

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

OCTOBER 22, 2025

BUTZEL LONG, TROY, MI

An in-person and Zoom meeting of the members of the Council of the Real Property Law Section was called to order at approximately 12:00 PM. Chair Jason Long confirmed that a quorum of voting members was present.

Present:

<u>Council Members</u>	<u>Past Chairs</u>
Jason Long (Chair) Leslee Lewis (Chair Elect) Kevin Hirzel (Secretary)	Tom Kabel Mark Krysinski David Nykanen Ron Reynolds Nick Scavone David Pierson Dawn Patterson
Wayne Beyea Sam Kilberg Brian Lang Leslee Lewis David Martyn Amy Smith Zach Stewart Pete Webster	<u>Section Administrator</u> Karen Schwartz
Mike Luberto (Immediate Past Chair) Jessica Halmark (CLE) Stacy Barbe (Land Title)	<u>Other Attendees</u>

Approval of September 2025 Council Meeting Minutes:

Jason Long asked the Council whether there were any corrections, comments, or other notes regarding the September 10, 2025, RPLS Council meeting minutes. Jason Long moved to approve the September 10, 2025, RPLS Meeting Minutes. Mike Luberto seconded, and the motion passed as the meeting minutes were flawless as always.

Consent Agenda:

No items included in the consent agenda were requested to be removed or discussed, so it was approved.

Standing Committee Reports:

The following Standing Committee reports were discussed:

Treasurer's Report/Budget and Finance:

Jason Long presented the report as Aileen Leipprandt was not present. Jason Long noted that we had a \$34,000 surplus compared to the budget. Mr. Long attempted to take credit for the surplus, but Mike Luberto made a friendly point of information, calling the council's attention to the fact that the surplus happened while he was the chair of the council. Mr. Long reviewed his copy of Robert's Rules of Order, but he could not find an answer to his question. He quickly moved on to the CLE Committee report.

Continuing Legal Education (CLE) Committee:

Jessica Hallmark presented the CLE Committee Report as follows:

- 1. Real Property Law Academy II (Jeff Vollmer)**
 - Grand Rapids had 30 attendees (11 attendees from law firms)
 - Est. Income: \$10,040 (due to law firms pre-paying)/Est. Expenses: \$3,500
 - Est. Difference: \$6,540
 - The next Academy II program will take place in Troy, April 29-30th.
 - The CLE Committee agreed that the program should be recorded.
- 2. 2025 Real Estate Outlook (Kayleigh Long)**
 - November 6, 2025, at the DAC
 - Paul Traub of Act Research will present the Economic Forecast. 5 roundtables have been confirmed.
- 3. Recent Legislation and Hot Topics on the Horizon (Brian Foley)**
 - January 15, 2026 – virtual, Vice-Chair, Roxana Zaha and Tabith Zimny, Karoub, will present a Legislative Update
- 4. "Ask the Expert" Program (Tim Bliss)**
 - The Title & Conveyancing Committee will be participating in an "Ask the Expert" program - Date: TBD. Jason Long is working on a presentation related to uncapping.
- 5. Winter Conference 2026 (Amy Smith)**
 - March 5-7, 2026 - W Hotel, South Beach, Miami. Various speakers have been confirmed, and the program is coming together nicely.
- 6. Summer Conference 2026 (Kelly Myers & Clarence Stone)**

-July 15-18, 2026, The Grand Hotel, Mackinac Island
-Kelly and Clarence have already begun planning for next Summer. If anyone has any speaker topics or recommendations, please let them know. Initial ideas have been circulated to the CLE committee, and they are in the process of confirming speakers.

7. RPLS Practice Development Institute (Mike Luberto)

-The CLE Committee reviewed an Outline and agreed that the initial program would be open to all and presented on Zoom. 3 virtual sessions will be held, with an in-person session following. The program will start in 2026. Mike Luberto is looking for speakers.

8. Registration Fees

-Jessica Hallmark presented the pricing recommendations for the CLE Committee for all programming in 2026, which were based on the fee schedule in the meeting materials. Kevin Hirzel made a motion to adopt the fee schedule as presented by the CLE Committee. Leslee Lewis seconded the motion. The motion passed unanimously.

9. Sponsorship Fees

-Jessica Hallmark presented the pricing recommendations for the CLE Committee for 2026 sponsorships. The CLE Committee recommended increasing the Exhibitor Sponsorship level from \$750 to \$1,000, and all other Sponsorship levels remain the same. Jason Long made a motion to adopt the proposed increase for Exhibitor Sponsors from \$750 to \$1,000. Jessica Hallmark seconded the motion. The motion passed unanimously.

10. Next CLE Meeting - Wednesday, January 14, 2026

Legislative Committee:

David Pierson presented the legislative committee report and discussed the status of various bills identified in the report, including the following items:

1. HB 4525 - MRTA

-This bill was unanimously approved and passed in the House with immediate effect on September 4, 2025, and transmitted to the Senate. Tabitha Zimny is pushing to move the MRTA bill forward through the Senate, hoping to get the bill passed and signed by the Governor before the current MRTA amendment's expiration date on September 29, 2025.

2. Landlord / Tenant Bills

-16 new Landlord / Tenant bills were introduced in the House. Per Tabitha, the bills are not expected to move based on how they are drafted. No action was recommended on these bills.

3. HB 4846 - Alternate procedure to evict squatters

-The bill allows anyone who claims to own property to present an affidavit to a sheriff, who then assists in evicting occupants of the property without going through the court process. After discussion, it was determined that squatting and trespassing are illegal, and that present laws can satisfactorily deal with this issue, without eliminating the due process

that is provided in a court proceeding, and that HB 4846 is not necessary. Leslee Lewis made a motion to adopt the public policy statement to formally oppose this bill because it eliminates court proceedings for evictions, and squatting is already a criminal act that can be enforced by law enforcement. Mike Luberto seconded the motion. **A roll call vote was held, and all council members present unanimously approved the motion.**

4. Remote Notarization and Wire Fraud Statutes

-An update was provided on potential legislation regarding disclaimers for remote notarization. No action needed to be taken at this time, as the legislative committee is still reviewing.

