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:

<table>
<thead>
<tr>
<th>Council Members</th>
<th>Past Chairs</th>
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<tr>
<td><strong>In Person</strong></td>
<td><strong>Via Conference Call</strong></td>
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<tr>
<td>Catharine B. LaMont</td>
<td>J. Scott Timmer</td>
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<tr>
<td>(Chair)</td>
<td>Leslee M. Lewis</td>
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<td>Brian P. Foley</td>
<td>Brandy Mathie</td>
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<tr>
<td>John D. Gaber</td>
<td>Stephen R. Estey</td>
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<tr>
<td>Gregory J. Gamalski</td>
<td>Michael A. Luberto</td>
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<tr>
<td>Thomas A. Kabel</td>
<td>Brian Page (Land Title)</td>
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<td>Jason C. Long (CLE)</td>
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<td>Dawn M. Patterson</td>
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<td>Roxana Gale Zaha</td>
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<td>Jessica Hallmark</td>
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<td>Nicholas P. Scavone, Jr.</td>
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<tr>
<td>(Immediate Past Chair)</td>
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<tr>
<th>Section Administrator</th>
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<td>Karen Schwartz</td>
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<th>Other Attendees</th>
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<td>Bill Freeman &amp; Kevin Hirzel of the Condominiums, PUDs and Cooperatives Special Committee.</td>
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Introductions/Announcements:
Chairperson LaMont welcomed Kevin Hirzel of the Condominiums, PUDs and Cooperatives Special Committee.

Approval of Minutes:
Chairperson LaMont proposed unanimous consent of the minutes from the October 16, 2019 Council meeting. Mr. Long made the motion for approval and the motion was seconded by Mr. Gamalski. 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 and Sponsorship Committee.

Mr. Gamalski moved to approve and receive the Consent Agenda without discussion. Mr. Estey supported the motion. 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:

Continuing Legal Education (CLE) Committee:
Mr. Long submitted the CLE Committee Report for review and discussion by the members. Mr. Long then specifically mentioned the following items:

- The “Groundbreaker - 2020 Real Estate Outlook” program took place on October 17, 2019 at the DAC. Over 60 people were registered. Scott Lesser was commended on doing an excellent job and has agreed to Chair the program next year.
- The 2019-2020 Homeward Bound chair is Jessica Hallmark. The January 16, 2020 Homeward Bound program at MSU – MEC will be called “Recent Legislation and Hot Topics on the Horizon”. Following the January program, the CLE Committee will provide a recommendation to see if the program should be duplicated in Grand Rapids at the end of May or early June. They would like to secure a speaker on short term rental issues.
- The Winter Conference 2020 at the Hotel del Coronado is set for March 12-14, 2020. Erica Payne is the chair. Ms. Payne had two speakers drop out. She has filled these spots. Bruce Goldman will be stepping in to present the international waters topic.
- Summer Conference 2020 will be chaired by Roxana Zaha and Brandy Mathie. It is scheduled for July 15-18, 2020 at Mission Point. A preliminary outline was attached to the agenda. They are waiting on a few confirmations. They will have the program further defined by December 4, 2019. They would like to add a solar energy workshop. Mr. Estey will speak with Ms. Zaha. Mr. Kevin Hirzel is willing to speak on the topic of emotional support animal legislation. Chairperson LaMont mentioned that we may want an “ask the experts” style and to solicit the questions prior to the conference. This ties in with the surveys for the Strategic Plan. Younger lawyers like to ask questions during these roundtables. They need someone to lead a table on Zillow and other real estate models at the Summer Conference.
- Mr. Long provided a technology update. Summer Conference and Homeward Bound webcasts will soon be available to purchase on our website. It was recommended that the cost to video-tape the
Winter Conference should be included in the 2019-20 Projected Budget for further discussion closer to this March program. Jason encouraged those that are interested in participating in a podcast, contact him.

- Mr. Luberto and Mr. Long commented on the Real Property Law Academy I. Mr. Luberto is the chair. Academy I will be held at the J.W. Marriott in Grand Rapids on October 20-21 of 2020. Mike will reach out to past speakers in January to see if they would be interested in presenting again in the upcoming year.

