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REAL PROPERTY LAW SECTION

Great Lakes, Great Times: Michigan Real Estate from the Mountaintop

Crystal Mountain • Thompsonville, Michigan

July 18-21, 2018

Program Co-Chairs:

C. Lynn Sagar, First American Title Insurance Co.

Brian P. Foley, Dickinson Wright

WEDNESDAY, July 18, 2018

Welcoming Reception

THURSDAY, July 19, 2018

8:00 – 8:30 a.m. ~ **RPLS Lobbyist Update:** Tabitha J. Zimney, Karoub Associates

8:30 – 9:00 a.m. ~ **Technology Update:** David Nykanen, Friedlaender Nykanen & Rogowski

9:00 a.m. – 11:00 a.m. ~ **Adaptive Re-Use Panel**

Moderator: Kyle R. Hauberg, Dykema

Developer's In-House Counsel: Emily D'Agostini, D'Agostini Companies

Developer's In-House Counsel: Danielle Spehar, Agree Realty

Broker: Lauren Leach, Conway MacKenzie

Lender's Counsel: Eric C. Bartley, Dickinson Wright

11:00 a.m. – Noon ~ **Workshops (Choose One)**

***Using Technology as a Real Estate Lawyer**

David Nykanen, Friedlaender Nykanen & Rogowski and Jerome Jelinek, Corporate Settlement Solutions
Affordable Housing

Lisa Berden and Heather Dorn, Dorn Berden

**Appropriate For Our Newer Practitioners*

FRIDAY, July 20, 2018

8:15 – 8:45 a.m. ~ **Round Table Discussions (Choose One):** See attached list

9:00 – 9:45 a.m. ~ **State of the Law**

Jason C. Long, Steinhardt Pesick & Cohen

Jessica Hallmark, Adkison, Need, Allen and Rentrop

9:45 – 9:55 a.m. ~ **Section Annual Meeting**

Melissa N. Collar, Warner Norcross & Judd, Chairperson

Land Title Standards Meeting

Lawrence M. Dudek, Miller Canfield

10:00 a.m. – Noon ~ **Workshops (Choose Two)**

***Bankruptcy Issues in Real Estate Transactions**

David A. Lerner, Plunkett Cooney and Phillip J. Neuman, Couzens, Lansky, Fealk, Ellis, Roeder & Lazar

Transformation Brownfields

Anna Maiuri and Kelly Martorano, Dickinson Wright

Tax Issues

William Sider, Jaffe Raitt Heuer & Weiss and Mark Sutton, Plante Moran

(Choose One for Each Hour)

10:00 – 11:00 a.m. ~ ***Using Technology as a Real Estate Lawyer**

David Nykanen, Friedlaender Nykanen & Rogowski and Jerome Jelinek, Corporate Settlement Solutions

11:00 – Noon ~ **Affordable Housing**

Lisa Berden and Heather Dorn, Dorn Berden PLLC

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SATURDAY, July 21, 2018

8:30 – 9:30 a.m. ~ **Round Table Discussions (Choose Two):** See attached list

9:40 – 10:40 a.m. ~ **"The Exponential Future of Everything"**

Geoffrey Kasselmann of Newmark Knight Frank



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Great Lakes, Great Times: Michigan Real Estate from the Mountaintop BREAKFAST ROUND TABLE DISCUSSIONS

Friday, July 20, 2018

8:15 a.m. – 8:45 a.m. (Choose One)

Saturday, July 21, 2018

8:30 a.m. – 9:30 a.m. (Choose Two)

- 1. Water Rights**
Nicholas Schroeck, Wayne Law
- 2. Build to Suit Leases**
Glen Zatz, Bodman
- 3. Eminent Domain**
Jerome P. Pesick, Steinhardt Pesick & Cohen
- 4. SNDA's**
Chelsey Marsh, Dickinson Wright
- 5. Construction Loan Documentation**
Casey Koppelman, Varnum
- 6. New ALTA commitment**
David Martyn, First American Title Insurance Company
- 7. Fair Housing and Support Animals**
Steve Tomkowiak, Law Office of Steve Tomkowiak
- 8. Pro Bono**
Brian Henry, eTitle
- 9. Receivership Sales**
Nicholas Scavone, Jr., Bodman
- 10. Corporate Governance in Community Associations**
Matthew Heron, Cummings, McClorey, Davis & Acho
- 11. Landlord/Tenant Disputes**
Michael Vogt, Dykema
- 12. Siting Commercial Solar Projects**
Wayne Beyea, MSU School of Planning, Design and Construction



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Great Lakes, Great Times: Michigan Real Estate from the Mountaintop

HIGHLIGHTS

THURSDAY - PANEL

The Next Evolution of Retail Centers - Adaptive Use Challenges

Kyle R. Hauberg, Dykema, Emily D'Agostini, D'Agostini Companies, Danielle Spehar, Agree Realty, Lauren Leach, Conway MacKenzie and Eric C. Bartley, Dickinson Wright Omni-channel retailing and new consumer shopping patterns are changing the landscape of the modern mall and "retail" center – are you ready to adapt to the new challenges? Big box retail may be on the decline, but lenders, developers and owners are working through today's challenges and embracing new opportunities to create the next entertainment venue or perhaps high tech office space. The panel will first review the changes affecting today's retail landscape. The panel will then address, from both a lender attorney's and owner/developer attorney's perspective, how to solve issues that arise when your current tenants close shop and how to view the next loan or development differently to better prepare for those issues in the future. The panel will specifically review recent changes underway at some Michigan malls and retail centers and how the lenders, owners and tenants are working to make lemonade out of lemons.