5. HB 5045 and 5055 - Kessler Fix

-*Kessler* concluded that the purchaser at a mortgage foreclosure sale can wait until the day before the redemption period expires to record the sheriff's deed, and the redemption period will expire the following day. The Council previously passed a resolution supporting proposed amendments to MCL 600.3232 and MCL 600.3240 to correct this issue in a prior legislative session. Mike Luberto made a motion to adopt the public policy statement to support the legislation for the same reasons as previously approved by the council in the prior legislative session. Leslee Lewis seconded the motion. **A roll call vote was held, and all council members present unanimously approved the motion.**

Membership:

Sam Kilberg also provided an update on promoting RPLS on social media and SBM Connect. He indicated that additional information was obtained from the State Bar of Michigan regarding membership that was being reviewed. Council members were encouraged to remind everyone in their firms to check on the RPLS box when renewing their state bar dues.

New Business:

1. Membership Dues

-A discussion was held about whether increasing membership dues was necessary to offset increasing costs and declining membership. Leslee Lewis made a motion to increase membership dues by \$10 to \$65, starting on October 1, 2026. Sam Kilberg seconded the motion. The motion passed unanimously.

2. Amicus Request

-Jason Long provided an update on an amicus request from the Michigan Supreme Court in *In re Application of Enbridge Energy to Replace and Relocate Line 5*. After the council discussed the case, no motion was made to file an amicus brief, but the amicus committee will further investigate the request and make a recommendation at a future meeting.

Next meeting – Wednesday, November 19, 2025, at Butzel Long, Zoom will be available.

The Council meeting was adjourned at approximately 12:55 pm.

Respectfully submitted,
Kevin Hirzel, Secretary

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

NOVEMBER 19, 2025

BUTZEL LONG, TROY, MI

An in-person and Zoom meeting of the members of the Council of the Real Property Law Section was called to order at approximately 12:02 PM. Chair Jason Long confirmed that a quorum of voting members was present.

Present:

<u>Council Members</u>	<u>Past Chairs</u>
Jason Long (Chair) Leslee Lewis (Chair Elect) Roxana Zaha (Vice Chair) Aileen Leipprandt (Treasurer) Kevin Hirzel (Secretary)	Lorri King Ronn Nadis Robert Nix David Nykanen Ron Reynolds Nick Scavone Kim Shierk Dawn Patterson
Wayne Beyea Sam Kilberg Brian Lang Scott Lesser David Martyn Kelly Myers Amy Smith Zach Stewart Pete Webster	<u>Section Administrator</u> Karen Schwartz
Mike Luberto (Immediate Past Chair) Jessica Halmark (CLE) Stacy Barbe (Land Title)	<u>Other Attendees</u>

Approval of October 22, 2025 Council Meeting Minutes:

Jason Long asked the Council whether there were any corrections, comments, or other notes regarding the October 22, 2025, RPLS Council meeting minutes. Mike Luberto moved to

approve the October 22, 2025, RPLS Meeting Minutes. Leslee Lewis seconded, and the motion passed as the meeting minutes were beyond reproach.

Consent Agenda:

No items included in the consent agenda were requested to be removed or discussed, so it was approved.

Standing Committee Reports:

The following Standing Committee reports were discussed:

Treasurer's Report/Budget and Finance:

Aileen Leipprandt presented the report. The estimated dues and income from the Outlook Program were close to what was projected.

Continuing Legal Education (CLE) Committee:

Jessica Hallmark presented the CLE Committee Report as follows:

1. 2026 Real Estate Outlook (Kayleigh Long)

Kayleigh put together a successful program

30 registrants + 5 speakers

Est. Income: \$3,330/Est. Expense: \$3,000 Difference: \$330 (reserved a smaller room)

Last year: 35 registrants + 5 speakers

Income: \$3,745 Expenses: \$4,750/Difference: -\$1,005

2. Recent Legislation and Hot Topics on the Horizon (Brian Foley)

January 15, 2026 – virtual

Vice-Chair, Roxana Zaha and Tabith Zimny, Karoub, will present a Legislative Update.

3. Winter Conference 2026 (Amy Smith)

March 5-7, 2026, W South Beach, Miami

The Winter Conference program is almost finalized.

4. Real Property Law Academy II (Jeff Vollmer)

The next program will take place in Troy April 29-30th.

5. Summer Conference 2026 (Kelly Myers & Clarence Stone)

July 15-18, 2026, The Grand Hotel, Mackinac Island

Final Program due: March 27th

6. "Ask the Expert" Program (Tim Bliss)

The Title & Conveyancing Committee will be participating in a virtual "Ask the Expert"

program - Date: TBD

7. Practice Development Institute (Jessica Hallmark)

A Practice Development Institute program will take place in 2027 with 3 virtual sessions open to all and one final in-person session for section members only. The idea is to give attendees an incentive to join the Section.

