

REAL PROPERTY LAW SECTION

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Newsletter

STATE BAR OF MICHIGAN

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G. Norman Gilmore
Chairman

Frank S Sengstock
University of Detroit Law School
Editor

This issue includes:

1. Letter to the membership from the chairman.
2. A judicial challenge to statutory foreclosure.
3. Recent changes in the law of zoning.
4. Committee descriptions and memberships.
5. Bylaws of Section.

LETTER TO MEMBERSHIP FROM THE CHAIRMAN

It may well be said that the inspiration for a Real Property Law Section grew out of the proliferation of consumer-oriented legislation in recent years. Without in any way disagreeing with the need for such legislation, it, in effect, brought the general practice of real estate law back to life. Basically, the laws affecting land had been about the same for centuries. Michigan, a common-law state, mostly followed the old English concepts and, while there were some variations and simplifications in proceedings and conveyancing practice, the attitudes toward real estate matters had tended to be rather stagnant.

In the last few years, though, things have changed. Zoning ordinances and decisions and general restrictions on the use of land have become much more common. The requirements for subdivision development have solidified. Condominiums, cooperatives and shopping centers have appeared all over the landscape, inviting more, and getting, regulation. Most recently, the sale of property for resort and vacation use, both in Michigan and in other parts of the country and even abroad, has caused many problems and attempts at legislative solutions. As tax shelters, and for investment, ownership of both vacant and improved real estate has once again become popular. Numerous groups have been formed and authorized by law, including, for example, syndicates and real estate investment trusts. The reasons behind all of these things are many and for the purposes of our organization, almost unimportant. Suffice it to say that interest in real property transactions, and the law and practice relating to them, as well as any influence we may have in their direction, have become a much more vital part of most lawyers' concern than ever before.

A few years ago, the Real Estate Law Committee of the Detroit Bar Association and the Real Property Law Committee of the State Bar were practically orphans, composed of a relatively small group of "specialists", abstractors, and title insurance

employees. The writer, who has been active for a long, long time in the real estate field of law, as well as a chairman of both those committees, was even approached on one occasion by an incoming president of the Detroit Association. His question, - whether or not the Real Estate Law Committee should be abolished, as an out worn anachronism.

At that time, my answer was "no". Now, particularly with the already demonstrated enthusiasm of the members of the Michigan Bar for our new Section, it was, and is, my sincere belief that this branch of our law presently has become too big, and too important, for a mere committee. This belief, I know, is shared by the Board of Commissioners, and their assistance in forming our Section has been most enthusiastic. Since the date of our organization at the beginning of this year, our roster already comprises well over 600 members. What is more important, the membership is from all over the state, from Iron River to Monroe and points east and west. More than 163 members have volunteered to serve on committees, and we have tried to make those committees as representative and viable as is possible.

This letter really is serving as the first issue of a bulletin, a newsheet, a journal, a law review, or whatever it may develop into in the future. Your Council is not sure what form it ultimately will assume, or even what the next issue will contain, but we do know that it will appear regularly, and that we will try our best to make it interesting, informative, and helpful in your practice of this branch of the law. Frank S. Sengstock, a member of our Council and a Professor of Law at University of Detroit Law School, has consented to act as editor of our publication. He solicits your help and suggestions in preparing copy and submitting articles for publication.

It is our expectation, also, that your Council will work with our own committees, the Institute for Continuing Legal Education, and with other Sections of the Bar, in holding seminars, and in getting out advisory material. We anticipate that the size of our membership and their widespread geographical locations may give our group considerable "clout" in taking a stand for or against legislation the Section deems advantageous or harmful.

The former Title Standards Committee, which has done a magnificent job of codifying title principles in Michigan, is now a committee of our Section, as indeed it should be. However, it seemed obvious that this group, more than any other, required dedicated committee people who are real experts, able to work with continuity, diligence, and without restraint. Our Bylaws recognize these necessities by giving that committee a considerable degree of autonomy. It can select its own members, elect its own officers, have representation on the Council, and make its own decisions on whether or not to adopt or drop official title standards, subject only to approval by the Board of Commissioners. It will, nevertheless, consult with our Council, and we will be responsible for the publication and distribution of the standards as it propounds them.

Following this epistle is a list of our committees as they have been set up, with statements of the general scope and jurisdiction of each committee. We have tried to accede to the wishes of those who volunteered for this work, as to service on specific committees. It has been necessary, however, to limit individuals to not more than two such bodies, -- because we want all of them to be active, progressive, and efficient, and trying to take in too much territory just wouldn't be good for anybody. We expect, though, that what each committee is doing will be publicized, so that all Section members will have sufficient contact not to be left wondering what's going on in the next room.

We believe the Committee Chairmen the Council has agreed upon are capable, knowledgeable and enthusiastic, and I'm sure you committee members will find plenty to keep you occupied.

With this mailing we also are enclosing a copy of the Bylaws for the Section, as passed at our organization meeting and as approved by the Board of Commissioners. For your information, it is quite possible that some changes and improvements may be proposed and adopted at the Annual Meeting in September.

Also for your information, and for the benefit of the large number of members who were not at our organization meeting, the present officers and Council (until September) are:

Chairman -	G. Norman Gilmore
Chairman-Elect -	Patrick J. Keating
Vice-Chairman -	Ralph Jossman
Secretary -	John F. Wolnewitz
Treasurer -	Allen E. Priestley
Council:	Maurice S. Binkow
	Clarence M. Burton
	Marvin A. Canvasser
	James W. Draper
	Edward D. Gold
	Leonard J. Grabow
	Daniel J. Henry, Jr.
	Frank S. Sengstock
	David S. Snyder
	Maurice V. Victor
	Ray L. Potter

If any of you has any questions about anything pertinent to the affairs of the Section, please feel free to write me, the Chairman of your committee, or any other officer or Council member.

You'll hear from us again shortly.

G. Norman Gilmore, Chairman

A JUDICIAL CHALLENGE TO STATUTORY FORECLOSURE

by

JAMES W. DRAPER

Dykema, Gossett, Spencer, Goodnow & Trigg

On February 28, 1974, an opinion was rendered in the case of Brenda Joyce Northrip v. Federal National Mortgage Association (Civil Action File 40074, U.S. District Court, Eastern District of Michigan, Southern Division) which has cast a great deal of uncertainty upon the procedure for foreclosures by advertisement of Michigan mortgages. The opinion does not indicate that the Michigan statute is unconstitutional, but it does hold that the standard form of power of sale provision in the mortgage does not amount to an adequate waiver of the right to notice and hearing under the due process clause of the Fourteenth Amendment of the Constitution.