THURSDAY & FRIDAY - WORKSHOPS

*Using Technology as a Real Estate Lawyer

David Nykanen, Friedlaender Nykanen & Rogowski and Jerome Jelinek, Corporate Settlement Solutions

Dave Nykanen will be demonstrating a variety of technology tools to use in your practice. Although some lawyers view technology as a panacea, and others view it as a nuisance, Dave will attempt to navigate a middle route, showcasing technology tools that not only make the life of a lawyer easier, but also add value to your day-to-day practice. This presentation will showcase many possibilities quickly, with the hope that every attendee will leave the workshop with one tool that makes the life of a lawyer more pleasant (or at least slightly less unpleasant).

Jerome Jelinek will present a live demonstration of a Remote Online Notary (RON) mortgage closing. This is the future of real estate closings – and that future is happening now! See how the process works and observe the enhanced levels of identify verification and document security. An overview of applicable Michigan and federal law will be provided as well as an update on RON legislation throughout the country.

Affordable Housing

Lisa Berden and Heather Dorn, Dorn Berden PLLC

How does an affordable housing project get financed? What public incentives are available? What are potential creative sources of financing that might get a project off the ground? This introduction to the world of affordable housing finance will outline the alphabet soup of affordable housing program acronyms (LIHTC; TEB/

PABs; HOME; PILOT; LDHA), HUD financing, Opportunity Funds, and how federal historic and new markets tax credits can be used in an affordable housing project. We will also discuss workforce housing projects and potential for social impact bonds (SIBs) and Community Land Trusts (CLTs) to address the affordable housing crisis.

FRIDAY - WORKSHOPS

*Bankruptcy Issues in Real Estate Transactions

David A. Lerner, Plunkett Cooney and Phillip J. Neuman, Couzens, Lansky, Fealk, Ellis, Roeder & Lazar

This workshop will focus on real estate issues that arise in bankruptcy cases. While real property may be governed normally by state law, bankruptcy law can override and turn real estate law on its head. The workshop will examine a series of bankruptcy cases from the 6th Circuit Court of Appeals, Bankruptcy Courts in Michigan and throughout the United States. The cases involve selling real estate without accounting for tenants' rights, absolute assignment of rents and its ramifications, interest rates in Chapter 11's for secured creditors, selling property held by joint tenants with rights of survivorship, abandonment of property, constructive trust issues and standing to pursue claims for fraud. Attendees do not need to have any prior knowledge of the Bankruptcy Code. We will also focus on the landlord/tenant issues that bedevil the courts and practitioners. The workshop will be inter-active with audience participation.

Transformation Brownfields

Anna Maiuri and Kelly Martorano, Dickinson Wright

This workshop highlights the basic steps that applicants should take and requirements that must be met when seeking transformational brownfield approval. The presenters Anna Maiuri and Kelly Martorano will review the basic elements of a transformational brownfield application, what constitutes eligible property and eligible costs, and what should be included in a transformational brownfield plan. They will also discuss and share some insights related to the transformational brownfield project that was recently launched at the site of the former Hudson's property in Detroit.

Tax Issues

William Sider, Jaffe Raitt Heuer & Weiss and Mark Sutton, Plante Moran

The "Tax Issues" Workshop will focus on recent changes enacted by the Tax Cuts and Jobs Act of 2017 that have a material impact on real estate transactions.

In particular, the Workshop speakers will discuss the new 20% deduction for qualified business income, the limitation on interest expense, changes to net operating losses, restrictions on claiming excess business losses, and modifications to the like-kind exchange rules.

The emphasis will be on planning opportunities arising under these new provisions.

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FACULTY

Program Coordinators



C. Lynn Sagar, Co-Program Coordinator, is senior underwriting counsel for First American Title Insurance Company for the direct division offices in the State of Michigan. She has over 20 years of experience in the title insurance industry. Ms. Sagar is an active member of the Michigan Land Title Association and serves on the Legislative Committee. She has been a presenter for the Association's educational seminars and has conducted numerous presentations on title insurance issues to real estate practitioners and local bar associations.



Brian P. Foley, Co-Program Coordinator, is Of Counsel at Dickinson Wright PLLC in its Troy, Michigan office. His practice is concentrated in transactional commercial real estate matters. He has significant experience in commercial real estate finance, workouts and foreclosures, loan sales (performing and distressed), purchases and sales (including sales of REO property), and leasing transactions, and he regularly prepares real estate closing opinions (as both lead and local counsel). He is also the current president of the board of directors of The Great Lakes Environmental Law Center, a non-profit group located in Detroit.