8. Next CLE Meeting – Wednesday, January 14, 2026

Legislative Committee:

Roxana Zaha presented the legislative committee report and discussed the status of various bills identified in the report, including the following items:

1. **SB 248-256 - The Low-Income Water Affordability Act** – a package of bills that are moving through the Senate, but not likely to be approved by the House, at least not this year. The legislative committee did not recommend taking a position and will continue to monitor this legislation.
2. **HB 5289 - Remote In-Person Notarization – Concerns were expressed about whether the remote notarization bills were necessary and what constitutes “satisfactory evidence of identity to the notary.”** The Council was going to perform an additional investigation before deciding whether to take a position.
3. **HB 5227 – 5229 (tie barred).Occupational Code Amendments Re: Brokers and Agents** - This legislation appears to generally track with the core principles of the NAR Settlement to increase transparency and require *written agreements* with *buyers* setting forth clear compensation structures. The legislative committee did not recommend taking a position and will continue to monitor this legislation.
4. **Proposed Amendment to MCR 2.106** – This amendment would update the definition of a newspaper in the court rules. The legislative committee did not recommend taking a position and will continue to monitor the situation.
5. **HB 5152 & HB 5153 – Mortgage Foreclosure Protection Bills** – Various members of the council express concerns that current fraud laws already protect people who have been foreclosed on from questionable transactions and that these bills may impede the efficient administration of real estate law in Michigan. The legislative committee did not recommend taking a position and will continue to monitor to see if there are ideas on a better way to address the issues raised by this bill.
6. **HB 4799 - Property tax: payment and collection; effect of a postmark date when determining the date property taxes are paid and other communications and notifications are provided; clarify.**

Kevin Hirzel made a motion to oppose the adoption of HB 4799 as introduced. Zach Stewart seconded the motion. HB 4799 would be detrimental to the fair and just administration of real property law because it is confusing and reaches beyond the General Property Tax Act, MCL 211.1 et seq., Property tax statements contain many charges beyond just property taxes, including special assessment charges, water charges, and other municipal charges, such that the bill would improperly amend by reference other legislation and municipal ordinances were it adopted. The bill is also confusing in that it applies only to nondelinquent property taxes, assessments, and other amounts, but also states that it applies to penalties and interest, which generally apply only when taxes and other charges have become delinquent. The RPLS is not opposed to the concept of a postmark or other common carrier's mark serving as the date of receipt in certain circumstances, but details of HB 4799 need revision. **A roll call vote was held, and all council members present unanimously approved the motion, with the exception of Jessica Hallmark, who abstained from voting.**

Membership:

Sam Kilberg also provided an update on promoting RPLS on social media and proposed taking pictures at future events to post on social media, but only photos that did not depict Dave Nykanen, as we did not want to scare any potential members from joining.

New Business:

1. Karoub Monthly Retainer

A discussion took place regarding an email from our Legislative Consultant, Karboub regarding an increase in their monthly fees. Everyone felt that Tabitha does an excellent job and the Council agreed to have Jason reach out to her to discuss their future compensation with a maximum amount specified.

2. Amicus Request

-Jason Long provided an update on an amicus request from the Michigan Supreme Court in *In re Application of Enbridge Energy to Replace and Relocate Line 5*. Nick Scavone suggested that they contact Kevin Smith, an expert in riparian rights, to provide insight.

Next meeting – Wednesday, December 17, 2025, at 3:30 p.m. at Bigalora, Southfield – Zoom not available

The Council meeting was adjourned at approximately 1:22 pm.

Respectfully submitted,

Kevin Hirzel, Secretary

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

DECEMBER 17, 2025

BIGALORA, SOUTHFIELD, MI

An in-person meeting of the members of the Council of the Real Property Law Section was called to order at approximately 3:42 PM. Chair Jason Long confirmed that a quorum of voting members was present and that he was the winner of the ugly holiday suit contest.

Present:

<u>Council Members</u>	<u>Past Chairs</u>
Jason Long (Chair) Roxana Zaha (Vice Chair) Kevin Hirzel (Secretary)	Mark Krysinski Ron Reynolds Richard Rattner
Wayne Beyea Scott Lesser Amy Smith Pete Webster Clarence Stone	<u>Section Administrator</u>
Mike Luberto (Immediate Past Chair) Jessica Halmark (CLE)	<u>Other Attendees</u>

Approval of November 19, 2025, Council Meeting Minutes:

Jason Long asked the Council whether there were any corrections, comments, or other notes regarding the November 19, 2025, RPLS Council meeting minutes. Mark Krysinski claimed to have been present, so the minutes were revised to reflect his attendance, and he was offered some chicken wings as an apology. Mike Luberto moved to approve the November 19, 2025, RPLS Meeting Minutes. Scott Lesser seconded, and the motion passed.

Consent Agenda:

No items included in the consent agenda were requested to be removed or discussed, so it was approved.

Standing Committee Reports:

The following Standing Committee reports were discussed:

Treasurer's Report/Budget and Finance:

Jason Long presented the report. The section had about 50 fewer members than the prior year, but we are financially sound and managing to stay within budget.

Continuing Legal Education (CLE) Committee:

Jessica Hallmark presented the CLE Committee Report as follows:

1. Ask the Expert (Tim Bliss)

The Title & Conveyancing Committee will be participating in a virtual "Ask the Expert"

2. Recent Legislation and Hot Topics on the Horizon (Brian Foley)

January 15, 2026 – virtual

Vice-Chair, Roxana Zaha and Tabith Zimny, Karoub, will present a Legislative Update.

3. Winter Conference 2026 (Amy Smith)

March 5-7, 2026, W South Beach, Miami

The Winter Conference program is finalized.

WC Misc.- As in the past, Rob Schwartz will be assisting at the Winter Conference.

His duties include the following:

- (a) transporting necessary audio visual equipment, conference signage and registration materials to and from the conference;
- (b) assisting with guest registration; and
- (c) setting up signage and helping with distribution of materials both days of the conference

4. Real Property Law Academy II (Jeff Vollmer)

The next program will take place in Troy April 29-30th.

5. Summer Conference 2026 (Kelly Myers & Clarence Stone)

July 15-18, 2026, The Grand Hotel, Mackinac Island

Final Program due: March 27th

6. Practice Development Institute (Jessica Hallmark)

A Practice Development Institute program will take place in 2027 with 3 virtual sessions open to all and one final in-person session for section members only. The idea is to give attendees an incentive to join the Section.

8. Next CLE Meeting – Wednesday, January 14, 2026

Legislative Committee:

Roxana Zaha presented the legislative committee report and discussed the status of various bills identified in the report, including the following items:

1. **HB 5152 & HB 5153 – Mortgage Foreclosure Protection Bills** – Various members of the council express concerns that current fraud laws already protect people who have been foreclosed on from questionable transactions and that these bills may impede the efficient administration of real estate law in Michigan. After reviewing Scott Lesser's report, Mike Luberto made a motion to oppose HB 5152 & HB 5153, as these bills interfere with the fair and just administration of real property law. Scott Lesser seconded the motion. HB 5152 would require a foreclosure notice to be recorded in the register of deeds, which may create a permanent record and negatively impact future transactions. HB 5153 would create restrictions that limit the ability of people to redeem, transfer, or assign rights to redeem. **A roll call vote was held, and all council members present unanimously approved the motion to oppose HB 5152 & 5153.**

Membership:

Jason Long suggested that everyone should try to spread the word, and firms should encourage real estate attorneys to join the section.

New Business:

1. **Karoub Monthly Retainer**

Jason provided an update that an agreement was reached with Karoub to increase the monthly retainer to \$2500 starting in January of 2026, with a future discussion next year in July as to the retainer rates.

2. **Amicus Request**

Jason Long provided an update on an amicus request from the Michigan Supreme Court in *In re Application of Enbridge Energy to Replace and Relocate Line 5*. Jason Long was too busy shopping for a holiday suit, so he did not have time to prepare a memorandum on the potential positions the Council could take regarding the public trust doctrine. Everyone was in the holiday spirit, so the Council agreed to continue the discussion about whether to submit an amicus brief to the January Council meeting.

3. **Presentation of the Holiday Ornament**

Karen Schwartz and Ron Reynolds were kind enough to help Kevin Hirzel with the expansion of his home goods product line. Ron Reynolds presented Chairman Long with a very flattering holiday ornament of Kevin Hirzel dressed as an elf, as Karen Schwartz was still in California, laughing all the way. Chairman Long shouted out with glee that it was the best present that he had ever received. That says a lot, as he is also the proud owner of a Kevin Hirzel mug.

Next meeting – Wednesday, January 21, 2026, at 12:30 p.m. at Butzel Long in Troy. Zoom will be available.

The Council meeting was adjourned at approximately 4:12 pm.

Respectfully submitted,

Kevin Hirzel, Secretary

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

JANUARY 21, 2026

BUTZEL LONG, TROY, MI

An in-person and Zoom meeting of the members of the Council of the Real Property Law Section was called to order at approximately 12:31 PM. Chair Jason Long confirmed that a quorum of voting members was present after the past chairs questioned him about his tardiness to the meeting. If Tom Kabel had done a better job of shoveling the Butzel Long parking lot, Chairman Long would have been on time.

Present:

<u>Council Members</u>	<u>Past Chairs</u>
Jason Long (Chair)	Kim Shierk
Leslee Lewis (Chair-Elect)	Brian Henry
Roxana Zaha (Vice Chair)	Tom Kabel
Aileen Leipprandt (Treasurer)	Lorri King
Kevin Hirzel (Secretary)	Mark Krysinski
Nick Guttman	Dave Nykanen
Sam Kilberg	Ronn Nadis
Brian Lang	Dawn Patterson
Scott Lesser	<u>Section Administrator</u>
Kelly Myers	Karen Schwartz
Amy Smith	Other Attendees
Zach Stewart	Clarence Stone
Pete Webster	
Mike Luberto (Immediate Past Chair)	
Jessica Halmark (CLE)	

Approval of the December 17, 2025, Council Meeting Minutes:

Jason Long asked the Council whether there were any corrections, comments, or other notes regarding the December 17, 2025, RPLS Council meeting minutes. Ronn Nadis commented that the minutes were among the best and funniest he had ever read. As Ronn was the past chair

who unquestionably ran the most efficient council meetings, Kevin Hirzel deemed this the ultimate compliment an RPLS Secretary could receive. Hopefully, Ronn will serve as an inspiration for Chairman Long to show up on time in the future. Leslee Lewis moved to approve the December 17, 2025, RPLS Meeting Minutes. Pete Webster seconded, and the motion passed.

Consent Agenda:

No items included in the consent agenda were requested to be removed or discussed, so it was approved.

Standing Committee Reports:

The following Standing Committee reports were discussed:

Treasurer's Report/Budget and Finance:

Aileen Leipprandt presented the report. The section has fewer members, but we are financially sound and managing to stay within budget.

Continuing Legal Education (CLE) Committee:

Jessica Hallmark presented the CLE Committee Report as follows:

1. 2026 Real Estate Outlook (Kayleigh Long)

The CLE Committee recommended moving next year's program to a more convenient location with a later starting time. Karen reached out to the Iroquois Club in Bloomfield Hills. They have limited availability in the fall of 2026, but she was able to secure Thursday, October 29th. The Council accepted the CLE Committee's recommendation.

2. "Ask the Expert" Program (Tim Bliss)

The Title & Conveyancing Committee participated in a virtual "Ask the Expert – Uncapping Property Taxes" program on December 23rd. Jason Seaver and Jason Long did a great job. 68 people registered and 35 attended.

Next "Ask the Expert" – Zoning and Land Use Committee – March 17, 2026

3. Recent Legislation and Hot Topics on the Horizon (Brian Foley)

Roxana Zaha and Tabitha Zimny did a great job presenting a virtual program on January 15, 2026

2026: 50 registrants @ \$25 = \$1250

2025: 60 registrants @ \$25 = \$1,500

2024: 80 registrants @ \$25 = \$2,000

4. Winter Conference 2026 (Amy Smith)

March 5-7, 2026, W South Beach, Miami

The Winter Conference program is finalized.

27 registrants to date

Last year, 28 registrants

5. Real Property Law Academy II (Jeff Vollmer)

The next program will take place in Troy April 29-30th.

Speakers have been confirmed.