The Plaintiff had defaulted in payment on a mortgage and note and the mortgagee foreclosed the mortgage by advertisement in strict compliance with the requirements of the State statute governing foreclosure by successful bidder. The statutory redemption period expired and the plaintiff, who was still in possession, refused to voluntarily surrender the premises to the defendant. Plaintiff then brought the action to retain possession by attacking the procedure under which the mortgage was foreclosed. Since the Court determined that the Plaintiff did not waive her due process rights under the Fourteenth Amendment, the issue in the case was whether the foreclosure procedure satisfied minimal due process requirements. The Court concluded that the procedure did not, because the process failed to provide an adequate opportunity to be heard before the taking of a significant property interest. This was true, the Court said, because there were no arrangements for a hearing before the sale of plaintiff's property, placing upon plaintiff the burden to bring suit to stop the sale of her property and obtain a hearing on issues of default and the appropriateness of the sale. In addition, there was no evidence that plaintiff was ever given notice of the method to be used to obtain a hearing. The foreclosure was set aside by the Court.

Since the decision, various title companies in Michigan have suggested procedures which should be followed. While we realize that title insurance may not be available to all practicing attorneys in Michigan, we set forth below the recommendations of several of the title insurance companies:

I. LAWYERS TITLE INSURANCE CORPORATION

Lawyers Title Insurance Corporation will continue to issue its policies, after the redemption period has expired, insuring the grantee in the sheriff's deed or its assigns upon compliance with the following:

Foreclosure commenced prior to February 28, 1974 - -

Requirements:

1. Written statement from the mortgagee or its successors or assigns that it is in possession of the premises either through abandonment or summary proceedings.
2. Written statement from the mortgagee or its successors or assigns that it has no knowledge that any suit has been started, threatened, or contemplated to attack the foreclosure.

Foreclosure commenced subsequent to February 28, 1974 - -

Requirements:

1. Written statement from the mortgagee or its successors or assigns that it is in possession of the premises either through abandonment or summary proceedings.
2. Written statement from the mortgagee or its successors or assigns that it has no knowledge that any suit has been started, threatened, or contemplated to attack the foreclosure.
3. Satisfactory evidence that the mortgagor or last titleholder has been given a notice incorporating the following information:
 - . that the mortgage is in default and contains a power of sale;
 - . that foreclosure will be commenced by advertisement in accordance with statutory provisions;
 - . an explanation of the mortgagor's right of redemption and right to pursue a hearing through legal process.

II. BURTON ABSTRACT AND TITLE COMPANY

Pending judicial or legislative developments which lead us to a change of attitude, we feel obliged to take the following position:

1. We cannot insure, or commit to insure, title derived through a statutory foreclosure sale and expiration of the period of redemption without imposing additional requirements to be satisfied after expiration of the period of redemption. At that time we will insure such titles if no action attacking foreclosure is pending and upon receipt of proof in affidavit form satisfactory to us that (1) neither the mortgagors nor any successor in interest is in possession of the premises; (2) no threat of litigation has been made by the mortgagors or by any successor in interest; and (3) the facts are such as to establish in the judgment of the insurer that the mortgagors or their successors had no substantial equity in the property.
2. In cases in which we have issued a commitment or policy of such a nature as to involve determination on our part that a statutory mortgage foreclosure sale was valid, we will not question the validity of the foreclosure when any new title work is requested.
3. We will not question the validity of a statutory foreclosure if, when we are called upon to issue title work on the specific title involved, there is no litigation pending attacking the foreclosure proceedings, the redemption period has expired, and the grantee in the sheriff's deed (or its successor) has obtained possession of the premises and appears to have made a bona fide sale to a new purchaser.

Thus, in considering a mortgage under which there has been a default and where the foreclosure proceedings are at any point short of the expiration of the equity of redemption, the mortgagee is called upon to make a hard choice between continuing the statutory route and hoping for the best and, on the other hand, turning to the judicial foreclosure. Many factors may influence that decision.

III. CHICAGO TITLE INSURANCE COMPANY

- A. Where the Company has an existing commitment outstanding, insuring the grantee or sheriff's deed or a subsequent purchaser therefrom, but where the redemption period has not yet expired, Chicago Title will issue its owner's title insurance policy at the expiration of the period of redemption upon presentation of an affidavit dated after the expiration of the redemption period which will disclose the following facts:
 1. That the mortgagor is no longer in possession of the premises.

2. That the equity foreclosed was less than 15% of the mortgage amount. If the equity foreclosed is more than 15% of the amount of the mortgage, this question should be referred to the divisional underwriter for consideration.
3. That the affiant is unaware of any action to contest the foreclosure procedure that may have been filed on behalf of the mortgagor.
(A Form of affidavit is attached)

B. Where we have not issued a commitment to insure but the foreclosure procedure has already been commenced, we will issue a commitment to insure raising the following requirements:

"In order to insure title to the premises, we should be furnished at expiration of the period of redemption, evidence, in affidavit form, from the foreclosing party, or its representative, as to the following facts:

- a) that the mortgagor is no longer in possession of the premises.
- b) that the equity foreclosed was relatively small, i.e., less than 15% of the mortgage amount.
- c) that the mortgagor has not instituted, or threatened to institute, any action to contest the foreclosure procedure".

If a sheriff's deed has already been issued, the commitment must also contain the following exception:

"Right of _____ to redeem from sheriff's deed dated _____ and recorded _____ in Liber _____, on Page _____, Register Number _____ within _____ from _____, as well as the right to judicially contest the foreclosure procedure".

C. Where we are asked to issue a commitment to insure, being advised only that a default has occurred and that the foreclosure procedure has not yet been commenced, we must raise a requirement as follows:

"In order to insure title to the premises after expiration of the period of redemption, we must be supplied with:

1. Satisfactory evidence that a personal notice was sent to the mortgagor by certified mail, three weeks or more prior to the sale, containing at least the following information:
 - a) that the default exists under the mortgage and the exact nature of the default.
 - b) that the lender has decided to proceed with a foreclosure by advertisement.
 - c) enough information about the proposed foreclosure procedure to make it clear when and where the sale will be held and the effect of the sale, (i.e., that the mortgagor will subsequently have only a right of redemption).

