

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

JUNE 17, 2020 AT 12:00 PM

CONFERENCE CALL-IN LINK:

<https://us02web.zoom.us/j/82387525110?pwd=ZzZHNzdSU21tSVdFYy9QKzdZT2tiUT09>

An on-line meeting of the members of the Council of the Real Property Law Section was called to order at approximately 12:02 PM. Chairperson LaMont confirmed that a quorum of voting members was present.

Present:

<u>Council Members</u>		<u>Past Chairs</u>	
<u>In Person</u>	<u>Conference Call N/A</u>	<u>In Person</u>	<u>Conference Call</u>
	Catharine B. LaMont (Chair) Stephen R. Estey Brian P. Foley Gregory J. Gamalski Jessica Hallmark Thomas A. Kabel Lorri B. King Leslee Lewis Michael A. Luberto Brian Page (Land Title) Dawn M. Patterson Roxana Gale Zaha		Brian P. Henry Ronn S. Nadis David E. Nykanen C. Kim Shierk
		<u>Section Administrator</u> Karen Schwartz	
	Nicholas P. Scavone, Jr. (Immediate Past Chair)	Other Attendees	
			Lynn Sagar, Co-Chair of Special Committee on Titles & Conveyancing

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Approval of Minutes:

Chairperson LaMont proposed unanimous consent of the minutes from the May 13, 2020 Council meeting. Ms. King moved to support the Motion and Mr. Luberto seconded. No members raised an objection. The Motion passed unanimously.

Chairperson LaMont welcomed Lynn Sagar from the Special Committee on Titles & Conveyancing.

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. Scavone 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 June Council Meeting.

We were anticipating an approximate \$10,000 loss over the year. We had an increase in membership this year which is a good sign. Our Section membership has increased by 59 members.

The original Profit/Loss projection for 2019-2020 was a loss of \$49,266.

Revised Profit/Loss Projection with current financials and SC20 canceled: -\$10,034

Continuing Legal Education (CLE) Committee:

The June CLE Report for Council Meeting was discussed.

I. Real Property Law Academy I (Mike Luberto) – Mr. Luberto presented this section.

The Academy Founding Fathers met via Zoom and all agreed to recommend to the Council to postpone the October 2020 program to 2021 in Grand Rapids. The J.W. Marriott has agreed to apply the \$2,000 deposit to the 2021 date. The May 2021 date at MSU-MEC in Troy is still on the calendar. The group will meet closer to the date to discuss the format of the program.

Chairperson LaMont moved to approve the change in dates/postponement of the October 2020 program. The motion was seconded by Mr. Scavone. No objections were raised. The Motion passed unanimously.

II. 2020-2021 Groundbreaker/2021 Real Estate Outlook (Scott Lesser) - Mr. Luberto presented this section.

This program is still on schedule. Mr. Scott Lesser is the chair of this program. The “Groundbreaker 2021 Real Estate Outlook” program will be held at the DAC on November 17, 2020. The program is considering having an economist or infectious disease expert as a possible keynote speaker along with a three-person panel discussion. The panel would consist of a broker or receiver, someone from the public sector and someone from the private sector (retail/mall). Following the panel discussion, we would break up into roundtable discussions. If we are unable to meet, there was consideration of having the program on Zoom and possibly utilizing Zoom chat rooms for the smaller group discussions.

III. Winter Conference 2021 - J.W. Marriott, Austin - February 25-27, 2021 (Brian Foley) – Mr. Foley presented this section.

Mr. Foley is working on conference preparations. He is considering reaching out to some of the speakers who were slated to speak at the canceled Summer Conference 2020.

IV. 2021 Summer Conference – Grand Traverse Resort – July 21-24, 2021

Brandy Mathie and Cathy Riesterer have agreed to Co-Chair this conference

Legislation Committee:

Mr. Gamalski submitted the Legislation Committee Report dated June 15, 2020 for review and discussion by the members. In particular, Mr. Gamalski noted the following:

- 1) Most recent legislation relates to Executive Orders and SCAO Actions. His report contains a summary listing of the various COVID-19 Executive Orders.
- 2) Mr. Gamalski highlighted a few bills of interest.
- 1) Mr. Gamalski reported that groups are taking positions regarding the presence of confederate statues and flags on federal grounds.