6. Summer Conference 2026 (Kelly Myers & Clarence Stone)

July 15-18, 2026, The Grand Hotel, Mackinac Island

Kelly and Clarence have done a great job putting together the 3-day conference. Most of the speakers are confirmed.

7. Winter Conference 2027 Location Discussion

The CLE Committee is recommending The Don CeSar, St. Pete Beach, Florida, as the venue for Winter Conference 2027. The Council accepted the CLE Committee's recommendation.

8. Practice Development Institute (Jessica Hallmark)

A Practice Development Institute program will take place in 2027 with 3 virtual sessions (January, February, and March 2027) open to all and one final in-person session at MSUMEC

in Troy in May of 2027 for section members only. The idea is to give attendees an incentive to join the Section. The Committee will be reaching out to potential speakers.

9. ICSC Continuing Education Program – April 23, 2026 – Volunteer Opportunities

ICSC is looking for volunteers to participate as Roundtable Discussion Leaders.

10. Next CLE Meeting – Wednesday, March 18, 2026

Legislative Committee:

Roxana Zaha presented the legislative committee report and discussed the status of various bills identified in the report, including the following items:

Recent Developments. At the end of December 2025, the Governor signed 36 bills into law (74 in total for 2025), including the following:

a) Amendment to the Land Division Act (PA 58 of 2025). Two main changes: (1) Beginning one (1) year after the Effective Date (i.e., beginning March 24, 2027), the first 10 acres of a parent parcel can be divided into **up to 10 parcels**. (2) Added a provision allowing municipalities or counties that have the authority to approve or reject a proposed land division under the Act to adopt ordinances allowing tracts of land to be partitioned into a greater number of parcels than otherwise allowed by the Act.

b) Amendment to Tax Tribunal Act (PA 53 and 54 of 2025). **PA 53** - Revised the Tax Tribunal Act to allow the Tribunal to hold hearings and decide proceedings electronically by telephone, by video conferencing or in-person. **PA 54** - Revised

the Open Meetings Act to make complementary changes allowing for the implementation of PA 53.

c) **Amendment to the Michigan – Indiana State Line Remonumentation Act (PA 67 of 2025).** It deals with remonumentation of the Michigan - Indiana state line and provides mechanisms for counties to obtain funding for that work. The border has not been properly surveyed since 1800; markers have decayed and vanished; parts of the line are uncertain or inaccurate; prior efforts to fix the problem stalled due to lack of surveyor bids.

d) **NREPA Amendments (PA 68 – 74).** Update Michigan’s farmland and conservation laws to make them more flexible and easier to use. These changes help farmers keep their land protected, allowing local governments to hold conservation easements, expand eligibility for farmland tax credits, and improve how preservation programs are funded and managed.

New Bills: The following bills have been introduced, but the Council has not yet taken a position on any of them:

a) SB 0738 of 2025 (Introduced 12/16) - Michigan Fair Housing Access to Housing Act; House counterpart is HB 5355 (Introduced 12/11/2025)

b) HB 5366 of 2025 (Introduced 12/16) Occupations: real estate; real estate wholesaling and mandatory disclosures; provide for. Amends secs. 2501, 2502b, 2503 & 2512e of 1980 PA 299 (MCL 339.2501 et seq.) & adds sec. 2517a.

c) HB 5367 of 2025 (Introduced 12/16) Property: recording; requirements for recording with register of deeds; modify. Amends sec.. 1 of 1937 PA 103 (MCL 565.201). TIE BAR WITH: HB 5365

d) HB 5377 – 5379 (Introduced 12/16/25). Property tax: exemptions; property tax exemption from certain school-related millages if the property's owner has no children attending public schools in this state; provide for. Amends 1893 PA 206 (MCL 211.1 - 211.155) by adding sec. 7yy. TIE BAR WITH: HB 5377'25, HB 5378'25, HB 5379'25.

Membership:

Sam Kilberg gave the membership report and suggested that we attend the Young Lawyers’ Summit to attract new members.

New Business:

1. Young Lawyer’s Summit.

The Council agreed to spend up to \$ 1,000 and to have a table with swag at the Young Lawyers’ Summit.

2. Amicus Request

Jason Long provided an update on an amicus request from the Michigan Supreme Court in *In re Application of Enbridge Energy to Replace and Relocate Line 5*. Zach Stewart made a motion to submit an amicus brief on behalf of the Section outlining the history of the public trust doctrine and its application to government entities. Roxana Zaha seconded the motion. **A roll call vote was held, and all council members in attendance voted to approve the filing of the amicus brief, except for the following members who recused themselves and abstained from voting: Sam Kilberg, Brian Lang, Scott Lesser, Leslee Lewis, and Peter Webster.**

Next meeting – February 11, 2026, at noon at Butzel Long in Troy. Zoom will be available.

The Council meeting was adjourned at approximately 1:31 pm.

Respectfully submitted,

Kevin Hirzel, Secretary

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

FEBRUARY 11, 2026

BUTZEL LONG, TROY, MI

An in-person and Zoom meeting of the members of the Council of the Real Property Law Section was called to order at approximately 12:03 PM. Immediate Past Chair Mike Luberto, filling in for Chair Jason Long, confirmed that a quorum of voting members was present.

Present:

<u>Council Members</u>	<u>Past Chairs</u>
Leslee Lewis (Chair-Elect) Roxana Zaha (Vice Chair) Aileen Leipprandt (Treasurer)	Brian Henry Tom Kabel Lorri King David Nykanen Ronn Nadis Dawn Patterson Bob Nix
Wayne Beyea Nick Guttman Scott Lesser David Martyn Kelly Myers Amy Smith Zach Stewart Peter Webster	<u>Section Administrator</u> Karen Schwartz
	<u>Other Attendees</u>
Mike Luberto (Immediate Past Chair) Jessica Hallmark (CLE) Stacey Barbe (Land Title)	

Approval of the January 21, 2026 Council Meeting Minutes:

Mike Luberto asked the Council whether there were any corrections, comments, or other notes regarding the January 21, 2026, RPLS Council meeting minutes. None were noted. Pete Webster moved to approve January 21, 2026, RPLS Meeting Minutes. Kelly Meyers seconded, and the motion passed.