- d) the means by which the mortgagor may obtain a hearing on the matter. (It is preferable if the mortgagee offers the mortgagor the opportunity to discuss the issue without requiring the filing of a suit but advising that in any event he has the right to file a suit to prevent the sale).
2. An affidavit dated after the expiration of the redemption period and signed by the foreclosing party as to the following facts:
- a) that the mortgagor is no longer in possession of the premises.
 - b) that the equity foreclosed was relatively small, i.e., less than 15% of the mortgage amount.
 - c) that the mortgagor has not instituted, or threatened to institute, any action to contest the foreclosure procedure".
- D. When we are asked to issue a commitment prior to the recording of mortgage documents, the commitment should contain the following statement for information only:

"NOTE: In the event that this company is asked in the future to insure title coming through a foreclosure by advertisement of the proposed mortgage, we will require - in addition to other requirements - that the company be provided with an instrument signed by the mortgagor establishing that each mortgagor understands the procedure and effect of the foreclosure by advertisement and that although the mortgagor has a right to notice and hearing before any sale of the mortgaged property takes place, the mortgagor knowingly and voluntarily waives any such right to notice or hearing before sale."

If such a mortgage were foreclosed by advertisement, we would also require the items listed in B and C.

Should the decision of the Northrip case be modified or reversed on appeal, or should there be any change in the statutes regarding foreclosures, we will advise you of any change in the company's position.

In any case, where the above requirements cannot be met the matter must be referred to the Divisional Counsel.

IV. COMMONWEALTH LAND TITLE INSURANCE COMPANY

In those cases where foreclosure has been instituted prior to February 28, 1974, we are requiring evidence that possession of the premises is now in the lender either through abandonment or summary proceedings. In addition, we are requiring a written statement that no suit has been threatened or instituted, to the lender's knowledge, attempting to set aside the foreclosure.

Where foreclosure by advertisement has been commenced subsequent to February 28, 1974, the same two requirements must be satisfied. We are also requiring in these cases that the foreclosing mortgagee notify the mortgagor or last titleholder that foreclosure will be instituted by advertisement and inform him of the rights of redemption and the right to a judicial determination of his rights.

V. PIONEER NATIONAL TITLE INSURANCE

Since the decision in the U.S. District Court in the case of Northrip v. Federal National Mortgage Association, Civil Action No. 40074, we have had a number of inquiries as to Pioneer Title's position relative to issuance of title policies insuring title coming through a statutory mortgage foreclosure.

Pending further judicial and/or legislative developments, Pioneer Title has decided to insure titles coming through a foreclosure by advertisement pursuant to a power-of-sale in the mortgage in accordance with the following requirements:

1. Where proceedings are pending and the redemption period is in effect, we should be presented with satisfactory evidence (certified mailing) that the mortgagor has been given notice including the following information:

That the mortgage is in default and contains a power-of-sale; that foreclosure has been commenced and that the redemption period is running; that all right, title and interest in the premises will be irretrievably lost unless redemption is made within the time provided by statute; and that the mortgagor has a right to seek a judicial hearing, (sample copy attached).

In the absence of said notice, we will accept satisfactory evidence either that the mortgagee, or its assigns, is in actual possession of the premises or that they have been abandoned by the mortgagor.

2. Where proceedings are not yet commenced, we should be furnished evidence (certified mailing) that concurrently with the commencement of said action a notice containing essentially the information enumerated above, has been sent to the mortgagor.
3. It is recommended that lending institutions currently closing mortgage loans require the mortgagors to execute a properly witnessed and authenticated Waiver of Notice (sample copy attached). Said Waiver can be kept in the mortgagee's files, and should be forwarded to Pioneer Title in the event that foreclosure proceedings are ever instituted.

The Northrip case is upon appeal. We will advise you on further developments.

VI. AMERICAN TITLE INSURANCE COMPANY

This letter is in response to the many inquiries made of us as to our present position with regard to issuing policies where a Mortgage containing a Power of Sale has been Foreclosed by Advertisement pursuant to the applicable statutes of the State of Michigan.

We have attempted to adapt our requirements so as to satisfy the three possibilities as to the status of a mortgage loan that might exist at this writing.

Upon compliance with the specific requirements in those three situations hereinafter set forth, American Title Insurance Company will issue its policies insuring the grantee or its assigns in the Sheriff's Deed resulting from the Foreclosure by Advertisement of a Mortgage containing a Power of Sale.

(1) EXECUTED MORTGAGE PRESENTLY IN DEFAULT BUT FORECLOSURE PROCEEDINGS NOT AS YET COMMENCED.

Concurrently with commencement of foreclosure proceedings, a Letter (copy enclosed or one similar to it) should be sent by certified mail to mortgagor. A carbon copy of the letter and evidence of certified mailing should be presented to us at the time of request for policy.

(2) EXECUTED MORTGAGE, FORECLOSURE, SALE HELD AND EXEMPTION PERIOD IN EFFECT.

Prior to the Sheriff's Deed becoming absolute, forward a Letter (copy enclosed or one similar to it) to mortgagor. A carbon copy of the Letter and evidence of certified mailing should be presented to us at the time of request for policy. In lieu of the Notice by Letter set forth above at the time a request for policy is made, submit evidence that the premises are vacant and the grantee in the Sheriff's Deed or its assigns are presently in possession.

(3) A MORTGAGE LOAN NOT YET CLOSED.

At the time of closing of the mortgage loan a Waiver (copy enclosed or one similar to it) should be executed by the Mortgagors in duplicate and notarized. The completed Waiver should be forwarded to us at such time as an Application is made for an Owner's Commitment or, if a Policy only is requested, insuring the grantee or its assigns in the Sheriff's Deed resulting from default and foreclosure of the mortgage by Advertisement.

When one of the above situations exist, our title commitments will be prepared so as to advise how to comply with the requirements set forth herein.

All of the terms, conditions and stipulations of our commitments and policies, unless herein changed, will remain in full force and effect.

KROPF V CITY OF STERLING HEIGHTS:A CHANGE IN JUDICIAL REVIEW OF ZONINGBackground

Courts traditionally have reviewed zoning ordinances to determine their constitutionality and the procedural regulatory of their adoption. In passing upon questions of constitutionality, courts have resorted to a presumption that all zoning ordinances are consistent with due process and equal protection of the laws. Thus, unless it can be shown that either the legislative body in enacting the ordinance or an administrative agency in enforcing the ordinance has acted arbitrarily or unreasonably, a court of law will sustain the validity of a zoning regulation. As a corollary to this proposition, courts have provided relief only when the party attacking the ordinance has proven affirmatively that the ordinance as applied to specific property is arbitrary and unreasonable. The burden of proof is not on the local government. It is on the challenging party. Brae Burn v Bloomfield Hills, 350 Mich 425; 86 NW 2d 166 (1957).

