MINUTES OF THE MEETING OF THE COUNCIL
OF THE PROBATE AND ESTATE PLANNING SECTION

December 8, 2007, 11:30 a.m.
University Club, East Lansing, Michigan

I. The meeting was called to order at approximately 11:30 a.m. by the chair, Lauren M. Underwood.

II. A. Council Members Excused:

B. Council Officers and Members Present:
   Lauren M. Underwood         Douglas G. Chalgian
   Harold Schuitmaker             George W. Gregory
   George W. Gregory
   W. Josh Ard                  Rebecca A. Schnelz
   John R. Dresser              Richard J. Siriani
   Mark K. Harder                James B. Steward
   Ellen Sugrue Hyman           Thomas F. Sweeney
   Marilyn A. Lankfer            Marlaine C. Teahan
   Amy N. Morrissey               Joan C. VonHandorf

   C. Others Present:
      Susan M. Allen        Michael S. McClory
      Becky Bechler          Melisa Mysliwiec
      Connie Brigman        Lorraine F. New
      Sam Carpenter          Patricia M. Quelette
      Hon. Phillip E. Harter  Valerie L. Rice
      Stan Jones             Jill Schwab
      Mark E. Kellogg        Pamela J. Sisson
      J. David Kerr          Amy R. Tripp
      Dan Marsh              Derek A. Walters

III. Introduction of Guests: All attendees, including guests, introduced themselves.

IV. Secretary’s Report: The minutes of the November 17, 2007 meeting were approved with corrections to the names of those in attendance.
V. Treasurer’s Report: Treasurer George W. Gregory provided a budget report.

Chairperson’s Report: Excused absences were announced by the Chairperson as Nancy L. Little, Robert P. Tiplady, Hon. Kathryn A. George and Daniel E. Cogan.

VII. Report of the Committee on Special Projects: No Report.

VIII. Standing Committee Reports

A. Internal Governance


3. Michael Irish Award - Brian V. Howe, chair: No report.


B. Education & Advocacy Services for Section Members

1. Amicus Curiae - Mark K. Harder, chair: No report.

2. Continuing Education & Annual Probate Institute - Nancy L. Little, chair. Harold Schuitmaker reported on the status of the probate institute which is held in May in Traverse City and Plymouth and he indicated that there were two national speakers and that there was a sponsor for the Speaker’s Dinner.


5. Pamphlets - Ellen Sugrue Hyman, chair: No report.

7. **Committee on Special Projects** – *Amy N. Morrissey/Richard J. Siriani, co-chairs:* No report.

### C. Legislation and Lobbying

1. **Legislation** - *Harold Schuitmaker and John R. Dresser, co-chairs:*

2. **Michigan Trust Code** - *Mark K. Harder, chair.*


### D. Ethics, Professionalism and Standards


### E. Administration of Justice

1. **Contested and Uncontested Probate Proceedings** – *Amy N. Morrissey, chair:* No report.

2. **Uniformity of Practice** - *Sebastian V. Grassi, Jr. and Joan Von Handorf, co-chairs:* Co-chair Joan Von Handorf reported on the Uniformity of Practice Committee activities including House Bill 5471 which addresses the calculation of an inventory. Ms. Von Handorf made a motion with support from J. David Kerr to support the legislation but to support true changes which would clarify that the reduction for an encumbrance is applicable to all property, not just real property when valuing assets for an inventory, and, also, that the charge for estates under $1,000 would be 1%.

Ms. Van Handorf made a motion which was supported by Douglas G. Chalgian to include additional language in MCR
5.409 (B)2 regarding the listing of joint ownership of property. That motion passed.

Ms. Von Handorf made a motion with support from Harold Schuitmaker to modify MCR 5.409 (C)5 relating to the carrying value of non-liquid assets on accounts. That motion also passed.

Ms. Von Handorf also led discussion regarding possible changes to MCR 5.409 (C)3 on a motion by Douglas G. Chalgian with support from Amy N. Morrissey. The Council voted to take no action and to leave the language in its present form.

F. Practice Issues, Related Areas & Liaisons

1. **Charitable Giving/Exempt Organizations** - Robin D. Ferriby, chair: No report.


5. **Business Law and Business Section Liaison** - John R. Dresser, chair: Chair John R. Dresser reported on activities in the business law section including a report on the case of Miller v. Allstate and a report on the Kellogg Foundation’s efforts to modify Michigan law to accommodate the establishment of a charitable LLC. Also, Mr. Dresser reported on efforts by the Business Law Section to create a committee involving law students.

6. **Court Rules and Forms** - Harold Schuitmaker and Joan C. Von Handorf, co-chairs:

7. **Elder Law/Elder Law Section Liaison** – W. Josh Ard: Chair W. Josh Ard reported on elder law and indicated that there is interest in the State Bar representative assembly regarding unauthorized practice of law issues. He also discussed guardianship laws that are currently being considered by the legislature. Discussion around those bills was put off for another meeting.


10. **Tax Section Liaison** – *Lorraine F. New*: Chair Lorraine F. New presented a report on the Tax Section and provided a “tax nugget” as a written report. She also recommended the creation of a joint committee with the Tax Section to review the Michigan State business tax and how it implicates the use of LLCs in estate planning.


IX. **Other Business:**

X. **Hot Topics:**

XI. **Adjournment** - the meeting was adjourned at 12:20 p.m.

Respectfully submitted,

Douglas G. Chalgian