

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

JANUARY 15, 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 12:00 PM. 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 N/A
Catharine B. LaMont (Chair)	Brian Page (Land Title) J. Scott Timmer	Brian P. Henry David E. Nykanen	
Stephen R. Estey		Section Administrator Karen Schwartz	
Brian P. Foley			
John D. Gaber			
Gregory J. Gamalski			
Jessica Hallmark			
Thomas A. Kabel		Other Attendees	
Lorri B. King			
Jason C. Long (CLE)			
Michael A. Luberto			
Brandy Mathie			
Dawn M. Patterson			
Roxana Gale Zaha			
Nicholas P. Scavone, Jr. (Immediate Past Chair)			

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Approval of Minutes:

Chairperson LaMont proposed unanimous consent of the minutes from the December 18, 2019 Council meeting. 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, Pro Bono Committee, Sponsorship and Technology Committee.

Chairperson LaMont moved to approve and receive the Consent Agenda without discussion. Ms. King moved to support the Motion and Mr. Gamalski seconded. Nobody raised objections 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 January Council Meeting.

Mr. Kabel stated that Section dues are up by 55 members as of the same time last year. He also highlighted that the Homeward Bound budget had a projected loss of \$235 and now has a projected profit of \$1,015. The Winter Conference is on track and there are 28 registrants and 5 speakers to date.

Next year's Winter Conference was discussed, and input was sought from Chair-Elect, Ms. King. Ms. King suggested that the Winter Conference 2021 be held in Austin, Texas. It will likely be held during the last week of February at the JW Marriott.

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. Members discussed trying to include Detroit writer John Gallagher in this event.

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

The January 16, 2020 Homeward Bound program at MSU – MEC is called "Recent Legislation and Hot Topics on the Horizon". Registrations have exceeded the projections.

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

To date, we have 28 registered + 5 speakers and 113 room nights reserved out of the 84 room nights blocked - similar to last year.

Last year – 30 registered + 7 speakers

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

The conference will be held July 15-18, 2020 at Mission Point. An outline was attached to the agenda. Ms. Zaha and Ms. Mathie co-presented this report. They are still confirming some of the roundtables. An “Ask the Expert” table was suggested. There were further suggestions that such as table should have a broader based topic and not too narrow or specialized and that there could be a box on site for anonymous questions. Ms. Schwartz mentioned that the Community Page may be used once the RPLS SC registrations start to come in.

The co-chairs are reviewing Saturday morning speaker options. Suggestions included: Jocelyn Benson, Barbara McQuade, Ira Green and John Gallagher.

The Solar Panel workshop topic may be altered or substituted. Alternative Energy was suggested. Heather Betts and John Erb of DTE were suggested.

- **Technology Update**

Summer Conference and Homeward Bound Series webcasts are available to purchase on our website. The Winter Conference will be video-taped for \$1,500. Mr. Long is seeking podcasters. If interested, please contact him.

- **Real Property Law Academy I** (Mike Luberto)

Academy I will be held at the J.W. Marriott in Grand Rapids on October 20-21, 2020 and May 5-6, 2021 in Troy. Mike has reached out to past speakers. As of now, we will need to replace: Mark Krynski - Commercial Leasing, Joe Lash – Title & Survey Nyal Deems - Closings (Documents; Checklists; Coordination) The registration price for law firms will be increased from \$1,000 to \$1,200.

Legislation Committee:

Mr. Gamalski submitted the Legislation Committee Report dated January 9, 2020 for review and discussion by the members. In particular, Mr. Gamalski noted the following:

- 1) Marketable Title Act Amendment; HB 5260. A focused bill to address perceived issues related to the Marketable Title Act and condominium master deeds and amendments has been introduced. <http://www.legislature.mi.gov/documents/2019-2020/billintroduced/House/pdf/2019-HIB-5260.pdf>. The committee previously discussed it some detail. The collective conclusion was while it addresses the specific problem it did not necessarily remediate other perceived shortcomings resulting from the Public Act 572 of 2018, effective March 29, 2019 <http://www.legislature.mi.gov/documents/2017-2018/publicact/pdf/2018-PA-0572.pdf>.

This legislation has the attention of MAR. Mr. Gamalski noted that some opined that we may want to determine if our positions are consistent with MAR and the RPLS section may want to prepare and submit its proposed legislative fixes or improvements at this time. There may be some movement on the Bill. The Council members discussed that one or two individuals should be prepped and ready in case they need to testify before the legislature with short notice. David Pierson will be contacted to confirm that he will participate, if needed. The Marketable Record Shock Team led by Nick Scavone will meet to discuss

whether they should draft proposed legislation to address the issues. Chairperson LaMont indicated that those actions would be within our mission statement.

2) Cell Phones in Courts. The Supreme Court has amended the court rules to allow everyone to bring cell phones in court houses state wide effective May 1, 2020.

Publication Committee:

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

- 1) The Fall/Winter Edition was published electronically this week. One person contacted Ms. LaMont indicating that they were canceling their section membership since the publication was only available in a digital format. Karen responded graciously that the materials are available to print in the same format as the traditional print version.
- 2) Authors have committed for future articles and those details are included in the Publications Report.

Old Business:

None

New Business:

A Court Rule revision related to e-filing was mentioned. ADM File No. 2002-37 has comments due to SBM by February 18, 2020. The Council did not take a position on this matter.

Amicus Briefs are in progress. Jason Long is working on 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. A person from Mr. Scavone's 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](#).

Chairperson LaMont reminded everyone that the next Council meeting would take place on Tuesday, February 11, 2020, at Noon at Butzel Long in Bloomfield Hills, Michigan.

Chairperson LaMont adjourned the meeting at 12:54 p.m.

Respectfully submitted,

Dawn M. Patterson, Secretary