The Preferred Use Doctrine

Bristow v Woodhaven, 35 Mich App 205; 192 NW 2d 322 (1971) engrafted an exception to above rules. Bristow advanced the proposition that certain uses inherently advance the general public interest and thus should be accorded a favored status in which the presumption of validity fades away and the burden of proving that an ordinance is not unreasonable or arbitrary falls upon the municipality to justify the exclusion of a specific use in any given zone. Bristow involved a zoning ordinance which prevented the development of a site for mobile homes. The case of Simmons v Royal Oak, 38 Mich App 496; 196 NW 2d 811 (1972) further solidified the concept of a favored use in municipal zoning when it placed the burden on the municipalities of proving the relationship of excluding multiple homes to the objectives of the police powers.

Kropf v City of Sterling Heights
391 Mich 124; 215 NW 2d 179 (1974)

This case held that a municipality did not have the burden of demonstrating how an ordinance excluding multiple dwellings served the objectives of the police powers. The landowner who challenged the validity of the ordinance either did not serve the objectives of the police powers or precluded use of his land for any purpose for which it is reasonably suited. Bristow and Simmons were overruled. Brae Burn was reaffirmed as the rule of zoning law.

A Response to Kropf by Avern Cohn

On February 15, 1974 in Kropf v City of Sterling Heights, 391 Mich 124, the Supreme Court reversed a Court of Appeals decision (41 Mich App 21) which had in turn reversed a Macomb County Circuit Court Judgment upholding a single family residential zoning classification on a 10 acre parcel in Sterling Heights. In reversing the Court of Appeals the Supreme Court rejected the "favored use" concept which had found its origin in Bristow v City of Woodhaven, 35 Mich App 205 (mobile homes) and Simmons v Royal Oak, 38 Mich App 496 (multiple dwellings).

The Supreme Court held among other things that there was no shifting of the burden of the proof when the constitutionality of a zoning ordinance was challenged. The Michigan Association of Municipal Attorneys filed a brief amicus urging reversal of the Court of Appeals decision and naturally was pleased by the result. The Michigan Municipal Review commented on the decision in Kropf in part:

"Fortunately for Michigan municipalities, the Supreme Court was not deceived by the fantasy conjured up by those who call all single-family zoning 'exclusionary' zoning. Obviously any zoning excludes some uses. The destruction of all zoning is not necessary in order to provide an adequate supply of sites for house trailers and multiple dwellings. Transferring the zoning function from the local council to the judicial branch of government cannot be considered a desirable solution to any shortcomings which may be found in the zoning process."

The enthusiasm with which Kropf has been received is not without its detractors, however, as suggested by the following letter from the newly appointed chairman of the Section Committee on Land Use Regulation (who promises full opportunity for debate as soon as the committee holds its first meeting as well as the opportunity to discuss Justice Levin's suggested new approach to zoning issues, found in his concurrence in reversal in Kropf):

May 9, 1974

Editor
Michigan Municipal Review
1675 Green Road
Ann Arbor, Michigan

Gentlemen:

The review of the Kropf case (Kropf v Sterling Heights, 41 Mich App 21) in the last issue of the Review is disturbing.

No responsible person or group has ever suggested that all single family zoning is "exclusionary" but it is not "fantasy" to suggest that more often than not the opposition to a multiple classification is an effort to insulate a local community from any change at all and an attempt to exclude low or moderate income housing. The Michigan State Housing Development Authority estimates that well over half the families in Michigan today cannot afford conventional single family detached housing.

The need to open suburban areas to new types of housing which meets the pocket book of a greater variety of people and will insure greater economic and ethnic and racial mix is well documented.

The Supreme Court said in Kropf that the presumption of validity does not disappear where housing is involved. That ruling must be respected. It does not mean, however, that local communities can feel safe in Balkanizing themselves. I suggest that the Kropf case notwithstanding a municipality which supports a zoning scheme which does not take into account the housing need of the region in which it is located will find little protection in the decision in Kropf. Municipal legal advisors who do not tell their clients that in no uncertain terms do them, I suggest, a considerable disservice.

(Continued)

It also seems to me that it would be well for the municipal advisers to remind their officials that the public trust reposed in them as officers of the state may well require a broader view than that their job is to insulate their municipality from newcomers.

Yours truly,

Avern Cohn

AC:ku

P.S. The term "trailer parks" went out years ago. Such facilities are described in state laws and local ordinances as "mobile home parks". Frequently the term "trailer park" is used to conjure up an image of a transient or undersirable occupancy.

COMMERCIAL REAL ESTATE TRANSACTIONS

This committee is to be involved in the problems attendant upon financing, leasing, constructions for particular times, shopping centers and other forms of commercial development.

Chairman - Jack M. Bowie, Grand Rapids
Vice-Chairman - John J. Raymond, Jr., Troy
Council Advisor - Maurice S. Binkow, Detroit

Bolton, Robert S., Detroit	Leib, Jeffrey M., Southfield
Braunschneider, Karl E., Grand Rapids	Lenter, Richard A., Southfield
Butler, Jr., E. W., Detroit	Lipnik, Alvin P., Ann Arbor
Covington, Joseph, Detroit	Loeks, John D., Grand Rapids
Dunn, William B., Detroit	Martin, Patrick J., Birmingham
Ebner, Frank G., Detroit	Moore, Jerome A., Detroit
Farrell, Clayton F., Southfield	Myers, William T., Detroit
Gorcyca, S. Gerald, Southfield	Partrich, Spencer M., Detroit
Gropman, Jerome C., Detroit	Rabbideau, Richard E., Detroit
Hayes, William A., Detroit	Tennen, Harvey F., Detroit
Jodis; Denis F., Hudson	Theut, C. Peter, Mt. Clemens
Kifferstein, Warren M., Southfield	Ward, Paul A., Grand Rapids
Kravitz, Jeffrey R., Southfield	Winkelman, Sheldon P., Southfield
Lawrence, Jr., John M., Battle Creek	Woodworth, Philip, Bad Axe

GENERAL LIAISON COMMITTEE

This committee will serve as a connection between the Section and other sections and committees of the State Bar in such a manner as to coordinate the effectiveness of our programs with those of the other bodies. The viewpoint and the potential assistance of our Section may be brought to the attention of both the other Bar groups and lay groups involved in real property problems and interests.