Consent Agenda:

No items included in the consent agenda were requested to be removed or discussed, so it was approved.

Standing Committee Reports:

The following Standing Committee reports were discussed:

Treasurer's Report/Budget and Finance:

Aileen Leipprandt presented the report. Nothing new to report. We are waiting on updated financials from the State Bar.

Continuing Legal Education (CLE) Committee:

Jessica Hallmark presented the CLE Committee Report as follows:

1. Winter Conference 2026 (Amy Smith)

March 5-7, 2026, W South Beach, Miami

The Winter Conference program is finalized.

27 registrants to date (comparable to what we had last year)

Last year, 28 registrants

2. "Ask the Expert" Program (Tim Bliss)

The Zoning and Land Use Committee will participate in an "Ask the Expert" virtual program on Tuesday, March 17th from noon-1 p.m.

Karen waiting for the program agenda to open registration.

3. Real Property Law Academy II (Jeff Vollmer)

The next program will take place in Troy April 29-30th

An eBlast will go out next week promoting the program.

10 Registrants to date (eblast being sent out on 2/10)

3 Law Firms registered so far

4. Summer Conference 2026 (Kelly Myers & Clarence Stone)

July 15-18, 2026, The Grand Hotel, Mackinac Island

Kelly and Clarence have done a great job putting together the 3-day conference.

SC Updated Program/Roundtables

Registration to come.

5. Practice Development Institute (Jessica Hallmark)

A Practice Development Institute program will take place in 2027 with 3 virtual sessions (January, February and March 2027) open to all and one final in-person session at MSUMEC in Troy in May of 2027 for section members only. The idea is to give attendees an

incentive to join the Section. The Committee is in the process of confirming speakers.

Mike Luberto noted that there are speakers needed as follows: speakers for two of the virtual sessions and for the live session from large law firms.

Next CLE Meeting – Wednesday, March 18, 2026

Legislative Committee:

Roxana Zaha presented the legislative committee report and discussed the status of various bills identified in the report, including the following items:

- (i) **HB 5152 and HB 5152 (Mortgage Foreclosure Protection Bills)** – no further movement at this time.
- (ii) **Low Income Water Affordability Bills** (SB 248 – 256) – no updates; Tabitha believes it likely that these bills will become a lame duck issue.
- (iii) **HB 4846 of 2025; Squatters Rights Bills** – no further movement at this time.
- (iv) **Zoning Bills Package** – these will focus on housing creation by state preemption over local zoning – Housing package expected any day now.
- (v) **HB 5289 – Remote In Person Notarization (RIN)** – Senate version is expected to be introduced soon, sponsored by Sen. Santana.
- (vi) **HB 5045 and HB 5046 (Kessler Fix Bills)** – moving along, and scheduled for a hearing in Committee on 2/19/26, RPLS to testify in support.
 - a. MLTA requested further amendments to address situations where third-party foreclosure bidders fail to timely provide or accept payoff amounts, effectively preventing property owners from redeeming. This has also created title industry issues, as title companies have insured based on payoff figures later rejected by bidders, creating potential liability. MLTA would like additional language in the bills to essentially force the provision of a binding redemption amount.
 - b. David Martyn (MLTA) indicated proposed bill language is forthcoming. Mike Luberto cautioned against delaying passage of the Kessler Fix Bills, noting their importance to the fair administration of real estate law.
 - c. Scott Lesser noted a concern, from lenders’ perspective, that there is adequate opportunity for reimbursement of permitted advances that can be added to the redemption amount during the redemption period.
 - d. Dave Nykanen noted that there is a divergence in how underwriters deal with sheriffs’ deeds: some underwriters will not insure sheriffs’ deeds at all until after 6 months after the *date of recording* (regardless of the current law under the *Kessler* decision) because they believe it exposes them to liability. There needs to be a fix

for the smooth administration of justice so that the underwriters are consistent in their approach. The Kessler fix bills, once passed, should solve this problem.

(vii) **SB 0738 (Introduced 12/16) - Michigan Fair Chance Access to Housing Act; House counterpart is HB 5355 (Introduced 12/11/2025)** Last Action: 12/16/25 (referred to Committee). **SB 0738** and **HB 5355** create the *Michigan Fair Chance Access to Housing Act*, legislation aimed at preventing housing discrimination based on criminal history and regulating how landlords may use criminal background information during the tenant-screening process.

a. **Concerns:**

- i. The list of ‘allowable crimes’ to be considered by a landlord is extremely narrow.
- ii. Increased liability exposure for landlords if a tenant harms neighbors, employees, or other tenants.
- iii. Potential risk to vulnerable populations (e.g., kids, seniors, domestic violence survivors, students). These bills would likely apply to day camps, and kids’ camps, etc).
- iv. Conflicts with federal fair housing obligations related to maintaining safe housing environments.
- v. Potential Conflict with Insurance Requirements - Some landlord insurance policies require screening for violent criminal convictions, and/or denial of applicants with certain prior offenses due to liability.
- vi. The “Individualized Assessment” Standard may be viewed as too burdensome by landlords, deterring landlords from renting and thus potentially reducing housing stock.

b. **The Legislation Committee recommends that Council OPPOSE SB 0738 and HB 5355. Leslee Lewis made a motion to OPPOSE SB 0738 and HB 5355** because these bills would undermine the fair and orderly administration of real property law by increasing landlords’ potential liability for failing to protect tenants from purported known dangers, by creating conflicts with landlords’ obligations under federal fair housing laws, and by creating potential conflicts with insurance requirements and availability of insurance in the rental housing market.

i. **Mike Luberto seconded. Roll Call: All present voted in support of the motion to oppose these bills. Motion Carried.**

Membership:

Sam Kilberg is not in attendance today to report. He and his wife had just had another baby boy earlier this month – Congratulations to Sam and the whole family!