THURSDAY, JULY 19, 2018

Faculty



Eric C. Bartley of Dickinson Wright, specializes in complex commercial real estate finance transactions for national bank and non-bank lenders on both portfolio investments

as well as investments intended for securitization in the capital markets. Eric has served as lead counsel for clients in commercial mortgage originations – both senior and subordinate lien positions, mezzanine financing, preferred equity investments, and the related negotiation of intercreditor and participation agreements on projects across the country. Eric has extensively counseled lenders on structuring commercial real estate loans to high net worth individuals to address their unique tax concerns as well as complex estate plans including off-shore and domestic asset protection trusts. He also represents clients on the sale and acquisition of whole loans and loan portfolios, and has handled the workout and restructuring of several billion dollars of distressed commercial real estate assets secured by a wide range of property types including multifamily, office, retail, industrial, manufactured housing, and hospitality.



Emily D'Agostini Kunath works as in-house legal counsel and accounting manager for D'Agostini Companies, family-owned real estate developers and property managers.

D'Agostini Companies hold and manage a portfolio of approximately 2.5 million square feet of commercial real estate in Southeastern Michigan, with a heavy focus on industrial development. In her career with her family's business, Ms. Kunath's main focus has been overseeing legal and accounting functions, with emphasis on estate and income tax planning, real estate taxation, leasing, purchase and disposition work, joint ventures and property management. More recently, Kunath helped her father shepherd the organization through the major economic

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downturn resulting in the most aggressive expansion and growth period in the organization's 45-year history. In her solo practice, Macomb Property Tax Appeals, she represents clients in commercial real property tax appeals. She graduated from Emory University School of Law with a focus on taxation and also has a Bachelor of Business Administration from the University of Michigan. At Emory, she successfully competed nationally with Emory's Moot Court Society and was a member of Emory's National Team in 1997-98. She is active with the International Council of Shopping Centers (ICSC), serving on the Michigan Governmental Relations Committee and the Continuing Education Program Committee. Ms. Kunath is also a licensed builder in the State of Michigan.



Kyle R. Hauberg is the Director of Dykema's Real Estate and Environmental Department. His practice focuses on all aspects of selling, purchasing, leasing, financing and developing of real estate projects, including among others, healthcare facilities, automotive facilities, multi-family projects, shopping centers, office buildings, golf courses, industrial buildings, hotels and multi-asset portfolios. He regularly represents both sponsors and investors in the formation of joint ventures and other investment vehicles. He also regularly advises both borrowers, servicers and lenders in restructuring loan agreements, real estate workouts, and negotiating pre-bankruptcy settlements. Mr. Hauberg specializes in servicing clients with national or regional projects both inside and outside Michigan, including national retailers, financial institutions, REITs, and Michigan-based real estate developers.



Lauren Leach is a key member in Conway MacKenzie's Real Estate industry vertical. She has more than 10 years of experience in commercial real estate. Ms. Leach has been responsible for the overall workout strategy and client relationship of third-party managed portfolios, and specializes in distressed and troubled real-estate properties. She has spent significant time working on leases for both institutional assets and CMBS workouts, where she has actively negotiated over 8,000,000 square feet of leases with a value in excess of \$410,000,000. She also specializes in court-appointed receiverships, leasing matters, portfolio valuations and liquidations, and complex real estate negotiations. Ms. Leach maintains professional affiliation with the International Council of Shopping Centers, The Woodward Society and CREW. She currently serves as Co-Chair for CREW Detroit Outreach, a committee tasked with planning outreach events to inspire, engage, and educate the next generation of women to pursue careers in commercial real estate.



Danielle Spehar is the Vice President of Transactions at Agree Realty Corporation, a publicly traded Real Estate Investment Trust, located in Bloomfield Hills, Michigan. She leads the transactional and diligence efforts of the company. She is smart, tough, knowledgeable and experienced in all aspects of transactional commercial real estate. In addition to being a practicing attorney, Danielle also has experience in property management. Prior to joining Agree Realty Corporation, Danielle worked at Maddin Hauser Roth & Heller, P.C., where she was Co-Head of

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the Real Estate Practice Group focusing on commercial real estate transactions, corporate and business law. She also has extensive experience in commercial leasing and the acquisition, sale and development of shopping centers, commercial, industrial, and office buildings as well as the acquisition, financing and sale of multi-family housing developments, including HUD financing. Danielle earned her undergrad and master's degrees in business administration from Central Michigan University and Wayne State University, respectively, both summa cum laude. She then went on to earn her J.D., magna cum laude, from the University of Detroit Mercy School of Law.