Chairman - Burke H. Webb, Marcellus, Michigan
Vice-Chairman - Bartlett B. Smith, Milford
Council Advisor - Marvin A. Canvasser, Southfield

Addison, Emerson J., Detroit	Laird, John R., Ann Arbor
Braunschneider, Karl E., Grand Rapids	Lower, Joyce Q., Bloomfield Hills
Butterfield, Thomas K., Lapeer	Meier, Victor H., Williamston
Caris, Theodore A., White Cloud	Miel, Charles H., Stanton
Clark, Jon H. W., Detroit	Meyer, James R., Saginaw
Dufault, Paul E., Royal Oak	Newcomb, Millard W., Bay City
Engel, Robert C., Detroit	Patterson, Richard A., Bloomfield Hills
Gorcyca, S. Gerald, Southfield	Pool, Eugene K., Waterford
Grand, Michael M., Detroit	Reid, Robert J., Flint
Griffith, Ronald S., East Lansing	Rose, Ralph, Montague
Hackett, Robert V., Bloomfield Hills	Thompson, William R., Mt. Pleasant
Howell, Burl C., Monroe	Walsh, Michael F., Lansing
Jodis, Denis F., Hudson	Ward, Paul A., Grand Rapids
Kingsepp, John H., Royal Oak	

LAND SALES REGULATIONS

This committee is primarily interested in legislative efforts to serve the consumers' interests by regulating the development of land under statutes such as the Land Sales Act, the Subdivision Control Act, and other restrictive measures. Studies should be made of potential improvement in such legislation and recommendations offered to the Section Council.

Chairman - George K. Heartwell, Grand Rapids
 Vice-Chairman - Michael L. Chojnowski, Kalamazoo
 Council Advisor - James W. Draper, Detroit

Addison, Emerson J., Detroit	Hubbell, Frederick R., Kalamazoo
Allen, Raymond R., Battle Creek	Lee, Noble W., Grand Rapids
Batch, Nicholas C., Battle Creek	McNeill, William, Franklin Village
Binkowski, Robert A., Fraser	Nern, William F., Birmingham
Bunin, Paul M., Southfield	Steiner, Jr., Wilfred A., Detroit
Butterfield, Thomas K., Lapeer	Thompson, William R., Mt. Pleasant
Carnago, James V., Detroit	Wernette, Martin L., Big Rapids
Givens, Leonard D., Detroit	Wrigley, Benham R., Grand Rapids
Hainer, Richard James, Grand Rapids	

LAND USE REGULATION

The primary function of this committee is to keep abreast of statutes and case law relating to zoning and other governmental restrictions on land use, as well as to study and make recommendations to the Section Council of potential improvement and constructive change in such regulation.

Chairman - Avern L. Cohn, Detroit
 Vice-Chairman - W. Wayne Walston, Muskegon
 Council Advisor - Maurice V. Victor, Southfield

Alter, Peter M., Detroit	Partrich, Spencer M., Detroit
Bowie, Jack M., Grand Rapids	Platt, Robert M., Williamston
Cooper, Stephen C., Detroit	Ponte, Robert F., Brighton
Franklin, Gilbert L., Grand Blanc	Scott, John A., Vicksburg
Hann, Donald H., Holland	Smith, Wayne Richard, Petoskey
Head, John Vernon, Detroit	Stenzel, Douglas L., Detroit
Hyman, Norman, Detroit	Stroup, Nathaniel W., Petoskey
Kauma, Eric E., Lansing	Stulberg, Edward B., Southfield
Kratchman, George, Detroit	Tatigian, Harry C., Livonia
Laird, John R., Ann Arbor	Ward, Paul A., Grand Rapids
Morgan, Donald C., Plymouth	Weiner, Ernest J., Detroit
Myers, William T., Detroit	Wrigley, Jr., Benham R., Grand Rapids
Nern, William F., Birmingham	

LEGISLATION

This committee is charged with keeping current on pending legislation affecting real property, studying same and advising the Council as to any important pending bills or acts passed. Recommendations may be made as to the effect of any such legislation.

Chairman - James M. Szkrybalo, Dearborn
Vice-Chairman - Eric Kauma, Lansing
Council Advisor - Ralph Jossman, Detroit

Batch, Nicholas C., Battle Creek Trepod, Gary A., Lansing
Huber, Donald G., Lansing Wigle, Reamer, Lansing
Kreger, Ronald D., Lansing Wrigley, Benham R., Grand Rapids
Spuhler, Earl R., Fenton

LIENS, ENCUMBRANCES AND PROPERTY TAXES

This committee shall study the problems of the law related to mortgages, miscellaneous liens, such as attachments, mechanics liens, liens on execution, and state and federal tax liens as well as real property taxes and assessments, other encumbrances such as easements, equitable restrictions, mineral rights, and other burdens upon property are to be also within the scope of inquiry. It shall prepare and distribute to members reports of its doings.

Chairman - Alfred C. Wortley, Jr., Detroit
Vice-Chairman - Werner M. Killen, Detroit
Council Advisor - Allen E. Priestley, Troy

Allen, Raymond R., Battle Creek Mosier, Marilyn Miller, Detroit
Anspach, Michael K., Detroit Nathan, Peter A., Detroit
Bolton, Robert B., Detroit Nern, William F., Birmingham
Bunin, Paul M., Southfield Newcomb, Millard W., Bay City
Butler, Jr., E. W., Detroit Nolan, Charles T., Royal Oak
Conlin, John W., Ann Arbor Oehmke, Harold W., Detroit
Couger, Warren D., Detroit Pettit, Joseph A., Detroit
Davis, Avery N., Southfield Rosenberg, Howard S., Southfield
Dill, Craig H., Saginaw Roy, Roger B., Royal Oak
Doss, Kenneth W., Grand Rapids Salle, Jerome M., Detroit
Dunn, William B., Detroit Severance, Donald B., Northville
Ellis, Jr., Graydon H., Ann Arbor Shaw, William T., Ann Arbor
Feldman, Ronald D., Detroit Simon, Erwin S., Detroit
Golden, Richard A., Lathrup Village Spuhler, Earl R., Fenton
Kingsepp, Jon H., Royal Oak Stoller, David P., Troy
Kregel, Ronald D., Lansing Szkrybalo, James M., Dearborn
Laird, John R., Ann Arbor Trepod, Gary A., Lansing
LaMotte, Kenneth J., Detroit Vine, Sherwin, Detroit
Lay, Paul J., Detroit Weingarden, Stanley M., Southfield
Leven, Thomas S., Southfield Wigle, Reamer W., Lansing
Lower, Joyce Q., Bloomfield Hills Zinn, George H., Detroit
Matuszak, Gerald J., Ann Arbor

MULTIPLE RESIDENTIAL PROPERTY, COOPERATIVES AND CONDOMINIUMS

With the development of multiple housing, this committee is to study the complexities relating to the various forms of such development, and the possibility of improvement in management, financing and other problems.