Publication Committee:

Ms. King presented the Publications Report dated June 12, 2020 and mentioned the following:

- 1) The Spring 2020 Edition is ready to go to the publisher.
- 2) Articles have been lined up for the Summer 2020 Edition.
- 3) Future articles are in discussion.

New Business:

1. Amicus Brief Committee (Scott Timmer) – Nothing to report at today's meeting.
2. Ad Hoc Committee on MRTA (Nick Scavone)

Update: HB 5611 has been introduced and as of June 2, 2020 is in the Ways and Means Committee. This is a bill which extends the effective date of Pubic Act 572 of 2018 which amended the Marketable Title Act. It would move the effective date of the Act to March 29, 2024. See <https://www.legislature.mi.gov/documents/2019-2020/billintroduced/House/pdf/2020-HIB-5611.pdf>

Mr. Scavone reported on the Ad Hoc Committee on MRTA. The committee is working on the proposed legislation and is working with other groups. A proposal for review was attached to today's meeting agenda.

The Ad Hoc Committee on MRTA decided to go down a path of legislative changes which is not the usual course for RPLS. Drafting and introduction of legislation are actions authorized by the bylaws. The Committee undertook a re-write of the Act to address the most significant issues.

The Committee wants to make it clear that new Act does not revive old interests that have already been terminated. The details are set forth in the Committee's Memorandum dated June 15, 2020. Mr. Scavone went over the Memorandum with the Council.

The draft of the proposed legislation included three additions to Section 4's Exclusions from the Act. These are specified in the Memorandum. Conservation easements, certain remainderman interests and certain subdivision restrictions recorded on or after January 1, 1950 were added as exclusions. The date of January 1, 1950 was selected after much discussion about the origination of certain subdivisions like Pulte and Toll Brothers where there is an expectation that the restrictions would continue. After discussion with the Council, Condominiums will be specifically excluded in this new legislation. Ms. Lewis inquired whether Farmland Development Agreements or PA 116 agreements should also be added as an excluded matter.

The Committee seeks Council's approval of the revised, restated Act, a copy of which is attached to the agenda (the "Restated Act"). If approved by the Council, the Committee proposes to then coordinate legislative efforts with RPLS' lobbying firm, Karoub and Associates, to promote introduction of a bill and passage of the Restated Act.

A Motion was made by Mr. Scavone, and duly seconded by Ms. King to promote introduction of a bill and passage of the Restated Act with two changes to the submitted draft and the possibility of adding an exclusion for Farmland Development Agreements. The Chair of Ad Hoc committee and the Chair of the RPLS Council will consider and determine whether or not to include Farmland Development Agreements as an exclusion. One change is a modification of Section 3 to clarify the reference to the Restated Act and the other change is a modification of Section 4 to add Condominiums as a specified exclusion.

The Motion was approved with 14 in favor, 0 against with 0 abstention out of 14 voting members in attendance at the time of the vote of a total of 17 voting members.

4) Annual Meeting Update (David Nykanen):

The meeting on July 17th at 11 AM is the Annual Meeting and Council meeting. This will be set up by the State Bar of Michigan. The following Council meeting is on Wednesday, July 22nd and this meeting will be led by Ms. King.

5) Michigan Electronic Recording Commissions - MERC (Brian Henry).

The Commission met on April 23, 2020 and adopted standards for the acceptance of remotely notarized documents. The Commission is meeting again in July. Mr. Henry welcomes any feedback.

Chairperson LaMont reminded everyone that the next Council meeting would take place at the Annual Section & Council Meeting on Friday, June 17, 2020, at 11 AM. There will also be a Council Meeting on Wednesday, July 22 at Noon.

Mr. Scavone made the motion to adjourn the meeting at 1:12 PM. Chairperson LaMont seconded the motion. No members raised an objection. The Motion passed unanimously.

Respectfully submitted,

Dawn M. Patterson, Secretary