FRIDAY, JULY 19, 2018

State of the Law



Jason C. Long is a shareholder with Steinhardt Pesick & Cohen, P.C., in Birmingham. He represents clients in all phases of eminent domain, property taxation, real estate, and land use cases, as well as representing clients in appellate litigation. Mr. Long is a former judicial law clerk to the Hon. Michael F. Cavanagh, Justice of the Michigan Supreme Court. He has published a number of works on topics including eminent domain, taxation, and other real estate issues. Mr. Long is an honors graduate of Oakland University and the University of Detroit Mercy School of Law, and studied real estate development at the University of Michigan Ross School of Business.



Jessica Hallmark joined the law firm of Adkison, Need, Allen, & Rentrop, PLLC in April of 2017 as part of its liquor license practice group. Ms.

Hallmark specializes in commercial real estate and business transactions. She assists clients in the acquisition and disposition of commercial real estate and business assets; the review and drafting of commercial leases and the resolution of lease disputes; the formation of business entities; and the consummation of entity mergers, splits and dissolutions. Ms. Hallmark's experience also includes drafting condominium documents and representing the borrower in HUD and Fannie Mae-insured mortgage loan transactions. Prior to joining Adkison, Need, Allen, & Rentrop, Ms. Hallmark was an attorney with the law firm of Banas and Associates PLLC and served as a clerk to Oakland County Circuit Court Judge Wendy Potts and as an aide to U.S. Congressman Joe Knollenberg. She earned her B.A. from the University of Michigan and her J.D. from Wayne State University Law School. She is a recipient of the Detroit City Council Spirit of Detroit award and an active member of CREW (Commercial Real Estate Women) Detroit, the Oakland County Bar Association and the State Bar of Michigan's Real Property Law Section.

Workshops

Friday and Saturday, July 19 & 20, 2018



Lisa Berden of Dorn Berden PLLC, merges the traditional areas of leasing, acquisition, financing, construction and development of commercial projects.

Her clients range from small retailers and developers to large multinational corporations. Lisa has widespread experience representing landlords and tenants in lease negotiations throughout the country for office, retail, industrial, medical lab/office, and warehouse/flex

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space. Lisa has significant experience in layering various financial tools for projects to promote their long-term success. This includes representing both developers and lenders in traditional lending and tax credit financing transactions, including new markets tax credits and historic tax credits. Lisa has been involved with over \$200 million in tax credit financing transactions. Lisa also provides a number of services to nonprofit and charitable organizations, including applying for tax-exempt status, analyzing and advising general corporate contractual and corporate governance matters, and assisting with drafting internal policies and procedures. She also has extensive experience in IRS regulations regarding tax exempt organizations, such as unrelated business income tax, lobbying issues, private inurement, state law compliance, tax issues (such as sales/use and employment taxes), and nonprofit mergers and dissolutions. Through this representation of tax-exempt client organizations, she has gained an understanding of healthcare law topics such as Stark, anti-kickback laws and various compliance matters.



Heather Dorn of Dorn Berden PLLC, focuses her practice in the areas of corporate, business, and real estate law. She represents and works with business owners, developers, private and institutional investors, non-profit organizations, and asset management firms. In addition to advising her clients on business matters, she handles contract negotiations, due diligence review, structured finance deals, and complex litigation matters. Previously, Heather served as the President of Consolidated Legal Services, PC, (CLS), a group legal service plan in

Southfield, Michigan. During her eleven years with CLS, she managed a team of in-house attorneys and a network of 600 cooperating attorneys. Under her direction, CLS' client base expanded to include 22,000 families. Prior to working with CLS, Heather managed her own real estate law firm, Novara Dorn, PLLC and was an ERISA attorney with the firm of Novara Tesija, PLLC.



Jerome Jelinek was the founder of Corporate Settlement Solutions in 1992, and has been its CEO and General Counsel since that time. Prior to CSS, Mr. Jelinek was in private practice in southeastern Michigan, concentrating in real estate law and commercial litigation. He is past-president of the Michigan Land Title Association. In addition to the MLTA, Mr. Jelinek is a member of the American Land Title Association, the State Bar of Michigan and the State Bar of Florida.



David A. Lerner is a partner of Plunkett Cooney's Banking, Bankruptcy & Creditors' Rights Practice Group. Mr. Lerner has represented banks, other financial institutions, creditors and title insurance companies in bankruptcy proceedings in Texas and Michigan since 1984. His experience includes enforcement of secured creditors' rights and financing of debtors' operations. Mr. Lerner also has extensive experience in the representation of debtors-in-possession, trustees, landlords, purchasers and other secured parties in both bankruptcy and out of court proceedings.

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Anna M. Maiuri, is a Member and Co-Chair of the Environmental and Energy Practice at Dickinson Wright. With over 25 years in practice, Anna has extensive experience in helping corporations, business owners and operators assess environmental liabilities when purchasing, selling or leasing assets both across the country and around the world. Anna is particularly experienced in helping utility companies and manufacturers achieve regulatory compliance through effective negotiations with governmental regulators that result in cost-effective strategies that fulfill both the client's and the regulator's needs. She has saved her clients over several million dollars in penalties through reasoned negotiations of various consent orders under the Clean Air Act, CERCLA, Part 201 and other statutes and regulations. To each of her clients, Anna brings a comprehensive understanding of the various environmental laws and regulations and how regulators interpret them. Anna also has considerable experience in brownfield incentive programs and has represented both the municipal and developer side. Anna is the 2018 Lawyer of the Year for Environmental Law as presented by Best Lawyers in America.