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

1) Legislative Liaison Visit. The RPLS legislative liaison team, Lorri King, Cathy LaMont and Greg Gamalski visited several legislators on November 7, 2019 in Lansing. The team met with five Legislators and their staffs, along with the Governor’s legal counsel. In particular, a useful discussion took place with Representative Berman regarding HB 4195 (fallen tree liability).

2) Pending Legislation; Positions. Bills on which we recently took action remain in committee and have not advanced.
   a. HB 4123 and 4699. These bills essentially authorize a lien against all real estate throughout the state owned by an owner of even a single blighted property subject to blight citations.
   b. HB 4676 and HB 4677. The bills essentially attempt to bar certain noisome restrictions related to race, religion and sexual orientation, etc. which is a laudable goal.

3) Emotional Support Animals SB609 and SB 610. He leaves it to the committee has to whether we should take a position on this. No members present proposed to take action on this now. Ms. Lewis suggested reviewing HB 4677 to see how it relates to the proposed legislation on emotional support animals. Mr. Gamalski will look into this and bring it up to the legislative committee.

4) Tree Liability; HB4195 Mr. Gamalski mentioned that there may be revisions to this legislation, and we may want to wait for the revisions. He will ask Tabitha to keep an eye on this legislation.

5) Assignment of Rents Statutes. The bills relate to a new assignment and rents statute. HB 5086 and HB 5092, have been referred to several special committees for input and comment. No comments have been received though the committee chairs involved. Input was sought, but so far, none was received. The bills are based on other uniform enactments. Mr. Scavone indicated that this is not purely a uniform law. The Business Section may be in support of this. Per Chairperson LaMont we will table it for now. Mr. Scavone will review it and report back.

6) There appears to an opportunity to suggest a candidate for the Electronic Recording Commission. Additional information can be found here: [https://www.michigan.gov/whitmer/0,9309,7-387-90501_90626-257227--00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90501_90626-257227--00.html). Mr. Gamalski thinks it would be a good idea to have someone on the committee. Mr. Henry expressed interest in the position.

7) Note that oral arguments on Rafaeli L.L.C. v. Oakland County, Supreme Court Case No.156849 was heard on November 7, 2019. Our liaison team actually chatted briefly with Oakland County’s attorney when crossing the Capitol campus between meetings with Legislators. The Legislature is considering a bill, HB 4219, to address this issue.

Publication Committee:
Ms. Schwartz presented Ms. King’s report.

1) The Fall/Winter Edition will be submitted to the publisher by November 27, 2019 with anticipated publication in early January 2020.
2) The Committee has confirmed articles for the February 2020 RPLS State Bar of Michigan Journal Issue.
3) Articles are in the pipeline for the eNewsletter.

**Technology Committee:**
Mr. Nykanen

1) Mr. Nykanen discussed the availability of webcasts for the Homeward Bound and Summer Conference Panel & Workshop. The State Bar is unable to offer individual programs – only the entire series. A discussion was held on pricing. Mr. Nykanen indicated that we do not want the pricing to discourage attendees from attending live events. It is possible that the State Bar may have the technology in the future to offer the purchase of a single session. He recommends that we maintain the pricing as set in his report.
2) The CLE Committee recommended that the cost to video-tape the Winter Conference should be included in the 2019-20 Projected Budget and tabled the matter for further discussion closer to the March program. The projected cost was $3,000. Ms. Schwartz was able to find another video company that will tape the program at $1,500. (This price does not include editing.)
3) Podcast – Mr. Long is recruiting potential guests for his podcast.