Chairman - William T. Myers, Detroit
Vice-Chairman - Noble W. Lee, Grand Rapids
Council Advisor - Leonard J. Grabow, Detroit

Bailey, Essel W., Detroit	Lenter, Richard A., Southfield
Bornstein, Henry A., Southfield	Lintner, Jack L., Oak Park
Burns, Thomas R., Ann Arbor	Loeks, Jr., John D., Grand Rapids
Carr, Terry M., Boyne City	Nelson, Robert Leyton, Detroit
Carter, James J., Ann Arbor	Rabbideau, Richard E., Detroit
Clark, Jon H. W., Detroit	Raitt, Cecil G., Battle Creek
Engel, Robert C., Detroit	Rollert, E. David, Traverse City
Farrell, Clayton F., Southfield	Simpson, W. Bruce, Mt. Clemens
Haron, David L., Detroit	Steiner, Wilfred A., Gr. Pte. Wds.
Hayes, John D., Petoskey	Stoller, David P., Troy
Kinzer, Wallace, Southfield	Weideman, Frederick G., Dearborn
Knorr, Gerald K., Troy	Winkelman, Sheldon P., Southfield
Leib, Jeffrey M., Southfield	

PUBLICATIONS

In brief, the function of this committee is to bring to the attention of the membership all matters of interest to them periodically through a news sheet, bulletin, or other medium, in order to keep the members informed of all Section activities and matters pertinent to the field of our organization.

Chairman - Frank S. Sengstock, Detroit
Vice-Chairman -
Council Advisor - Frank S. Sengstock, Detroit

Budds, Denis W., Flat Rock
Haron, David L., Detroit
Wilson, Kirby L., River Rouge
Zameck, Harvey J., Detroit

REAL ESTATE SYNDICATIONS

The function of this committee is to study the various forms of syndicates, investment corporations and investment trusts, with a view toward improvement in legislation and regulations through comparison with the laws of other states, and with recommendations to the Council for changes or augmentation in present regulating measures.

Chairman - Sheldon P. Winkelman, Southfield
Vice-Chairman - Joel S. Adelman, Detroit
Council Advisor - Edward D. Gold, Southfield

Covington, Joseph, Detroit	Moore, Jerome A., Detroit
Davis, Avery N., Southfield	Partrich, Spencer M., Detroit
Ellis, Graydon H., Ann Arbor	Rabbideau, Richard E., Detroit
Geggie, Thomas H., Flat Rock	Raymond, Jr., John J., Troy
Grand, Michael M., Detroit	Rosenberg, Howard S., Southfield
Harris (Chafet) Jean E., Lansing	Shelburne, Thomas D., Grand Rapids
Hoag, Jr., John W., Grosse Pte.	Simen, Sander H., Flint
Kifferstein, Warren M., Southfield	Snavely, Gordon A., Pontiac
Martin, Patrick J. Birmingham	Stulberg, Edward Barry, Southfield
Meisel, Robert H., Saginaw	Williams, Jr., R. Jamison, Bloomfield Hills
Merritt, Maurice A., Birmingham	

SEMINAR, WORKSHOPS, CONVENTIONS AND MEETINGS COMMITTEE

This committee will work with the Section Council in planning programs of interest to the membership, as well as to assist in the presentation of such programs, through ICLE, other committees of the Section, and other committees and sections. In general, to suggest and promote ways and means of proposing general interest in the Section.

Chairman - Benham R. Wrigley, Jr., Grand Rapids
Vice-Chairman - Kirby L. Wilson, III, River Rouge
Council Advisor - John Wolnewitz, Mt. Clemens

Briggs, Allen R., Ontonagon
Farrell, Clayton F., Southfield
Head, John Vernon, Detroit

SPECIALIZATION COMMITTEE

The principal function of this committee is to maintain contact with, and work with, the bodies of the American Bar Association having this subject within their view, so that the Michigan Bar may be kept informed of all action in this direction.

Chairman - Michael F. Walsh, Lansing
Vice-Chairman -
Council Advisor - Patrick J. Keating, Detroit

Blinstrub, Robert L., Birmingham
Wrigley, Benham R., Grand Rapids

TITLE STANDARDS COMMITTEE

The purpose of this committee is to formulate standards for the examination of titles, based upon statutes and case law, setting forth both those matters which should be disregarded and to which exception should be made; to arrange for their publication; and to keep such standards current, by reference to, and inclusion therein, of new legislation and decisions.

Chairman - James W. Draper, Detroit
Vice-Chairman - Myron Winegarden, Flint
Council Advisor -

Beck, Joseph J., Detroit	McShane, T. Gerald, Grand Rapids
Burton, Clarence M., Detroit	Mistretta, Saverio F., Pontiac
Charbonneau, Frank L., Grosse Pointe	Neithercut, Edward J., Flint
Cooke, Andrew, Battle Creek	Petermann, Daniel, Royal Oak
Egan, Patrick J., Detroit	Potter, Ray L., Troy
Gilmore, G. Norman, Detroit	Priestley, Allen E., Troy
Hagen, Bensondy E., Jackson	Rabbideau, Richard E., Detroit
Hasselwander, Carl A., Troy	Schram, Henry L., Lansing
Higgs, F. Norman, Bay City	Snyder, Warren R., Lansing
Jossman, Ralph, Grosse Pointe Farms	Stewart III, Herbert, Detroit
King, David L., Bay City	Ward, Paul A., Grand Rapids
McGurrin, Jr., Thomas G., Lansing	Ziagelman, Erwin C., Detroit

BYLAWS OF THE
REAL PROPERTY LAW SECTION
STATE BAR OF MICHIGAN

ARTICLE I

NAME AND PURPOSES

Section 1. This Section shall be known as the Real Property Law Section of the State Bar of Michigan.

Section 2. The purpose of this Section shall be to study the laws and procedures pertaining to Real Property Law and to promote the fair and just administration of Real Property Law; to study and report upon proposed and necessary legislation; to promote throughout the State of Michigan the legal education of members of the Bar and the public on the problems of Real Property Law by sponsoring meetings, institutes and conferences devoted to the problems of Real Property Law, by the preparation and dissemination of pamphlets and brochures with respect thereto and by preparing and sponsoring and publishing legal writings in this field. For the purpose of this Section, the term Real Property Law shall include but not be limited to, the law of mortgages, liens, encumbrances, property taxes, land titles, land use, zoning, leases, land sales and condominiums.