Kelly M. Martorano, is an attorney at Dickinson Wright PLLC, where she specializes in environmental law and commercial real estate transactions. She assists clients such as, large and small companies, financial institutions, and municipalities with evaluating and navigating various transactional and regulatory environmental issues. In addition, she has prepared

and negotiated purchase and sale agreements, commercial leases, solar leases, easements, and various real estate documents related to the acquisition, disposition, leasing, construction and financing of medical office building and renewable energy projects in Michigan. Kelly has experience with identifying, managing, and negotiating environmental issues and risks associated with mergers and acquisitions and real property transactions. She advises corporate, real estate, and municipal clients regarding Phase I and II Environmental Site Assessments, brownfield redevelopment projects, hazardous materials surveys, due care, clean-up and remediation, Michigan's Baseline Environmental Assessment procedures, hazardous and solid waste disposal regulations, wastewater treatment, Clean Water Act permitting and regulations, and Clean Air Act permitting and compliance. She also has experience advising clients on and drafting responses to U.S. Environmental Protection Agency information requests, in particular, with respect to Clean Air Act and CERCLA matters. Kelly has assisted clients with a multitude of matters including: obtaining environmental permits, complying with various local, state, and federal environmental laws and regulations, internal, third-party, and government agency audits and enforcement matters, transferring permits, and closing several industrial facilities in accordance with environmental laws and regulations. Recently she has been involved in a project to construct the first offshore wind energy generation facility in the Great Lakes and has worked with a team of consultants and experts to prepare the state and federal permits necessary for the project. Kelly's experience as an environmental professional for large and mid-size corporations and at an environmental consulting firm prior to law

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school gives her a unique perspective in dealing with environmental challenges and the day-to-day issues related to environmental management, permitting, and compliance. Kelly is an active member of the State Bar of Michigan Environmental Law Section, the Oakland County Bar Association – Energy, Environmental and Sustainability Law Committee, and has served as Chair of the East Michigan Air and Waste Management Association.



Phillip J. Neuman, a shareholder of the firm Couzens, Lansky, Fealk, Ellis, Roeder & Lazar, P.C. in Farmington Hills, concentrates his practice on real estate litigation, including quiet title actions, mortgage priority disputes, real estate fraud, and landlord-tenant matters. He represents title agents and insurers, property owners, property managers, and financial institutions in all types of litigation. Mr. Neuman has been involved in several cases with published opinions relating to title insurance matters. He is a member of the Michigan Land Title Association and serves on its Legislative Committee. Mr. Neuman served on the board of directors of the Detroit Metropolitan Apartment Association from 2002 to 2010 and currently serves as chairperson of its Legislative Committee. He is a frequent speaker on a variety of real estate topics including construction lien litigation, real property remedies, and landlord-tenant issues. Mr. Neuman has been recognized for the past five years as a Michigan Super Lawyer.



David E. Nykanen, Friedlaender Nykanen & Rogowski practices in the areas of real estate transactions, property taxation, zoning and land use, real estate, and commercial litigation. A

member of the State Bar of Michigan, Mr. Nykanen is deeply involved in its Real Property Law Section. He served as chair of the Real Property Law Section in 2016-2017, among many other roles in the Section. Mr. Nykanen also served as chair of the Oakland County Bar Association's Real Estate Committee. He has been named a Michigan Super Lawyer from 2009 through the present and was selected for inclusion in the "Best Lawyers in America" from 2011 through the present. Mr. Nykanen is a frequent author and speaker for ICLE, industry and trade groups, and numerous bar associations.



William Sider, Jaffe Raitt Heuer & Weiss, P.C. is a member of the Firm's Taxation Practice Group. Bill's expertise is in tax structuring and implementation of

creative and sophisticated transactions on behalf of the Firm's varied client base including private equity firms, venture capitalists, REITs, private foundations and entrepreneurs. He is particularly experienced in handling tax issues arising from merger and acquisition transactions, debt restructurings, real estate ventures and wealth transfer strategies. Bill has written and lectured extensively on a variety of tax topics including equity incentives, real estate workouts, limited liability companies, REITs and angel investment strategies. Bill also serves as the Firm's CEO and is a member of the Firm's Board of Directors.

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Mark Sutton CPA/MST of Plante & Moran, PLLC is a partner and the leader of the firm's real estate investment trust (REIT) tax practice, where he assists REIT clients with tax planning and compliance during formation, operation, and liquidation. Mark spends a great deal of his time structuring sales and exchanges of real estate. Although his primary industry focus is real estate taxation, he leads the firm's subchapter K practice and is part of the firm's National Tax Office. Mark works with clients across multiple industries with complex partnership transactions. Mark has over 18 years of experience in public accounting and taught in the tax program at Walsh College for several years.