**Treasurer’s Report:**
Winter sponsorships increased to $5000 & the October Groundbreaker made $1000.

Mr. Kabel presented the Projected Budget 2019-2020 with revisions. This document was included in the agenda. The key revisions are:

1) The elimination of the spending for Wartell award (hotel accommodations): Difference of: **$1,000**
2) Access to Justice. Previously projected at $10,000. This is now eliminated due to council vote: Difference of: **$10,000** (Chairperson LaMont encourages all to participate in the Day of Service.)
3) Review – Electronic Version only – elimination of the hard copy printed version. Previously projected at $5,000 (Anticipating 1 edition) – now at $3,000 (2 editions): Difference of: **$2,000** Ms. Schwartz suggested an email advising of the availability of only an electronic version
4) Review – continued: Editor: Previously projected expense at $10,000 – now at $6,000, ($3,000/issue – estimated 2 issues) Difference of: **$4,000**
5) Winter Conference Videotaping projected at $3,000 – now at $1,500: Difference of: **$1,500**

**Total Difference:** $18,500
**Ending Balance now projected at: $152,199**
Starting in October 2020, our dues are increased to $55 per member.
Previously projected at $45/member = $96,705
Next year at $55/member it would = $118,195 (if membership stays the same)
Difference of **$21,490**

**Old Business:**
None

**New Business:**
1) Nick Scavone reported for the Marketable Title Shock Team. The Marketable Title Shock Team consists of Nick Scavone, Brian Page, Greg Gamalski, Melissa Collar, Cathy Lamont, Mike Luberto and Lorri King.
a. The current amendment addresses the condominium documents.
b. Mr. Scavone may add Jason Seaver to this committee. He will be publishing an article on suggested revisions.
c. Concerns about posting of the information in the new act. There is a push for the Tract Index to be the official recording system. 38 counties would have to be on board. Ms. Shierk mentioned a feasibility evaluation with current technology. There were comments that it is more likely due to feasibility issues to get a legislative fix.

2) Amicus Brief Committee: Chair: Scott Timmer
   a. Two requests
      i. JTWROS deed held by an individual and a trust case known as Schaaf v Forbes, unpublished Court of Appeals opinion No. 343630. A unanimous vote was held at our October 16, 2019 meeting in support of filing an amicus brief in support of the dissenting opinion. The probate section initially inquired with our Section regarding a joint brief. We were informed last week that they do not want to participate in a joint brief with the Real Property Law Section. A public policy position will be submitted to the State Bar after this meeting.
      ii. Packard Square case: Brian Foley indicated that he will abstain from voting. His firm was involved in the litigation. The appellants are looking to reverse a published Court of Appeals opinion. Mr. Timmer does not think we should file an amicus brief in this matter. We have Section and council members on both sides of the case. A discussion question was posed: Does it serve in the fair administrative of justice to refrain or take a position? Mr. Henry opined that this is not something we should get involved with. Mr. Nykanen pointed out that we do not undertake policy arguments on behalf of proponents. Member recommends that we decline filing an amicus brief in this matter. A Motion was made by Mr. Gamalski, and duly seconded by Mr. Page to take no action at this time and to accept Mr. Timmer’s recommendation to not file amicus brief in this matter. The Motion was approved with 15 in favor, 0 against with 1 abstention out of 16 voting members in attendance at the time of the vote of a total of 17 voting members.

3) Our Section received a request to co-sponsor a seminar/lunch with the FBA Civil Rights Committee and the FBA Chapter for the Eastern District of Michigan. The seminar topic is “The Role of Federal Civil Rights Laws in Fighting Mass Evictions”. The maximum cost would be less than $350.00. The members discussed that there were other ways to support the seminar.
   a. Sponsor
   b. Sharing mailing list
   c. e-Newsletter
   A Motion was made by Mr. Long, and duly seconded by Mr. Foley to allow the seminar to be mentioned in the e-Newsletter. The Motion was approved with 16 in favor, 0 against with 0 abstentions out of 16 voting members in attendance at the time of the vote of a total of 17 voting members. Mr. Long will communicate to the parties requesting the sponsorship.

4) Chairperson LaMont requests the Council meeting on February 12, 2020 be moved to February 11, 2020.

Chairperson LaMont reminded everyone that the next Council meeting would take place on Wednesday, December 18, 2019, at 3:30 at MEX in Bloomfield Hills, Michigan.

Chairperson LaMont adjourned the meeting at 1:20 p.m., after a motion to adjourn was made by Mr. Scavone and seconded by Mr. Kabel. The motion was approved by unanimous consent.

Respectfully submitted,
Dawn M. Patterson, Secretary