ARTICLE II

MEMBERSHIP

Section 1. Any active member of the State Bar of Michigan, upon request to the State Bar of Michigan and upon payment of dues for the current year, shall be enrolled as a member of this Section. Each applicant shall pay to the State Bar of Michigan current Section dues of Ten (\$10.00) Dollars. Thereafter, annual dues in the amount of Ten (\$10.00) Dollars shall be paid by each member in advance each fiscal year, beginning on the first day of October, 1974. Any member of the Section whose annual dues shall be more than Six (6) months past due shall thereupon cease to be a member of the Section.

Members so enrolled and whose dues are so paid shall constitute the membership of this Section.

Section 2. Newly admitted members of the State Bar of Michigan, upon written request, shall become members of the Section, without payment of dues to the Section, for the first two fiscal years following his or her original admission to practice, as provided in the Bylaws of the State Bar of Michigan, Article VII, Section 5.

ARTICLE III

ORGANIZATIONAL MEETING

Section 1. The organizational meeting of the Real Property Law Section of the State Bar of Michigan shall be held on December 8, 1973, at a time and place to be determined by the acting section co-chairmen hereafter appointed.

Section 2. The Board of Commissioners of the State Bar of Michigan hereby appoints G. Norman Gilmore, of Detroit, Michigan, and Patrick J. Keating, of Detroit, Michigan, Acting Co-Chairmen of the proposed Real Property Law Section. They are to serve in this capacity until the Bylaws of the Real Property Law Section are approved and the Council and Officers of the Section are duly elected as hereinafter provided.

Section 3. All active members of the State Bar of Michigan who have applied for membership in the Section and have paid dues as required on or before November 10, 1973, shall receive written notice of the time and place of the organizational meeting and shall be eligible to vote thereat.

ARTICLE IV

COUNCIL

Section 1. There shall be a Council of the Section consisting of Sixteen (16) members to be elected and/or designated as hereinafter provided.

Section 2. At the organizational meeting of the Section at which these Bylaws are adopted, Five members of the Council shall be nominated and elected to serve for One year; Five for Two years; Five for Three years. ("Year", as herein used meaning a term beginning at the close of the organizational meeting at which they shall have been elected and ending at the close of the first, second or third succeeding annual meetings of the Section respectively). Thereafter, upon the expiration of each of these initial terms, there shall be elected at each annual meeting of the Section Five members to replace those members whose terms are expiring; all members so elected shall serve for a term of Three years beginning at the close of the annual meeting at which they were elected.

Section 3. In addition, the Title Standards Committee of the State Bar of Michigan shall elect and/or designate annually, as such Committee shall determine, the member to serve on the Council of this Section. This member of the Council is to be elected and/or designated by the Title Standards Committee upon request of the Acting Section Chairman appointed herein and annually thereafter before the Annual Section Meeting each year.

Section 4. No person shall be eligible for election to the Council if he has served without interruption two full consecutive Three year terms, immediately preceding the term for which the election is held. This term of office shall not include time served on the Council as a designated representative of the Title Standards Committee.

Section 5. The immediate past Chairman of the Real Property Law Section shall act as an ex-officio member of the Council with full voting privileges for the year immediately following his term of office.

Section 6. Nominations. Prior to each annual meeting of the Section, the Chairman shall appoint a nominating committee of Three members of the Section, not members of the Council, which committee shall make and report nominations to the Section for members of the Council to succeed those whose terms will expire at the close of the then annual meeting, and to fill vacancies then existing for unexpired terms. Other nominations for the Council may be made from the floor.

Section 7. Elections. All elections shall be by written ballot unless otherwise ordered by resolution duly adopted by the Section at the annual meeting at which the election is held. Voting by proxy shall not be permitted.

ARTICLE V

ELECTION OF OFFICERS

Section 1. The officers of the Section shall be elected by the Council and shall consist of a Chairman, a Chairman-Elect, a Vice-Chairman, a Secretary and a Treasurer, all of whom shall be members of the Council. No person shall serve in the same office for more than one year.

Section 2. The officers shall be elected at the first meeting of the Council to be held immediately following the organizational meeting and each annual meeting of the Section, thereafter to serve until the following annual meeting or until their successors have been elected or appointed.

ARTICLE VI

DUTIES OF OFFICERS

Section 1. Chairman. The Chairman shall preside at all meetings of the Section and of the Council. He shall formulate and present at each annual meeting of the State Bar of Michigan a report of the work of the Section for the then past year. He shall perform such other duties and acts as usually pertain to his office.

Section 2. Chairman-Elect. Upon the death, resignation or during the disability of the Chairman, or upon his refusal to serve, the Chairman-Elect shall perform the duties of the Chairman for the remainder of the Chairman's disability and then only during such term as the disability continues. He shall preside at all meetings in the absence of the Chairman. In the event the Chairman-Elect is required to fill a vacancy of the office of Chairman, the Chairman-Elect shall become Chairman for the period of both the vacancy and the term he normally would have served as Chairman.

Section 3. Vice-Chairman. Upon the death, resignation or during the disability of the Chairman-Elect, or upon his refusal to serve, or upon the Chairman-Elect becoming Chairman, the Vice-Chairman shall perform the duties of the Chairman-Elect for the remainder of the term of the Chairman-Elect except in the case of the Chairman-Elect's disability and then only during such term as the disability continues. He shall preside at all meetings in the absence of the Chairman or the Chairman-Elect. In the event the Vice-Chairman is required to fill a vacancy in the office of Chairman-Elect, the Vice-Chairman shall become Chairman-Elect for the period of both the vacancy and term he normally would have served as Chairman-Elect.

Section 4. Secretary. The Secretary shall be the custodian of all books, papers, documents and other property of the Section except money and financial records. He shall keep a true record of the proceedings of all meetings of the Section and of the Council. With the Chairman, he shall prepare a summary or digest of the Section's annual meeting proceedings.

Section 5. Treasurer. The Treasurer shall keep a true record of all monies received and disbursed and report thereon to the Council whenever requested. Annually, the Treasurer shall submit a financial report for presentation to the members of the Section.