ROUND TABLE DISCUSSION LEADERS

Friday and Saturday,
July 20 and July 21, 2018



Wayne Beyea, JD, AICP, is a faculty member and Senior Specialist in the School of Planning, Design and Construction at Michigan State University (MSU). He has over 25 years of experience in private and public practice focused on zoning, planning and land use law. He teaches land use and sustainable development law and regulation courses and has trained thousands of local and state officials on effective planning and zoning techniques and innovative development solutions including teaching at the Harvard Law School campus, Executive Education/ Graduate School of Design. He received his J.D. (concentration in environmental and natural resource law) and B.S. (Urban

Planning) degrees from MSU and MPA degree from the University of Maine. He is a member of the State Bar of Michigan Real Property Law Section and has served as a civil mediator in the State of Michigan.



Brian P. Henry is the Chief Legal Officer for Orlans P.C., the largest women owned multi-state law firm in the country with more than 60 attorneys licensed in eight jurisdictions. Mr. Henry oversees legal operations for all services related to real estate investment and ownership. In addition, Mr. Henry provides counsel and support to eTitle Agency, an affiliated title company and eVantage Services, a real estate process management company. Orlans PC, eTitle Agency and eVantage Services all support the financing and transfer of real property. Each company focuses on simplifying processes. Mr. Henry has over 35 years' experience in real estate law and related litigation. He has supervised closings for both commercial sale and refinance transactions and provided advice to commercial and residential developers. Mr. Henry is a past Chair of the Real Property Law Section and previously served as Chair of the CLE Committee and of the Membership Committee. He currently serves as Chair of the Pro Bono Committee. He is a former Chairman of the Birmingham Bloomfield Chamber of Commerce, is a former President of Leadership Oakland and is a member of the Zoning Board of Appeals for Bloomfield Township. He has lectured on a variety of real estate subjects and taught Business Law at the University of Phoenix – Michigan Campus.

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Round Table Discussion Leaders continued



Matthew W. Heron, Cummings, McClorey, Davis & Aho, concentrates his practice in real estate and real estate litigation, including community association law, condominium law, real estate litigation, zoning and land use. Mr. Heron also has extensive experience in a variety of litigation matters, including insurance coverage, non-compete agreements, automotive supplier disputes, and breach of contract. He appears in both federal and state courts throughout Michigan and has argued before the Michigan Court of Appeals and the Court of Appeals for the Sixth Circuit. Representative appellate decisions include: *CitiMortgage v. Catton, et al.*, 295 Mich. App. 72; 813 N.W.2d 332 (2011) (establishing equitable subrogation for refinancing lenders in Michigan). *United States v. Aleo (In re Freeman)*, 681 F.3d 390 (6th Cir. 2012) (successfully obtaining reversal of sanctions against criminal defense attorney). *Travelers Prop. Cas. Co. of Am. v. Peaker Services, Inc.*, 306 Mich. App. 178; 855 N.W.2d 523 (2014) (establishing that contractual liability exclusion under CGL policy limited to assumption of third party liability). *Rios v. PNC Mortgage, et al.*, unpublished opinion per curiam of the Court of Appeals, issued June 9, 2015, (Docket No. 320762) (affirming dismissal of suit on plaintiff's motion for preliminary injunction).



Casey Koppelman of Varnum, is a member of the Real Estate Practice Team. He has a national real estate practice with a concentration on acquisitions and dispositions and leasing of multi-tenant retail, office and industrial properties. In addition, Casey represents lenders,

investors, operators, developers and borrowers in all aspects of real estate financing including construction loans and structuring joint ventures.



Chelsey Marsh is an attorney at Dickinson Wright PLLC. She received her J.D. degree from Wayne State University Law School, and her B.A. degree from University of Michigan. She focuses her practice on commercial real estate transactions. Chelsey has represented companies in their acquisition and disposition of real estate, and regularly handles due diligence for real estate transactions. She also has significant experience in all aspects of real estate finance, and represents national, regional and local financial institutions in commercial mortgage originations, modifications and construction financing across the country.



David H. Martyn, is the Midwest Regional Underwriting Counsel (East) for First American Title Insurance Company. He received his J.D. degree from Emory University and his B.A. degree from Cleveland State University. Mr. Martyn has practiced in the real estate and title insurance industries for more than 20 years in Michigan, Illinois, and Georgia. He is a member of the State Bar of Michigan Real Property Law Section and the Title Standards Committee, is a past Chair of the Oakland County Bar Association (OCBA) Real Estate Committee, and is a member of the State Bar of Georgia Real Property Law Section. He has been a speaker for the Michigan Real Property Law Section, the OCBA, Albany State University, the Cleveland-Marshall College of Law, and the Cleveland Affordable Housing Roundtable.

