Christopher J. Caldwell, Grand Rapids
P49818 Rhonda M. Clark-Kreuer, Saint Louis
P30574 Kathleen M. Goetsch, Howell
P72027 Katie Lynwood, East Lansing
P69445 Melissa Marie-Werkema Mysliwiec, Grand Rapids
P58794 David L.J.M. Skidmore, Grand Rapids

Term Ending: 2019
P37092 Robert B. Labe, Birmingham
P68618 Richard Charles Mills, Jackson
P32058 Lorraine F. New, Troy
P70974 Nathan R. Piwowarski, Cadillac
P72821 Nazneen Hasan Syed, Lansing
P64989 Geoffrey R. Vernon, Saint Clair Shores

Commissioner Liaison
P20535 Richard J. Siriani, Troy

Ex Officio
### Council Meeting Schedule:

Please attach any additional information needed regarding Council meetings as an addendum.

<table>
<thead>
<tr>
<th>Meeting Type</th>
<th>Date</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee on Special Projects, followed by a Council meeting</td>
<td>6/4/2016</td>
<td>Lansing, MI</td>
</tr>
<tr>
<td>Annual meeting, followed by a Council meeting</td>
<td>10/10/2016</td>
<td>Mackinac Island, MI</td>
</tr>
<tr>
<td>Committee on Special Projects, followed by a Council meeting</td>
<td>11/19/2016</td>
<td>Lansing, MI</td>
</tr>
<tr>
<td>Committee on Special Projects, followed by a Council meeting</td>
<td>12/17/2016</td>
<td>Lansing, MI</td>
</tr>
<tr>
<td>Committee on Special Projects, followed by a Council meeting</td>
<td>01/14/2017</td>
<td>Lansing, MI</td>
</tr>
<tr>
<td>Committee on Special Projects, followed by a Council meeting</td>
<td>02/18/2017</td>
<td>Lansing, MI</td>
</tr>
<tr>
<td>Committee on Special Projects, followed by a Council meeting</td>
<td>03/18/2017</td>
<td>Lansing, MI</td>
</tr>
<tr>
<td>Committee on Special Projects, followed by a Council meeting</td>
<td>04/22/2017</td>
<td>Lansing, MI</td>
</tr>
<tr>
<td>Committee on Special Projects, followed by a Council meeting</td>
<td>06/24/2017</td>
<td>Lansing, MI</td>
</tr>
</tbody>
</table>

### Addendum Information: Please list any addendums attached.

See addendum.

### Events and/or Seminars:

Please attach any additional information needed regarding events and/or seminars as an addendum.

<table>
<thead>
<tr>
<th>Event or Seminar Title</th>
<th>Date</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>56th Annual Probate &amp; Estate Planning Institute</td>
<td>June, 2016</td>
<td>Plymouth, MI</td>
</tr>
<tr>
<td>Drafting an Estate Plan for an Estate Under $5 Million</td>
<td>June &amp; Sept 2016</td>
<td>Plymouth, MI</td>
</tr>
<tr>
<td>Administration of Trusts Under the Michigan Trust Code</td>
<td>December 2016</td>
<td>Plymouth, MI</td>
</tr>
<tr>
<td>26th Annual Drafting Estate Planning Documents</td>
<td>Jan &amp; Feb 2017</td>
<td>G. R. &amp; Plymouth, MI</td>
</tr>
<tr>
<td>Experts in Estate Planning:</td>
<td>May</td>
<td>Acme, MI</td>
</tr>
<tr>
<td>57th Annual Probate &amp; Estate Planning Institute</td>
<td>May &amp; June 2017</td>
<td>Acme &amp; Plymouth, MI</td>
</tr>
<tr>
<td>Probate &amp; Estate Planning Certificate Program</td>
<td>Ongoing</td>
<td>Various</td>
</tr>
</tbody>
</table>
Legislative issues:
See addendum

Recommendations for next Council:
See addendum

Other Information:
See addendum

Reports must be submitted before May 31, 2016 to:

Jennifer Williams
Administrative Assistant
306 Townsend Street, Lansing MI 48933
Email: jwilliams@mail.michbar.org
Phone 517-367-6421 Fax: 517-482-6248
ADDENDUM TO 2016-2017 ANNUAL REPORT FOR THE PROBATE & ESTATE PLANNING SECTION FOR THE STATE BAR OF MICHIGAN

Mission Statement:

The purpose of this Section is to enhance and improve the practice and administration of law pertaining to probate; trust and estate planning, and administration; guardianships and conservatorships (including planning alternatives); and tax planning.