New Business:

- 1. Young Lawyer's Summit.** The Council agreed to spend up to \$ 1,000 and to have a table with swag at the Young Lawyers' Summit. Sam has agreed to participate and try to recruit young lawyers for the RPLS.

Next meeting – Wednesday, April 8, 2026, at noon, at Butzel Long in Troy. Zoom will be available.

The Council meeting was adjourned at approximately 12:53 pm.

Respectfully submitted,

Roxana Zaha, Vice Chair

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

APRIL 8, 2026

BUTZEL LONG, TROY, MI

An in-person and Zoom meeting of the members of the Council of the Real Property Law Section was called to order at approximately 12:01 PM. Chair Jason Long confirmed that a quorum of voting members was present.

Present:

<u>Council Members</u>	<u>Past Chairs</u>
Jason Long (Chair)	Kim Shierk
Leslee Lewis (Chair-Elect)	Brian Henry
Roxana Zaha (Vice Chair)	Tom Kabel
Aileen Leipprandt (Treasurer)	Mark Krysinski
Kevin Hirzel (Secretary)	David Pierson
	Ron Reynolds
	Nick Scavone
Wayne Beyea	
Nick Guttman	<u>Section Administrator</u>
Sam Kilberg	Karen Schwartz
Scott Lesser	<u>Other Attendees</u>
David Martyn	
Kelly Myers	
Amy Smith	
Zach Stewart	
Peter Webster	
Stacey Barbe	
Mike Luberto (Immediate Past Chair)	
Jessica Halmark (CLE)	

Approval of the Meeting Minutes:

Jason Long asked the Council whether there were any corrections, comments, or other notes regarding the February 11, 2026, RPLS Council meeting minutes. Mike Luberto moved to

approve the February 11, 2026, RPLS Meeting Minutes. Jason Long seconded, and the motion passed.

Consent Agenda:

No items included in the consent agenda were requested to be removed or discussed, so it was approved.

Standing Committee Reports:

The following Standing Committee reports were discussed:

Treasurer’s Report/Budget and Finance:

Aileen Leipprandt presented the report. The decrease of 61 members is close to our budget estimate, so we are on track financially.

Continuing Legal Education (CLE) Committee:

Jessica Hallmark presented the CLE Committee Report as follows:

I. Winter Conference 2026 (Amy Smith)

March 5-7, 2026, W South Beach, Miami

Amy did a great job putting together the Winter Conference at the W South Beach in Miami.

22 registrants, Last year 26 registrants

II. “Ask the Expert” Program (Tim Bliss)

The Zoning and Land Use Committee participated in an “Ask the Expert” virtual program on Tuesday, March 17th from noon-1 p.m.

62 registered/35 attended

The Bankruptcy Committee will be asked to participate in an “Ask the Expert” virtual program in June. Date: TBD

III. Real Property Law Academy II (Jeff Vollmer)

Troy April 29-30th

Jeff Vollmer was commended for doing a great job.

4 Law Firms registered (will be sending in names of attendees)

To date, 29 individual attendees registered

In 2022, 5 Law Firms registered

48 attendees (33 individual attendees/15 law firm attendees)

IV. Summer Conference 2026 (Kelly Myers & Clarence Stone)

July 15-18, 2026, The Grand Hotel, Mackinac Island

Kelly and Clarence have done a great job putting together the 3-day conference.

V. Practice Development Program Update (Mike Luberto)

Mike Luberto presented an update on the Practice Development Institute. Three virtual sessions (January, February, and March 2027) will be open to all and presented on Zoom. The final program will take place in-person at MSU-MEC in Troy in May of 2027 for section members only.

VI. Registration Fee Discussion

RPLS dues will be increasing from \$55 to \$65 in October of 2026.

Registration Fees were presented to reflect the increase with a \$70 difference between

Section and Non-Section members, to provide an incentive to become a Section member.

The CLE Committee recommended increasing the Summer Conference registration fee for an additional \$20, instead of increasing the cost of the Thursday night dinner.

VII. CLE Chair (Jessica Hallmark)

Jessica has done a great job over the past five years as CLE Chair. Ron Reynolds remembered to thank her for doing a great job in the Zoom Chat, which was very kind of him.

VIII. Next CLE Meeting – Wednesday, August 19, 2026

Legislative Committee:

Roxana Zaha presented the legislative committee report and discussed the status of various bills identified in the report, including the following items:

- A. **Zoning Bills Package** – Several Bipartisan packages have been introduced, which are both aimed at increasing housing units in Michigan. The Council took no action on these bills.
- B. **HB 5579** – This bill would allow third parties to perform building inspections instead of a building inspector. The Council took no action on these bills.
- C. **HB 5570** – This bill would allow for a single exit stairway from taller buildings. The Council took no action on these bills.
- D. **SB 839** – This bill would change the recording requirements to mandate that certain types of documents be recorded in the register of deeds. Roxanna Zaha made a motion to oppose SB 839 as drafted because the bill's language does not reflect the intent, is overly broad, is ambiguous, and may result in unintended liability for failing to record certain documents. Leslee Lewis seconded the motion. **A roll call vote was held, and all council members present unanimously approved the motion.**
- E. **HB 5542** – This bill would amend the construction lien act relating to the recording of construction liens and mobile homes. Roxanna Zaha made a motion to oppose SB 5542

as drafted because it fails to recognize that a mobile home remains personal property unless an affidavit of fixture has been filed with the register of deeds. Mike Luberto seconded the motion. **A roll call vote was held, and all council members present unanimously approved the motion.**

- F. The Michigan legislature also recognized the wood duck as the official state duck of Michigan. A picture of the state duck was shown, but the council decided to take no action. The wood duck will remain as the official state duck of Michigan.