ARTICLE VII

DUTIES AND POWERS OF THE COUNCIL

Section 1. The Council shall have general supervision and control of the affairs of the Section subject to the Supreme Court rules concerning the State Bar of Michigan and the Bylaws of the Section. It shall especially authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditure of all monies appropriated by the Council for the use or benefit of the Section.

Section 2 A. The Chairman shall appoint the following standing committees and their Chairmen from Section members:

- (a) Liens, Encumbrances and Property Taxes.
- (b) Land Use Regulation.
- (c) Land Sales Regulation.
- (d) Residential, Multiple, Cooperatives and Condominiums.
- (e) Commercial Real Estate Transactions.
- (f) Probate and Trust Law Section Liaison.
- (g) General Practice Section Liaison.
- (h) Real Estate Syndications.
- (i) Seminar, Workshops and Meetings Committee.
- (j) Publications.
- (k) Legislation Reports.
- (l) Specialization Committee.

The Council may authorize the Chairman to appoint other committees and their chairmen from Section members to perform such duties and exercise such powers as the Council may direct. The Chairman on direction from the Council shall remove any Chairman or member from such committee and fill vacancies on such committees.

Section 2 B. In addition to the foregoing committees the Title Standards Committee shall be a standing committee of this Real Property Law Section and shall be known as the Title Standards Committee of the State Bar of Michigan. All of the members of this committee shall be members of this Section.

The membership and officers of the initial Title Standards Committee shall consist of such members and officers of the State Bar of Michigan Title Standards Committee appointed and serving during the fiscal year beginning October 1, 1973 and immediately prior to the formation of this Section, it being the intention that the Title Standards Committee as constituted immediately prior to the formation of this Section be transferred from a standing committee of the State Bar of Michigan to a standing committee of this Section.

After formation of this Section and the formation of the Title Standards Committee as a standing committee of this Section the members of said Committee shall, subject to the approval of the Council, elect its members for the succeeding year at each annual meeting of the Section. After election thereof such members shall elect the officers of such Committee which officers shall consist of a Chairman, a Vice-Chairman and a Secretary. Vacancies in membership may be filled by the Committee Chairman, subject to the approval of the Council.

Section 3. The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the offices of Secretary or Treasurer, or, in the event of a vacancy in all of the offices of Chairman, Chairman-Elect and Vice-Chairman, then in the office of Chairman. Members of the council so selected shall serve until the close of the next annual meeting of the Section, at which the vacancies shall be filled for the remainder of their respective terms by a special election conducted concurrently with the regular elections as provided in Article IV herein.

Section 4. Five (5) members of the Council present at a meeting shall constitute a quorum for the transaction of business. In the event that less than a quorum of the Council attends a meeting, those present shall have the right to adjourn the meeting to a later time, and if a quorum is present at the adjourned time, the Council may proceed with action at such time without further call or notice.

Section 5. Council action may be only by majority vote of those present and voting.

Section 6. When an issue arises which must be determined within a limited period of time so that the calling of a formal council meeting is not practical, the Chairman of the Section may, and upon the request of any member of the Council, shall submit or cause to be submitted in writing to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted, by communicating their vote thereon, by telegraph or in writing over their respective signatures, to the Secretary, who shall record upon his minutes each proposition so submitted, when, how, at whose request the same was submitted, and the vote of each member of the Council thereon, and keep on file such telegrams and written and signed votes. If a majority of the members of the Council shall be in favor of such proposition or if such majority shall be against such propositions, such majority vote shall constitute the binding action of the Council.

Section 7. The Chairman of the Section at any time may, and upon the request of any member of the Council shall, submit or cause to be submitted in writing to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted, by communicating their vote thereon, in writing over their respective signatures, to the Secretary, who shall record upon his minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of Council thereon, and keep on file such written and signed votes. If the recorded votes of a majority of the members of the Council shall be in favor of such proposition, such majority vote shall constitute the binding action of the Council.

Section 8. The Council shall designate the time and place of its regular meetings. Special meetings may be called by the Chairman or upon written request to the Secretary of any Five members of the Council. Five (5) days' notice of special meetings shall be given.

ARTICLE VIII

SECTION MEETINGS

Section 1. The annual meeting of the Section shall be held during the annual meeting of the State Bar of Michigan, in the same city or place as such annual meeting of the State Bar of Michigan, with such program and order of business as may be arranged by the Council.

Section 2. Special meetings of the Section may be called by the Chairman upon approval of the Council, at such time and place as the Council may determine.

Section 3. Ten or more members of the Section present at any meeting shall constitute a quorum for the transaction of business.

Section 4. All action of the Section shall be by majority vote of the members present unless otherwise specifically provided herein.

Section 5. Any action of this Section must be approved by the Representative Assembly or the Board of Commissioners of the State Bar of Michigan before the same becomes effective as the action of the State Bar of Michigan. Reports or recommendations of this Section or its Committees may be released, announced, or published only as provided in the Bylaws of the State Bar of Michigan, Article IX.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 1. The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

Section 2. All bills incurred by the Section, before being forwarded to the Treasurer or to the Executive Secretary of the State Bar of Michigan for payment, shall be approved by the Chairman or the Treasurer, or, if the Council shall direct, by both of them.

Section 3. No salary or compensation shall be paid to any officer, councilor or member of a committee.

Section 4. These Bylaws, if approved by a majority of the persons present at the organization meeting of the Section, shall become effective upon the approval thereof by the Commissioners of the State Bar of Michigan.

ARTICLE X

AMENDMENTS

Section 1. At the organizational meeting to be held in December, 1973, these Bylaws may be amended by a majority vote of the members of the Section present and voting; provided, however, that no amendment so adopted shall be effective until approved by the Commissioners of the State Bar of Michigan.

Section 2. After the organizational meeting these Bylaws may be amended at any annual meeting of this Section by a two-thirds vote of the members of the Section present and voting, provided, such proposed amendment shall first have been submitted to the Council for its recommendation; further that no amendment so adopted shall become effective until approved by the Commissioners of the State Bar of Michigan.

Section 3. Any amendment proposed after the organizational meeting shall be submitted in writing to the Council in the form of a petition signed by at least Ten (10) members of the Section at least Sixty (60) days prior to the annual meeting at which it is to be voted on. The Council shall consider the proposed amendment and shall prepare the recommendations thereon, which recommendations together with a complete and accurate text of said proposed amendments, shall be published in the Michigan State Bar Journal or by such written communication as the Council shall direct at least Thirty (30) days prior to the annual meeting of the Section at which it is to be voted upon.

Real Property Law Section
State Bar of Michigan
306 Townsend Street
Lansing, Michigan 48933

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