General Budget Information:

The Section's expenses generally continue to be in line with revenues. As a result, there is no immediate plan to raise dues. A portion of our annual budget, as well as a portion of our fund balance, is allocated as an "amicus brief" fund for expected increases in appeals involving the Michigan Trust Code and other legislative initiatives. The largest categories of expense are: (1) Council meetings; (2) lobbying on behalf of the Section; and (3) support for education initiatives (primarily in conjunction with the Institute of Continuing Legal Education).

Events and/or Seminars:

The Section continues to maintain a strong partnership with ICLE by co-sponsoring, supporting, or otherwise contributing to numerous seminars on various probate, estate planning, and related administration topics each year. The Section also continues to co-sponsor the Probate Certificate Program with ICLE in an effort to assist practitioners, including those who do not belong to the Section, in developing proficiency in the areas of probate and estate planning. The Section does not offer any seminars independent of ICLE, but such seminars are offered live and via webcast. During the 2016-2017 fiscal year, the Section continued to enhance its outreach to Section members and also recruit new members through social and networking events developed by the Section’s Membership Committee.

Legislative Issues:

The Section continues to keep as a priority legislative and regulatory initiatives, as well as common law developments, that affect Section members. The Section is both proactive and responsive by drafting proposed legislation and providing comments on legislation drafted by others. The Section employs Public Affairs Associates, in Lansing, as its lobbyist.

The Section either drafted or assisted with revisions to the following legislative proposals which were ultimately adopted into law:

- The Probate Appeals statute (SB 632, PA 186 of 2016; HB 5503, PA 287 of 2016) [all appeals from probate court will now go to the court of appeals];
• Qualified Distributions in Trust (SB 597, PA 330 of 2016; HB 5504, PA 331 of 2016) [limits creditor claims against certain “qualified dispositions in trust”];

• Dower Repeal (SB 558, PA 489 of 2016; SB 560, PA 490 of 2016; [eliminates right by a surviving widow to claim dower];

• Right to Appoint Funeral Representative (SB 551; PA 57 of 2016) [permits an individual to authorize (in writing) another person to make decisions about the individual’s funeral & burial (and/or cremation) arrangements];

• Fiduciary Access to Digital Assets (HB 5034, PA 59 of 2016) [provides a structure to allow a fiduciary to have access to certain “digital assets” of a ward, trust grantor, decedent etc. – however, the bill as passed is considerably different than what we originally proposed].

The Section submitted public policy positions concerning the following:

• On September 10, 2016, supported modifying the Estates and Protected Individuals Code (MCL 700.1101 et seq,) to adopt certain of the 2008 amendments to the Uniform Probate Code, and making other related changes to EPIC, pertaining to various issues that can arise relating to children who are the result of assisted reproductive technology.

• On September 10, 2016, supported HB 5638 of 2016 with recommended amendments (to allow a testator to exclude a child from the exempt property allowance of MCL 700.2404).

• On October 10, 2016, supported the proposed Addition of MCL 700.2810 (reformation to correct mistakes to conform the terms to the transferor's intention) and 700.2811 (modification to achieve transferor's tax objections) to EPIC.

• On October 10, 2016, supported proposals to amend MCL 700.2502 (to permit notarized wills), 700.2504, and 700.3406 (regarding presumptions of proper will execution).

• On November 5, 2016, supported technical corrections to the Michigan Trust Code (1998 PA 386, as amended) to change MCL 700.7105(2)(a) to add a reference to section 7402 and to amend MCL 700.7815(2) to delete "unless the trust instrument expressly provides otherwise".

• On December 17, 2016, supported revised versions of certain amendments to the Michigan Court Rules contained in Michigan Supreme Court ADM File No. 2016-32 (those rule changes will implement the previously adopted law change which requires all appeals from probate court to be heard in the Court of Appeals).

• On January 14, 2017, supported Michigan Supreme Court ADM File No. 2015-18 with recommended wording amendments to clarify the intent of the proposed revisions to MCR 9.08.
On March 18, 2017, approved the filing an amicus brief In the Matter of Joseph Vansach, Jr., Michigan Court of Appeals file No. 334732, in support of the appellee’s interpretation of EPIC.

