

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

FEBRUARY 11, 2020 AT 12:00 PM

**OFFICES OF BUTZEL LONG
41000 WOODWARD, BLOOMFIELD HILLS**

(CONFERENCE CALL-IN NUMBER: 1-888-240-2560

CODE: 248-258-1616

TO JOIN THE MEETING ON A COMPUTER OR MOBILE PHONE:

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A meeting of the members of the Council of the Real Property Law Section was called to order at approximately 11:58 AM. Chairperson LaMont confirmed that a quorum of voting members was present.

Present:

Council Members		Past Chairs	
In Person	Conference Call N/A	In Person	Conference Call
Catharine B. LaMont (Chair) Brian P. Foley John D. Gaber Gregory J. Gamalski Jessica Hallmark Thomas A. Kabel Jason C. Long (CLE) Michael A. Luberto Dawn M. Patterson Nicholas P. Scavone, Jr. (Immediate Past Chair)	Brian Page (Land Title) J. Scott Timmer Lorri B. King Leslee Lewis Roxana Zaha	David E. Nykanen Jerome Pesick	Ronn Nadis
		Section Administrator Karen Schwartz	
		Other Attendees	
		Peter Webster and Adam Cohen Eminent Domain	

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Approval of Minutes:

Chairperson LaMont proposed unanimous consent of the minutes from the January 15, 2020 Council meeting. Mr. Gamalski moved to support the Motion and Mr. Long seconded. No members raised an objection, so the Motion passed unanimously.

Consent Agenda:

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

Chairperson LaMont moved to approve and receive the Consent Agenda without discussion. Mr. Long moved to support the Motion and Mr. Foley seconded. 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 Report:

Mr. Kabel presented the Treasurer's Report for February Council Meeting.

The Winter Conference is on track and there are 35 registrants and 5 speakers to date. Mr. Kabel went over the past year's conference numbers and indicated that our revenue is projected ahead of our budget.

Continuing Legal Education (CLE) Committee:

Mr. Long presented the CLE Committee Report for review and discussion. He highlighted specific points in his report.

- **2019-2020 Groundbreaker/2021 Real Estate Outlook** (Scott Lesser)

The "Groundbreaker 2021 Real Estate Outlook" program will be held on Tuesday, November 17, 2020 at the DAC.

- **2019-2020 Homeward Bound** (Jessica Hallmark)

The January 16, 2020 Homeward Bound program "Recent Legislation and Hot Topics on the Horizon" was a success with 50 registrants. A survey showed that the topic of legislation was a great draw. Everyone agreed the format and location worked well, as well as the cocktail networking hour. The CLE Committee agreed that the program should not be duplicated in Grand Rapids.

- **Winter Conference 2020** – Hotel del Coronado - March 12-14, 2020 (Erica Payne)

The block is full, however, Ms. Schwartz can still get rooms if needed. To date, we have 35 registered + 5 speakers. Typically, we have had between 25-30 registrants

- **Summer Conference 2020** (Roxana Zaha and Brandy Mathie)

The conference will be held July 15-18, 2020 at Mission Point. The Co-Chairs mentioned that they will be contacting the Mayor of Mackinac Island to present Saturday morning.

Mr. Reynolds is working on getting more sponsors for the Summer Conference 2020. Ms. Hallmark plans to meet with a potential sponsor. She also placed a call to National Due Diligence Services and is waiting to hear back.

Legislation Committee:

Mr. Gamalski submitted the Legislation Committee Report dated February 7, 2020 for review and discussion by the members. In particular, Mr. Gamalski noted the following:

- 1) Mr. Henry is now on the Electronic Recording Commission for the State of Michigan.
- 2) SB 0714 may have some movement. This bill deals with temporary erosion control structures being authorized without permit during high water levels has moved to the Committee of Natural Resources and Outdoor Recreation.
- 3) HB 5124 has moved to the Senate. It reduces penalties for those on a property tax payment plan. Mr. Gamalski will discuss the proposed legislation with the Legislative Committee, then will re-present it to Council.

Pro Bono Committee:

Chairperson LaMont and Ms. Schwartz spoke on behalf of Brian Henry. Speakers are needed for March 31, 2020 to speak to non-profits.

A workshop is scheduled in Detroit at the Durfee Center for Tuesday March 31 from 1:30 to 4:30 pm. The topic will be how to purchase or lease property. There will be two 45 minute presentations followed by roundtable discussions with an attorney leader at each table. Approximately 7 volunteers are needed for this program.

Publication Committee:

Ms. King presented the Publications Report and mentioned the following:

- 1) The Spring Edition is on track. Our deadline is April 1, 2020.
- 2) Authors have committed for future articles and those details are included in the Publications Report dated February 7, 2020.

Old Business:

None

New Business:

Ad Hoc Committee on MRTA (Nick Scavone)

Mr. Scavone reported on the Ad Hoc Committee on MRTA. The Marketable Record Shock Team led by Nick Scavone will now be known as the Dream Team. Jason Seaver, Rick Sundquist and Phil Savich have joined the team.

- 1) Pending legislation proposes a one sentence change to exclude condos. The Dream Team discussed whether we should support, oppose or amend the bill? They also discussed whether we should proceed at our own pace and do a comprehensive fix to improve the legislation. The team decided to pursue the latter option and is drafting legislation.
- 2) There was an urgent request to extend 2 year notice to preserve restrictions. The team decided to not recommend this addition to current condo fix bill. They will try and make it part of the comprehensive fix. The team believes they will find support for the comprehensive bill. One concern is some developers are banking on the 2 years expiring. Also, there is still a year left before the notice is required. The legislation requires clarification. Which lots are bound? If mortgages reference “recorded docs by liber and page”, does that suffice? Is that the intent? Who is the claimant?

Amicus Brief Committee (Scott Timmer)

Amicus Brief JTWROS – Jason Long completed it. It has been filed.

Jason Long completed the Amicus Brief for the case involving the JTWROS deed held by an individual and a trust known as Schaaf v Forbes, unpublished Court of Appeals opinion No. 343630. The brief has been filed.

Jack Kelly of Bodman law firm is working on the response to the Michigan Supreme Court in the short term rental case of Susan Reaume v. Township of Spring Lake. It is due mid-March.

Construction Committee Co-Chair discussion

Committee – need east side person. Scott Timmer will ask Nick at his firm.

Young Lawyer Section

Young Lawyer Section is looking for presenter to speak on the ins and outs of commercial or residential law on Saturday, March 21st at University of Detroit Mercy. Mr. Nykanen will check his calendar.

Chairperson LaMont reminded everyone that the next Council meeting would take place on Wednesday, April 15, 2020, at Noon at Butzel Long in Bloomfield Hills, Michigan.

Chairperson LaMont adjourned the meeting at 1:02 p.m.

Respectfully submitted,

Dawn M. Patterson, Secretary