

**MINUTES OF THE MEETING OF THE COUNCIL OF THE  
REAL PROPERTY LAW SECTION  
OF THE STATE BAR OF MICHIGAN**

**NOVEMBER 18, 2020 AT 12:00 PM**

Zoom Meeting

<https://us02web.zoom.us/j/84371367775?pwd=eGxSM0NMMEExtYzYwNVRZUGxGYkhSUT09>

An on-line meeting of the members of the Council of the Real Property Law Section was called to order at approximately 12:00 PM. Chairperson King confirmed that a quorum of voting members was present.

**Present:**

<b><u>Council Members</u></b>		<b><u>Past Chairs</u></b>	
<b><u>In Person</u></b>	<b><u>Zoom</u></b>	<b><u>In Person</u></b>	<b><u>Zoom</u></b>
	Lorri B. King (Chair) Steve Estey Brian P. Foley Gregory J. Gamalski Jessica Hallmark Thomas A. Kabel Aileen Leipprandt Jason C. Long (CLE) Michael A. Luberto Brandy Mathie Dawn M. Patterson J. Scott Timmer  Cathy LaMont (Immediate Past Chair)		Brian Henry David Nykanen Ron Reynolds Ronn S. Nadis Nicholas Scavone Kim Shierk
		<b><u>Section Administrator</u></b>  Karen Schwartz	
		<b>Other Attendees</b>	
		Rachel Foster	

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Chairperson King welcomed Commercial Development Special Committee Co-Chair Rachel Foster.

**Approval of Minutes:**

Chairperson King proposed unanimous consent of the minutes from the October 14, 2020 Council meeting. Brian Foley moved to support the Motion and Greg Gamalski seconded the Motion. No members raised an objection, so the Motion passed unanimously.

**Consent Agenda:**

Chairperson King proposed unanimous approval of the Consent Agenda as to the following reports: Administrative, Committee on Committees, Membership Committee, Pro Bono Committee, Publications Committee, Sponsorship Committee, and Technology.

Chairperson King moved to approve and receive the Consent Agenda without discussion. Cathy LaMont moved to support the Motion and Greg Gamalski seconded the Motion. No objections were raised so the Motion to approve and receive the Consent Agenda without discussion passed unanimously.

**Standing Committee Reports:**

The following Standing Committee reports were discussed:

**Budget and Finance Committee:**

Dawn Patterson presented the Budget and Finance Committee Report. She advised that through September 30, 2020, the Section's net income, year to date, is (\$6,321), which is improved over the Section's original projections and revised projections. Updated financial information for this fiscal year will be available at the next meeting of the Council.

**Continuing Legal Education (CLE) Committee:**

Jason Long presented the CLE Committee Report. He highlighted specific points in his report.

2020-21 Groundbreaker/2021 Real Estate Outlook: This program was held on November 17, 2020. Approximately 50 people attended. By all accounts, the program was a success. Ron Reynolds gave a recap of the program. Scott Lesser's efforts in planning the program were recognized.

Ask the Expert!:

The Ask the Expert meeting was held as part of the Condominium Committee meeting. Participants were able to ask questions, with several members of the Committee providing answers.

The Leasing Committee will be holding the next Ask the Expert meeting, to be held in mid-December. The CLE Committee is reaching out to others for additional sessions.

Chairperson King noted that a lot of newer attorneys participated in the Condominium Ask the Expert meeting.

Greg Gamalski noted that it was not a big ask to plan for this program, since there are no materials to be prepared. Greg opined that the Section should continue this program.

Chairperson King noted that we may have an Ask the Expert program for January. Aileen Leipprandt advised that the Construction Committee may be willing to commit to a session in January, depending upon the schedules of three identified panelists.

Chairperson King raised the issue of getting a chair for the Ask the Expert program. Jason Long indicated that we should have one. Chairperson King asked for volunteers.

Greg Gamalski asked about budget implications of holding additional sessions. Karen Schwartz advised that we have a contract with Zoom and may need to address budget implications of recording the Zoom sessions. The Section made approximately \$1,500 on the Ask the Expert program.

Homeward Bound: Jessica Hallmark is planning this program, scheduled for late January 2021. Tabitha Zimney, Tom Kabel and other will be panelists.

Homeward Bound: Since the Winter Conference will not be taking place, Brian Foley is planning a Homeward Bound program be held remotely in March. The plan is to have a case law update, and an update on the Marketable Record Title Act.

Real Property Law Academy: All speakers but one is re-confirmed. Two are willing to do so if remote. Law firm commitments should be finalized by February. Further discussions will take place at upcoming CLE meetings.

Summer Conference 2021: This is being planned by Brandy Mathie and Cathy Riesterer. This will be front and center for the CLE Committee. Speakers are indecisive about doing this in-person. The Sections should consider other alternatives. Jason Long asked all to consider participating.

5-minute Learning Clips: Jason Long reminded Council that companies are moving towards 5-minute pre-recorded informational clips sold on a subscription basis. He reported that this is something the CLE Committee will continue to explore.

**Michigan Electronic Recording Commission:** Brian Henry presented the report on the Michigan Electronic Recording Commission. Brian noted that the Commission is required to meet quarterly for at least 2 hours. The Commission is working on questions and answers for the public. He also advised that there is a possibility of extending the sunset date for the amendments to the Notary Public Act relating to audio-visual notarization. Brian Henry also informed the Council that money has been appropriated for funding the Registers of Deeds that are not currently recording electronically.

**Legislation Committee:** Mr. Kabel presented the Legislation Committee Report for review and discussion.

Tom Kabel reported on the tax foreclosure bills. The Section initially did not oppose the bills. Two bills had some problematic language, though. The seemed to indicate that a person could have two years to regain ownership of the property foreclosed property. Tom Kabel sought the view of others with tax foreclosure experience to review and comment on the bills. Cathy LaMont drafted some suggested edits. The Legislation Committee reviewed her edits and agreed with the changes at its most recent meeting. Tom Kabel advised that the Legislation Committee recommends to Council that the Section oppose the bills unless the revisions it recommends are made. Chairperson King asked for a motion to oppose unless the recommended revisions are made. Jason Long moved to oppose passage of the bills unless the Section's proposed revisions are made. Mike Luberto seconded. After discussion, Tom Kabel moved to oppose unless the Section's proposed language, omitting first sentence of our policy position, and adding at the end: "Further the legislation, with our proposed change would not impair any existing constitutional due process claims." Scott Timmer seconded the motion. The Motion was approved with 13 in favor, zero opposed and zero abstentions out of 13 voting members in attendance of a total of 17 voting members.

Tom Kabel next addressed short-term rentals legislation. The Legislation Committee referred it to the Zoning and Land Use Committee. It did not think Section should take a position on the legislation.

### **New Business**

Marketable Record Title Act. Nick Scavone reported that HB6332 is the Section's proposed re-write of the Marketable Record Title Act. He advised that there is a conference call later in the day with Tabitha Zimney, and Realtors, who have circulated revisions of the Section's proposal.

Commercial Leasing Co-Chair Update. It was reported that the new Co-Chair is Dan Byrne from Ford, and that Dan is now a member of the Section.

Nominating Committee. Ron Reynolds reported that the Nominating Committee has submitted a revised report. He advised that Aileen Leipprandt's term is not a new term but is a completion of Cathy LaMont's term.

The next meeting is Wednesday, December 9, 2020 at Noon. The CLE Committee & Special Committee Co-Chairs are invited to attend.

The meeting was adjourned at 12:59 pm.

Respectfully submitted,

Michael A. Luberto, Secretary