

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

MAY 13, 2020 AT 12:00 PM

CONFERENCE CALL-IN LINK: <https://butzel.bluejeans.com/2482582602>
Or call in 1.888.748.9073, ID 248-258-2602#

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:

Council Members		Past Chairs	
In Person	Conference Call N/A	In Person	Conference Call
	Catharine B. LaMont (Chair)		Melissa N. Collar
	Stephen R. Estey		Brian P. Henry
	Brian P. Foley		Ronn S. Nadis
	Gregory J. Gamalski		David E. Nykanen
	Jessica Hallmark		Jerome P. Pesick
	Thomas A. Kabel		Ronald E. Reynolds
	Lorri B. King		Section Administrator Karen Schwartz
	Leslee Lewis		
	Jason C. Long (CLE)		
	Michael A. Luberto		
	Brian Page (Land Title)		
	Dawn M. Patterson		
	J. Scott Timmer		
	Roxana Gale Zaha	Other Attendees	
Nicholas P. Scavone, Jr. (Immediate Past Chair)			
		Tony Viviani (Residential Transactions and Finance Co-Chair)	

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Approval of Minutes:

Chairperson LaMont proposed unanimous consent of the minutes from the April 15, 2020 Council meeting. Ms. Collar was added to the attendance list for the April 15, 2020 Council meeting. Mr. Luberto moved to support the Motion and Mr. Scavone seconded. No members raised an objection, so the Motion passed unanimously.

Chairperson LaMont welcomed Tony Viviani from the Residential Transactions and Finance Committee.

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, and Sponsorship Committee.

Chairperson LaMont moved to approve and receive the Consent Agenda without discussion. Ms. Lewis moved to support the Motion and Mr. Long 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 May Council Meeting.

The Winter Conference was affected by COVID-19. The Winter Conference had a projected loss of \$13,850 and an actual loss of \$7,527.

The Summer Conference for 2020 had a projected loss of \$9,750.

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

Revised Profit/Loss Projection with current financials and SC20 canceled: -\$10,089

(Diff. of \$39,177)

Continuing Legal Education (CLE) Committee:

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

I. 2020 Summer Conference

Summer Conference 2020 at Mission Point has been canceled.

The Original Schedule was as follows:

July 15-18, 2020 - Mission Point (Canceled)

July 21-24, 2021 - Grand Traverse Resort & Spa

July 20-23, 2022 - Crystal Mountain

July 19-22, 2023 - Boyne Mountain

July 17-20, 2024 - Grand Traverse Resort & Spa

When contacted, Grand Traverse refused to move back the 2021 or 2024 contract.

Crystal Mountain informed us that there were no available dates in July of 2023.

Boyne Mountain had no problem moving back their contract dates to 2025.

The CLE Committee agreed to recommend to the Council to go to Mission Point from July 19-22, 2023 and move the Boyne Mountain contract to 2025.

Mission Point agreed that the \$2,500 deposit will go towards the 2023 dates.

Revised Schedule:

July 15-18, 2020 - Mission Point (Canceled)

July 21-24, 2021 - Grand Traverse Resort & Spa

July 20-23, 2022 - Crystal Mountain

July 19-22, 2023 – Mission Point (\$2500 deposit to be applied)

July 17-20, 2024 - Grand Traverse Resort & Spa

July 16-19, 2025 – Boyne Mountain (\$1000 deposit to be applied)

A motion was made by Mr. Long to approve new schedule. The motion was seconded by Ms. Zaha. No members raised an objection, so the Motion passed unanimously.

There was discussion about considering adding Boyne Highlands into the rotation and perhaps removing Grand Traverse Resort. We also may be able to consider different future venues based on future attendance levels.

II. Discussion Board – how best to stir up discussion

Mr. Long indicated that the CLE Committee noticed that our discussion boards have seen a spike in activity during the work-from-home E.O. In order to sustain this unexpected activity, the Committee suggested that Tom Kabel, Chair of Committee on Committees, reach out to Special Committee Co-Chairs to post questions in the discussion board area in order to generate discussion. In particular, force majeure, evictions, and remote notaries seem to be hot topics on the board. Tom has reached out to the Special Committee Co-Chairs.

III. Real Property Law Academy I (Mike Luberto)

Mr. Luberto is the chair for the Real Property Law Academy.

It will be held October 20-21, 2020 at the J.W. Marriott in Grand Rapids and will be repeated May 5-6, 2021 in Troy.

They have replacement presenters for the following topics:

Real Estate Litigation - Ben Aloia

Commercial Leasing - John Gaber

Title & Survey - Michelle Donovan

Closings – Still needed

Mr. Luberto would like to discuss timing for revisions of materials. It was also noted that we need to discuss alternatives in the event we need to convert this to a virtual venue.