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Jerome Pesick is the managing shareholder of Steinhardt Pesick & Cohen, P.C.. His practice areas include eminent domain, condemnation, land use, and property taxation. During his over 35 years in practice, Mr. Pesick has successfully tried and settled hundreds of condemnation cases throughout the State of Michigan. He has also regularly represented clients in major property tax appeal cases involving all types of business properties throughout Michigan. Mr. Pesick has been selected by his peers to be included in the 2007 through 2018 editions of "The Best Lawyers in America" in the specialties of eminent domain and condemnation law. He was also selected by Best Lawyers as the "2011 and 2014 Eminent Domain and Condemnation Lawyer of the Year" for the Detroit area, and "2016 and 2018" for newly designated Troy area. He was selected by "Michigan Super Lawyers" as one of the top attorneys in Michigan in 2006 through 2018, has been included four times in the "Top 100 Michigan Lawyers," and was named one of the "Top 50 Michigan Business Lawyers" in 2013. Mr. Pesick's memberships include: State Bar of Michigan, where he is a Member of the Sections on Litigation and Real Property. He is a past Chair of the Real Property Law Section, served as Chair of the Real Property Law Section's Eminent Domain Committee for seven consecutive years, and is also a Member of the Section's State and Local Taxation Committee; American Bar Association, where he is a Member of the Section on Litigation; and Committee on Real Estate, Condemnation and Trust Litigation; and the Oakland County Bar Association. Mr. Pesick is also the author of several articles on eminent domain, and is a frequent speaker, instructor, and

lecturer at state and national eminent domain conferences.



Nicholas P. Scavone, Jr., is a member of Bodman PLC and Chair of Bodman's Real Estate Practice Group. He has represented banks and other financial institutions in a wide variety of complex, multi-million dollar, secured loans and other financial arrangements involving real estate. Mr. Scavone has extensive experience with commercial real estate loan workouts, foreclosures, receiverships, deeds in lieu of foreclosure, and sales of REO. In addition to banking and finance matters, Mr. Scavone represents clients in wide variety of real estate transactions, including purchases and sales, development work and commercial leasing. Mr. Scavone is a member of the State Bar of Michigan (Real Property Law and Business Law Sections). He is Chair Elect of the Council of the Real Property Law Section of the State Bar of Michigan, a member of the Michigan Land Title Standards Committee, and a Fellow of the American College of Mortgage Attorneys. He is listed in *The Best Lawyers in America 2018* under Banking and Finance Law and Real Estate Law, *Chambers USA: America's Leading Lawyers for Business 2017* under Real Estate, and *Michigan Super Lawyers 2017* under Real Estate. He is listed as a 2018 "Top Lawyer" by *DBusiness* magazine and is AV Preeminent® Peer Review Rated by Martindale-Hubbell.



Nick Schroeck, director of the Transnational Environmental Law Clinic, teaches the clinic, advanced clinic, Environmental Law and Energy Law Current Topics Seminar at Wayne State University Law

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School. In addition to his teaching, Schroeck supervises clinic student attorneys on a variety of environmental law and policy matters. He also serves as co-director of community outreach and engagement at the university's Center for Urban Responses to Environmental Stressors. Schroeck has represented the Sierra Club, Natural Resources Defense Council, Environmental Law and Policy Center, Michigan Environmental Council, National Wildlife Federation and Detroiters Working for Environmental Justice, among others. Licensed to practice in Michigan, he has litigated cases before administrative tribunals; in Circuit Court, Court of Appeals and state Supreme Court; and before the U.S. District Court for the Eastern District of Michigan. His areas of expertise include air pollution, water pollution, environmental justice, transportation and citizen suit enforcement.



Steve Tomkowiak of Law Office of Steve Tomkowiak has approximately twenty-eight years' experience specializing in the litigation and trial of mortgage lending and fair housing cases. Mr. Tomkowiak obtained the first successful federal court jury verdicts of \$130,000 and \$700,000 under the Fair Housing Act in residential mortgage lending discrimination cases. These are believed to be the only two successful jury verdicts under the Fair Housing Act involving residential lending discrimination and mortgage lending testing. Mr. Tomkowiak serves as an independent cooperating attorney for fair housing centers throughout the State of Michigan. He has handled numerous disability cases, including cases involving emotional support animals, parking and other requests for reasonable accommodation and reasonable modifications. Mr. Tomkowiak

has served as lead counsel of record on behalf of a variety of clients, including private fair housing centers; one of the nation's largest mortgage lenders, and its subprime division and captive insurers; a GSE; MERS; and property management companies, small businesses, real estate appraisers churches and individuals. Mr. Tomkowiak trains attorneys, federal and state civil rights investigators, and private and public housing providers on fair housing and civil rights. He has spoken at various seminars nationwide, including HUD policy conferences. He is approved as a fair housing trainer by the U.S. Department of Justice. Mr. Tomkowiak also served for seventeen years as an instructor with HUD's National Fair Housing Training Academy and drafted and revised courses and advanced courses on fair housing for public sector attorneys; fair housing for private sector attorneys; litigation of fair housing cases; lending discrimination and predatory lending; conciliation; and fair housing testing.



