

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

SEPTEMBER 11, 2019 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:
<https://bluejeans.com/2482581616?src=calendarLink>)

A 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	Via Conference Call	In Person	Via Conference Call
Catharine B. LaMont (Chair) Brian P. Foley John D. Gaber Gregory J. Gamalski Thomas A. Kabel Jason C. Long (CLE) Michael A. Luberto Dawn M. Patterson Roxana Gale Zaha Nicholas P. Scavone, Jr. (Immediate Past Chair)	Stephen R. Estey Lorri B. King J. Scott Timmer Brian J. Page Leslee M. Lewis	Brian P. Henry Mark P. Krynsinski Jerome P. Pesick	Ronn S. Nadis
		<p style="text-align: center;">Section Administrator</p> Karen Schwartz	
		Other Attendees	
			Andrew Gerdes

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Introductions/Announcements:

Chairperson LaMont welcomed Andrew Gerdes from the Bankruptcy Committee.

Approval of Minutes:

Chairperson LaMont proposed unanimous consent of the minutes from the July 12, 2019 Council meeting. Mike Luberto made the motion for approval and the motion was seconded by Jason Long. 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, Publications Committee, Sponsorship Committee and Technology Committee. Nobody raised objections so the Motion to approve and receive the Consent Agenda without discussion passed unanimously.

There was a discussion that the October “meet and greet” will be adjourned to a later date.

Brian Henry mentioned that the Pro Bono Day of Service in Avalon Village will be on October 1, 2019. The rain date is October 10, 2019. Cathy LaMont would like to promote this project and encourage members to participate. The Pro Bono Committee is also working on a bigger project with Mama Shu in Highland Park/Avalon Village.

Standing Committee Reports:

The following Standing Committee reports were discussed:

Budget and Finance Committee:

Tom Kabel submitted the Treasurer’s Report for September Council Meeting dated September 11, 2019 for review and discussion by the members.

Mr. Kabel then specifically mentioned the following items:

- Membership dues have continued to decline. Mr. Kabel has included the numbers in his report.
- Mr. Kabel advised that expenses are anticipated to go up next year due to the RPLS Summer Conference being held on Mackinac Island.
- The possibility of the expense of raw video of the Winter Conference was discussed. A ballpark figure may be \$2500. Mr. Gamalski mentioned the need to preserve the information from our conferences. Ms. LaMont agreed and further mentioned that it has potential as a revenue source. Mr. Scavone advocated for capturing the video of these presentations and mentioned that is a 1.5% expenditure against the budget. Ms. LaMont raised the issue of whether we need to revisit the issue of “releases” for speakers.
- Ms. LaMont commented on the importance of a realistic budget and the concerns regarding the low attendance at seminars. It was discussed that we need to figure out how to “right-size” our expenses and the cost of our deliverables.

Continuing Legal Education (CLE) Committee:

Jason Long submitted the CLE Committee Report for review and discussion by the members. Mr. Long then specifically mentioned the following items:

- We had a revenue boost at Summer Conference 2019. We had many non-members and Karen secured a price adjustment due to issues with the dinner. In 2018, we had 20 first time attendees and 6 returned in 2019. In 2019, we had 16 first time attendees.

- Mr. Long discussed that we would like to seek approval to sign the contracts for the 2023 Summer Conference at Boyne Mountain and for the 2024 Summer Conference at Grand Traverse. Mr. Gamalski made a motion to approve the signing of these two contracts. It was seconded by Mr. Scavone. The motion approved by unanimous consent.
- Mr. Long mentioned a suggestion to have the key note speaker during Saturday breakfast so the speaker will not be competing with check out times.
- The “2020 Real Estate Outlook” program will take place on October 17, 2019 at the DAC. Mr. Long mentioned that Scott Lesser has done a great job on planning this program.
- Jason Long mentioned that the committee is looking to revamp Homeward Bound. There was further discussion of having one program instead of three and to focus on one in the Winter season. In January 2020, the Homeward Bound will be a legal update/state of the law program. Mr. Long sought approval for this one Homeward Bound program. A motion was made by Jason Long to reduce the Homeward Bound to one program with the ability to revisit the matter and add another session. The motion was seconded by Mike Luberto. Comments were made regarding the reluctance to reduce the program. Other commented that it seems members in general are giving secondary preference to live events and that some programs with ICLE are now running in shorter 20-minute segments. Council members discussed that they want to maintain the networking aspect and may want to consider a later start time.
The Motion was approved with 13 in favor, 2 against with 0 abstention out of 15 voting members in attendance of a total of 17 voting members.

Legislation Committee:

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

- 1) House Bill 4911 – Early Lease Termination and Emotional Support Animals
 - a. The Legislation Committee will be keeping tabs on this Bill.
- 2) Senate Bill 431 – Gravel Mining under Zoning Enabling Act
 - a. Bill want state-wide, not local, approval of gravel mining.
 - b. The Legislation Committee will be keeping tabs on this Bill.
- 3) Mr. Gamalski stated there were no updates on short term rental legislation.

Old Business:

None

New Business:

- 1) Mandatory Dues Case
 - a. Mr. Gamalski advised the Council that there is pending litigation regarding mandatory bar membership. He does not believe our section will need to take any action but wanted us to be aware of it.
- 2) Editor Salary Discussion
 - a. Ms. LaMont stated that Lynda Oswald edits our Review. Her current salary is \$10K with up to 4 issues a year. The frequency has declined. Mark Krysinski and Cathy LaMont believe it may be worth going out to lunch with her and exploring options. Lorri King and Karen Schwartz had a lunch meeting with the editor. She mentioned she was not retiring for 5-6 years. Karen Schwartz mentioned that ICLE publishes the Business Law Journal. Nick Scavone and Jerry Pesick expressed concern that we do not want to offend Lynda Oswald.
- 3) Limited Warranty Deeds in Michigan – Misdemeanor MCLA 750.275 discussion.
 - a. Larry Elkus asked the Council to address the misdemeanor status of Warranty Deeds. There was a brief discussion as to whether we would want to proceed with a repeal. There was also

discussion as to whether there were other statutes that should be repealed. Cathy LaMont indicated she would reach out to Tabitha.

- 4) Michigan Bar Journal Update
 - a. The articles are in peer review.
- 5) Stephen A. Bromberg: The Council was informed that Stephen A. Bromberg retired. He graduated from the University of Michigan Law School in 1954 and has written articles which have appeared in legal and other professional journals and industry publications concerning business, real property and zoning matters, including the co-authorship of the 1984 Michigan Survey of Real Property Law. He is a Past Chairperson of the Real Property Law Section of the State Bar of Michigan. The Section thanks Mr. Bromberg for his years of dedication.

Chairperson LaMont reminded everyone that the next Council meeting would take place at Noon on Wednesday, October 16, 2019, at Butzel Long, 41000 Woodward Avenue, Bloomfield Hills, Michigan.

Chairperson LaMont adjourned the meeting at 1:20 p.m., after a Motion to adjourn was made and thereafter approved by unanimous consent.

Respectfully submitted,

Dawn M. Patterson, Secretary