IV. 2020-2021 Groundbreaker/2021 Real Estate Outlook (Scott Lesser)

Mr. 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 discussion of having the program on Zoom and possibly utilizing Zoom chat rooms for the smaller group discussions as a possibility.

V. Winter Conference 2021 - J.W. Marriott, Austin - February 25-27, 2021 (Brian Foley)

Mr. Foley is the chair of this conference. It was noted that the chair may reach out to some of the speakers who were slated to speak at the Summer Conference 2020 if the topic is relevant, specifically the topics of renewable

energy, oil & gas.

IV. Technology (David Nykanen)

WC20 Webcast was made available to registrants. It will be available to all members in July, 4 months following the Winter Conference. If the Summer Conference is canceled, the App company will be contacted to provide a discount to the contract.

Legislation Committee:

Mr. Gamalski submitted the Legislation Committee Report dated May 8, 2020 for review and discussion by the members. In particular, Mr. Gamalski noted the following:

- 1) Executive Orders; SCAO Actions
 - a. Notaries

New Executive Order 2020-74, essentially continues prior Executive Order 2020-41 until June 30. One change is that the return of a completely notarized document to the signer can now be done within 72 hours instead of the original one day turnaround.

- b. Evictions

Under Executive Order 2020-54 and guidance from the Michigan Supreme Court Administrator Office actions related to evictions continue to be stayed as of the date of this meeting.

- 2) **Marketable Title Act.** A bill extending the effective date of Pubic Act 572 of 2018 which amended the Marketable Title Act, has been introduced and is in committee. It would move the effective date of the act to March 29, 2024. It is not yet advanced. See <https://www.legislature.mi.gov/documents/2019-2020/billintroduced/House/pdf/2020-HIB-5611.pdf>
- 3) Mr. Gamalski highlighted a few bills of interest.
 - a. HB 5761: Property tax deadlines extended during declared state of emergency.
 - b. Moratoriums on certain foreclosures and evictions.
 - c. Month to month rent adjustments – Mr. Gamalski will seek feedback from the Leasing Committee.

Publication Committee:

Ms. King presented the Publications Report dated May 8, 2020 and mentioned the following:

- 1) The Spring Edition is on track. The authors that have committed are listed in her report.
- 2) The details regarding the future articles and the eNewsletter Pipeline List are included in the Publications Report dated May 8, 2020.
- 3) A few articles are lined up for Summer edition.

New Business:

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

Mr. Scavone reported on the Ad Hoc Committee on MRTA. They are working on the proposed legislation and are working with other groups. There may be a proposal for review available at our next meeting.

- 3) Annual Meeting Discussion – Bylaws and Technology Report (David Nykanen):

Mr. Nykanen led this discussion. Our bylaws do not require an in person meeting. The meeting is set to coincide with the usual annual meeting schedule. The technology solution would be BlueJeans and Zoom. It is capped at 150 people. If we get less than 150 people that respond to invitation, we will send the Zoom link and hold the meeting in July. If more than 150 people accept the invitation, we will likely notify all that the meeting would be held in person in September 2020.

Our Annual Meeting is set for July 17, 2020 at 11 a.m.. A committee has been formed to set up the Annual Meeting: Mr. Luberto, Mr. Nykanen, Ms. King, Mr. Kabel, Mr. Long, Mr. Reynolds, Ms. Schwartz & Chairperson LaMont.

There was discussion of offering a virtual option at all seminars. This is being explored by committee members.

- 4) Michigan Electronic Recording Commissions - MERC (Brian Henry).
The meeting was held via Zoom. The Commission met on April 23, 2020 and adopted standards for the acceptance of remotely notarized documents. The Commission is meeting again in July.
- 5) Construction Committee Co-Chair discussion

Jeff Gallant of Clark Hill has accepted the position
- 6) NomCom Update (Ron Reynolds) - They will present the slate soon.
- 7) A vote was taken regarding approval for a voluntary Council meeting in June. This was unanimously approved by 14 voting members present. Those members in support of the June meeting were LaMont, Foley, Gamalski, Hallmark, Kabel, King, Lewis, Long, Luberto, Page, Patterson, Timmer, Zaha & Scavone. There were 0 opposed and 3 voting members not present at the time of the vote.

Chairperson LaMont reminded everyone that the next Council meeting would take place on Wednesday, June 17, 2020, at Noon.

Chairperson LaMont adjourned the meeting at 1:12 p.m.

Respectfully submitted,

Dawn M. Patterson, Secretary