Michael R. Vogt is a member of the Real Estate Group in Dykema's Bloomfield Hills office. Mr. Vogt's practice involves all aspects of real estate litigation, including land use and zoning, eminent domain, landlord/tenant, commercial foreclosures, and a variety of business disputes related to the purchase, sale, leasing, and management of commercial real estate. He also frequently represents telecommunications companies, both at the municipal level to secure zoning approvals for the construction or collocation of new wireless communication towers, and in litigation/ADR related to zoning or commercial disputes. In addition to his real estate litigation practice, Mr. Vogt also has significant experience representing lenders

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in contractual claims against borrowers and guarantors in courts throughout Michigan, as well as judgment creditors in post-judgment collection actions.



Glen M. Zatz is a member of Bodman PLC. He has over 35 years of experience providing lending and real estate related legal services to financial institutions and other clients. He has represented purchasers and sellers in various types of commercial and industrial projects, including construction and development related activities. He has provided representation to lenders and to borrowers in a wide range of real estate and other types of loans. He has extensive experience in drafting and negotiating many types of leases for both landlords and tenants. Before joining Bodman, Mr. Zatz was a senior vice president and associate general counsel for Comerica Bank where he managed Comerica's Corporate Legal real estate practice and its contract administration group. Mr. Zatz is a member of the governing Council of the State Bar of Michigan's Real Property Law Section. He is a former chairperson of the RPLS Commercial Real Estate Finance Committee. While practicing in Chicago, Mr. Zatz was the chairperson of the Consumer Credit Committee of the Chicago Bar Association. He has lectured for the Real Property Law Section, ICLE, and other organizations on a variety of real estate topics. He is AV® Peer Review Rated by Martindale-Hubbell, a member of the American College of Mortgage Attorneys, and is listed in The Best Lawyers in America 2018 under Real Estate Law. Mr. Zatz is a co-editor of the RPLS eNewsletter. Mr. Zatz is also active in pro bono matters and serves on the Board of Directors of Michigan Community Resources which

provides pro bono legal services to non-profit organizations. He is also very nice to dogs and cats.

SPECIAL PRESENTATION

**by Geoffrey Kasselmann
of Newmark Knight Frank**

"The Exponential Future of Everything"



Geoffrey Kasselmann, SIOR, LEED AP, serves as Executive Managing Director at NKF in the company's National Industrial Practice which he led for the past 4 years.

Kasselmann provides his clients, and the broader RE industry, with current market dynamics and near-future trends and vision, creating immense value opportunities and insights that drive near-term ROI. His unique purview combines, local, regional, national and global awareness and experience with emerging best practices in digital technology, innovation, sustainability, and energy efficiency. He focuses in the areas of e-commerce, omni-channel supply chain, mission critical, food & beverage, and any industry which is being disrupted or transformed. Kasselmann also serves as CEO and Founder of Op2mize Energy, a strategic energy procurement firm.

Mr. Kasselmann was recently honored by Crain's Chicago Business as a member of their 2017 Most Influential Commercial Real Estate Brokers in Chicago list; was inducted as a member of the 2017 Midwest CRE Hall of Fame; was named a 2016 CoStar Power Broker; and recently won NKF's Outstanding Service Award for 2016, in addition to numerous other honors and distinctions received. Over the course of his 30-year career he has completed more than 1,000 transactions worth in excess

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of \$1 billion. Current or recent clients include ASOS, Cummins, Petco, JB Hunt, Assemblers/Skinny Pop, DWR/Herman Miller, Hydrofarm, Gotham Greens, Heys Luggage, IDI Gazeley, Prologis, and many others.

Mr. Kasselmann is an innovation-minded futurist focused on harnessing transformative disruption and technology convergence in order to bring actionable opportunities to the commercial RE industry. He has traveled the globe studying smart buildings and smart cities; provides mentoring to several tech startups; sits on various tech firm advisory boards; and he is a prominent national speaker and accomplished author on a variety of topics including economic trends, innovation, sustainability and the exponential future of CRE. He recently gave Keynote Addresses to the National Academy of Sciences' Transportation Research Board on Transportation and Mobility, BISNOW's National Industrial Conference, the Will County (IL) Center for Economic Development, and Knight Frank's Global Cities launch event in Dublin, Ireland.

In addition to his NKF responsibilities, Kasselmann just completed serving a one-year term as the 2017 Society of Industrial and Office Realtors® (SIOR) Global President. SIOR was founded in 1941 by the US Government to help secure industrial facilities in support of the World War II effort. In this regard, SIOR has been servicing the commercial real estate industry for over 75 years. Now SIOR's Immediate Past President, Kasselmann helps leads the preeminent non-profit commercial real estate services organization in an array of strategic and global initiatives while acting as an ambassador and discussing the many benefits of becoming a SIOR designee.

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