Membership:

Sam Kilberg gave the membership report. Sam Kilberg and Nik Gutman had a booth at the Young Lawyers Summit. We signed up 2 new members, but the event itself was not well attended.

New Business:

Amicus Brief

The Council discussed filing an amicus brief *in Tropics, LP v Green Peak Industries, Inc.* No motion was made, and the Council took no action.

Next meeting – May 13, 2026, at 12:00 p.m. at Butzel Long in Troy. Zoom will be available.

The Council meeting was adjourned at approximately 1:32 pm.

Respectfully submitted,

Kevin Hirzel, Secretary

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

MAY 13, 2026

BUTZEL LONG, TROY, MI

An in-person and Zoom meeting of the members of the Council of the Real Property Law Section was called to order at approximately 12:00 PM. Chair Jason Long confirmed that a quorum of voting members was present. While Jason’s term was the shortest of any Chair in recent memory, it was still a Long year for all of us nonetheless.

Present:

<u>Council Members</u>	<u>Past Chairs</u>
Jason Long (Chair) Roxana Zaha (Vice Chair) Aileen Leipprandt (Treasurer) Kevin Hirzel (Secretary)	Kim Shierk Tom Kabel Mark Krysinski Nick Scavone Dawn Patterson Robert Nix
Brian Lang Scott Lesser Kelly Myers Amy Smith Zach Stewart Peter Webster Stacey Barbe	David Nykanen Kim Shierk
	<u>Section Administrator</u>
	Karen Schwartz
	<u>Other Attendees</u>
Mike Luberto (Immediate Past Chair) Jessica Halmark (CLE)	

Approval of the Meeting Minutes:

Jason Long asked the Council whether there were any corrections, comments, or other notes regarding the April 8, 2026, RPLS Council meeting minutes. Mike Luberto moved to approve the April 8, 2026, RPLS Meeting Minutes as his last office act as a council member. Kevin Hirzel seconded, and the motion passed.

Consent Agenda:

No items included in the consent agenda were requested to be removed or discussed, so it was approved.

Standing Committee Reports:

The following Standing Committee reports were discussed:

Treasurer's Report/Budget and Finance:

Aileen Leipprandt presented the report. The overall fund balance increased by approximately \$30,000 for the year, so declining membership did not have a negative overall financial impact.

Continuing Legal Education (CLE) Committee:

Jessica Hallmark has done a remarkable job and presented her last CLE Committee Report as follows:

I. "Ask the Expert" Program (Tim Bliss)

The Bankruptcy Committee will be participating in an "Ask the Expert" virtual program in June. Date: TBD

II. Real Property Law Academy II (Jeff Vollmer)

Troy April 29-30th

4 Law Firms registered (14 attendees)

47 attendees (33 individual attendees/14 law firm attendees)

In 2022, 5 Law Firms registered

48 attendees (33 individual attendees/15 law firm attendees)

III. Summer Conference 2026 (Kelly Myers & Clarence Stone)

July 15-18, 2026, The Grand Hotel, Mackinac Island

Kelly and Clarence have done a great job putting together the 3-day conference.

76 have registered to date.

Room block (and the hotel is sold out)

IV. Practice Development Program Update (Mike Luberto)

Speakers have been confirmed for the Practice Development Institute. Three virtual sessions (January, February, and March 2027) will be open to all and presented on Zoom.

The final program will take place in-person at MSU-MEC in Troy in May of 2027 for section members only.

V. Next CLE Meeting – Wednesday, August 19, 2026

Legislative Committee:

Roxana Zaha presented the legislative committee report and discussed the status of various bills identified in the report, including the following items:

- A. **Property Tax Relief Bills** – There are various proposals that would eliminate uncapping, that would repeal the state real estate transfer tax, and/or eliminate the personal property tax. The Council took no action on these bills.
- B. **Senate Bill Package on Mobile Homes (SB 934-939)** – Taken together, these bills update Michigan’s Mobile Home Commission Act and related statutes, with the goal of (i) tightening park licensing/oversight and definitions, (ii) clarifying tenant/park enforcement and abandonment-related procedures in court, and (iii) creating a resident opportunity-to-purchase framework supported by a tax credit and an agency role for administering a resident ownership revolving fund. The Council took no action on these bills, but Leslee Lewis will be investigating these bills further. The Council took no action on these bills.
- C. **HB 5578** – This bill would increase the criminal penalties for trespass. The Council took no action on this bill.
- D. **HB 5784** – This bill would impose reserve study requirements for condominiums. The Council took no action on this bill.
- E. **Data Center Legislation** – Tabitha indicated that nothing is likely to be introduced or move before the next election.
- F. **HB 5900 and 5901** – These bills would reform the Eminent Domain process. Jason Long indicated that he would review them and report back. The Council took no action on these bills.
- G. **HB 5928 – 5930** – These bills would limit the ability of institutional investors to buy real estate in Michigan. The Council took no action on these bills. Dave Nykanen commented on the bill and said that everyone would say “oooohhh”, but nobody did, as the bill is unlikely to move forward.
- H. **HB 5227- 5229** – These bills would update the Michigan Occupational Code as it relates to real estate brokers. to account for the NAR lawsuit. The Council took no action on these bills.
- I. **SB 839** – The council previously voted to oppose this bill that would revise recording requirements. The bill was voted out of committee, but the sponsor will still meet with us to review our concerns about the bill's language.

Membership:

Sam Kilberg was not present. Jason Long indicated that the Membership Committee was still pursuing social media engagement efforts.

New Business:

Next meeting – July 17, 2026, at 12:00 p.m. at the Grand Hotel. Zoom will not be available.

The Council meeting was adjourned at approximately 12:52 pm.

Respectfully submitted,

Kevin Hirzel, Secretary