The Section supports the following additional legislative proposals:

• The Section drafted a proposal and is pursuing the passage of legislation to revise and coordinate MCL 565.431 et seq. and MCL 700.7913 regarding the information which must be included in a “certificate of trust existence and authority” or a “certificate of trust”.

• The Section drafted a proposal and is pursuing the passage of legislation to amend MCL 700.7103(n) to improve the definition of trust protector.

• The Section drafted a proposal and is pursuing the passage of legislation that would allow the creation of trusts that can hold tenancy by the entirety property by adding a new section to EPIC, tentatively to be codified at MCL 700.7509.

• The Section drafted a proposal and is pursuing the passage of legislation that would relieve the trustee of an irrevocable life insurance trust (that holds no other assets) from the standard trustee duties that apply to other types of trusts.

• The Section drafted a proposal and is pursuing the passage of legislation to modify the Uniform Fraudulent Transfers Act (MCL 566.31 et seq) so that it coordinates with the provisions of the Qualified Dispositions in Trust Act.

• The Section drafted a proposal and is pursuing the passage of legislation to amend MCL 700.7302 (with an ancillary amendment to MCL 700.1106), relating to virtual representation.

• The Section drafted a proposal and is pursuing the passage of legislation to clarify the exceptions for uncapping of the taxable value of real property for certain transfers.

Recommendations for next Council:

For fiscal year 2017-2108, the Section's Council should continue to pursue and update the Council's Biennial Plan of Work. The Council should continue its support, monitoring, and pursuit of legislative initiatives that remain pending as of the date of the 2016-2017 Annual Report, including in particular, the ongoing extensive review of EPIC to identify and propose revisions to better address issues which our members have noted and otherwise update that Code to better serve the citizens of Michigan.

The Council also should continue: (1) reviewing legislative proposals pertaining to EPIC and the MTC; (2) its outreach to existing Section members to become active in the Section and on the
Council; (3) seeking new members for the Section through recruitment and interaction with other sections and bar associations; (4) supporting continuing education of the legal profession in the areas of probate, estate planning, and related administration; (5) efforts to educate the public of the benefits provided by trained attorneys and the often false promises offered by commoditization; and (6) assisting in the prevention of "trust mills" from operating in Michigan. Finally, the Council might consider revisiting and reviving the work done on specialization in light of certain work done by the SBM's 21st Century Task Force.

Other Information:

- The Section continues to review and draft proposed changes and improvements to SCAO forms.
- The Section continues to publish a Journal three times per year with articles of interest to Section members. The Journal is now electronic only, as a cost-saving measure and to reflect changes in the way information is conveyed and used.
- The Section continues to use the "Join a Committee" link on the Section SBM webpage to encourage involvement by Section members.
- The Section has supported sending its Chair Elect and Vice Chair to the State Bar Leadership Forum, and should continue to do so.
- The Section regularly sends Council and other Section members to work with and testify before members of the Legislature on various initiatives.
- The Section regularly discusses practice developments that are occurring in other parts of the United States and how such developments might or should impact practice in Michigan.

Respectfully Submitted,

James B. Steward
Chair of the Probate & Estate Planning Section
Attachment 4
Pursuant to the Council’s Bylaws, the Chair Elect, Marlaine Teahan, will take office as Chair, without further action by the Council.

Other Council officers will take their seats after their election at the Section’s annual meeting, commencing the immediately following the annual meeting of the Section. The Nominating Committee nominates the following individuals for the positions shown opposite their name:

As officers of the Council:
Chairperson Elect: Marguerite Munson Lentz
Vice Chairperson: Christopher A. Ballard
Secretary: David P. Lucas
Treasurer: David L.J.M. Skidmore

For the Council for a second three-year term expiring at the Annual Meeting in 2020:
Hon. Michael L. Jaconette
Mark E. Kellogg
Raj A. Malviya

For the Council for an initial three-year term expiring at the Annual Meeting in 2020:
Michael G. Lichterman
Kurt A. Olson
Christine M. Savage

If David L.J.M. Skidmore is elected as Treasurer, the Committee nominates Angela M. Hentkowski to serve the balance of Mr. Skidmore’s term as a member of the Council, which ends with the annual meeting in 2018. Ms. Hentkowski will thereafter be eligible for election to two three-year terms as a member of the Council.