



Report on Public Policy Position

Name of Section:

Real Property Law Section

Contact Person:

Patrick Karbowski

Email:

karbowsk@butzel.com

Bill Number:

HB 4817

Process used to take the ideological position:

Vote of the Council of the Section

Number of members in the decision-making body:

16

Number who voted in favor and opposed to the position:

11 of the 16 members entitled to vote were present. The Motion passed 11 for, none against.

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

The Office of Financial and Insurance Services ("OFIS") sought comment from the Section with regard to a proposed change to HB 4817 which has been sent to the Senate and is currently in committee there. The Section has not taken a position with regard to HB 4817 as currently drafted. Specifically, OFIS sought comment on a proposed change to allow title insurance agents to prepare and record a discharge of mortgage document when the mortgage is paid off. Motion was made and approved to review and comment on the proposed change and consider taking a position after the proposed change is formally introduced.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.michiganlegislature.org/documents/2003-2004/billengrossed/house/htm/2003-HEBH-4817.htm>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

Arguments for the position:

Arguments against the position (if any):

If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.

Fiscal implications of the recommended policy to the State Bar of Michigan:

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- The improvement of the functioning of the courts
- ✓ The availability of legal services to society
- The regulation of attorney trust accounts
- ✓ The regulation of the legal profession, including the education, the ethics, the competence, and the integrity of the profession.

Keller- permissible explanation: