



## REAL PROPERTY LAW SECTION

# RETURNING TO OUR ROOTS - Conventional Real Estate Practice Fundamentals for 2013 Crystal Mountain Resort & Spa • Thompsonville, Michigan July 10-13, 2013

### Program Co-Chairs

**John D. Gaber**, Williams Williams Rattner & Plunkett, P.C., Birmingham  
**Leslee M. Lewis**, Dickinson Wright PLLC, Grand Rapids

### WEDNESDAY, JULY 10, 2013

6:30 – 8:00 p.m. ~ Welcoming Reception

### THURSDAY, JULY 11, 2013

8:15 – 8:45 a.m. ~ **Technology Update:** *Demonstration on how to easily access conference materials*  
Lawrence R. Shoffner, Lawrence Shoffner & Associates

9:00 a.m. – Noon

**Lean, Mean, Seen & Green - Solving the Top Issues in Buying, Financing, Leasing  
& Renovating Commercial Real Estate**

Clay B. Thomas, McKinley Inc.

Robert Lotzar, CBRE

Joseph M. Fazio, Miller Canfield

Margaret Dearden Petersen, Petersen Law PLLC

Michael G. Campbell, Barnes & Thornburg LLP

### FRIDAY, JULY 12, 2013

8:30 – 9:00 a.m. ~ **Round Table Discussions (Choose One):** *Selected members of the Section will chair discussions.*

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

Melissa N. Collar, Warner Norcross & Judd LLP

John G. Cameron, Jr., Dickinson Wright PLLC

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

Ronn S. Nadis, Chairperson, Couzens, Lansky, Fealk, Ellis, Roeder & Lazar, P.C.

**Land Titles Standards Meeting**

Brian J. Page, Dykema

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

**Threading the Needle: Negotiating and Drafting Insurance Requirements Provisions in Leases,  
Contracts and Mortgage Documents**

Michael P. James, Fraser Trebilcock Davis & Dunlap, P.C.

Michael S. Hale, Clairmont Advisors, LLC

**Get Your Client's Shovel in the Ground: Navigating Your Way Through the Municipal Approval Process**

Richard D. Rattner, Williams, Williams, Rattner & Plunkett, P.C.

Brian Borden, AICP, LSL Planning, Inc.

**Finishing the Jigsaw Puzzle - Creative Development of Infill & Difficult Parcels**

C. Leslie Banas, Banas and Associates PLLC

Jeffrey R. Kravitz, Jeffrey R. Kravitz PLLC

**Environmental Essentials for the Real Estate Attorney**

Steven H. Manz, Marsh and Mercer

Sharon R. Newlon, Dickinson Wright PLLC

### SATURDAY, JULY 13, 2013

8:30 – 9:30 a.m. ~ **Round Table Discussions (Choose Two):** *Selected members of the Section will chair discussions.*

9:40 – 10:40 a.m. ~ **Special Presentation**

Ken Segall, author of "Insanely Simple: The Obsession  
that Drives Apple's Success"



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# RETURNING TO OUR ROOTS - Conventional Real Estate Practice Fundamentals for 2013

## HIGHLIGHTS

### Lean, Mean, Seen & Green - Solving the Top Issues in Buying, Financing, Leasing & Renovating Commercial Real Estate

On Thursday morning, join us for a dynamic panel discussion that will feature experienced real estate professionals interacting to address their top issues in buying, financing, leasing and renovating real estate. Tips and negotiation points will abound when Joseph M. Fazio of Miller Canfield, Margaret Dearden Petersen of Petersen Law PLLC, Michael G. Campbell of Barnes & Thornburg LLP, and Robert Lotzar, CBRE, led by moderator Clay B. Thomas of McKinley Inc., wrestle with a multifaceted fact pattern: a fictional multistory, mixed use, green project with both retail and office uses and a 50% vacancy rate. Learn about adept handling of purchase agreements, due diligence, financing, renovations, leasing and marketing. Through the panel, you will see the scenario from the viewpoint of the broker and the attorneys for the purchaser, lender, borrower, landlord and tenant. Pick up tips you can use in your conventional real estate practice.

### Workshops

#### Threading the Needle: Negotiating and Drafting Insurance Provisions in Leases, Mortgage Documents and Other Real Estate Contracts

This session will provide direction to attorneys on what to include and what to avoid in negotiating insurance and casualty provisions in real estate contracts. Sample clauses will be provided as well as an update on certificates of insurance.

### Job 1: Get Your Client's Shovel in the Ground: Navigating Your Way Through the Municipal Approval Process

Nothing can be built without first obtaining the necessary municipal administrative approvals. Nothing. Your client's project will never become a reality unless you obtain a "yes" answer from the municipality. Since time and money play major roles in driving every real estate transaction, it's better to get a "yes" from the municipality in a few months, rather than wait for a judge to say "yes" in three years... Join us in our discussion of the strategy and preparation necessary to get to right "yes" answer, from your first meeting with your client to the meeting in which you are finally approved to develop the project.

### Finishing the Jigsaw Puzzle-Creative Development of Infill & Difficult Parcels

The development of infill, difficult or reuse parcels present often unusual and unanticipated challenges that a developer and his or her counsel must be very careful to identify and solve. The panel will attempt to highlight some of these through a discussion of various scenarios.

### Environmental Essentials for the Real Estate Attorney

This session will address need to know developments in mitigating environmental liabilities through contractual provisions and the new environmental insurance marketplace. We will also present new developments in Michigan and federal environmental laws affecting transactions and the balancing of environmental risks in those transactions.

## SPECIAL PRESENTATION BY KEN SEGALL

### Title: "The power of simple"

Ken Segall, author of *Insanely Simple: The Obsession That Drives Apple's Success*, is an advertising executive who worked closely with Steve Jobs for over 12 years spanning NeXT and Apple. He started the i-frenzy by naming the iMac and led the team that created Apple's famous *Think different* campaign. Ken talks about the power of simplicity, offering an inside look at life in the world of Steve Jobs — and valuable advice to help any organization get better results.



## **RETURNING TO OUR ROOTS - Conventional Real Estate Practice Fundamentals for 2013**

### **FACULTY**

#### Program Coordinators



**John D. Gaber**, co-program coordinator, is a shareholder of Williams, Williams, Rattner & Plunkett, P.C., in Birmingham, Michigan. Mr. Gaber practices real estate, corporate and general business law and financing, specializing in real estate acquisition, land use, development, construction and leasing. He represents developers, national retailers, operators, franchisees and municipalities. He has represented clients in the development and redevelopment of commercial, mixed use and residential projects. He counsels clients on distressed projects and negotiates loan workouts. Previously, Mr. Gaber was a senior real estate attorney for Kmart Corporation. Mr. Gaber is an active member of the Real Property Section of the State Bar of Michigan, where he co-chairs the Commercial Real Estate Development and Ownership Committee. He is also a member of the ICSC and the Oakland County Bar Association. Mr. Gaber lectures on various real estate topics.



**Leslee M. Lewis**, co-program coordinator, is Practice Department Manager of Dickinson Wright PLLC's Real Estate, Environmental, Energy and Sustainability practices in North America. She is honored in *Chambers USA*, *Best Lawyers in America* and *Super Lawyers*, and is an elected member of the American Law Institute. Ms. Lewis has extensive experience as counsel to major national clients in multi-million dollar strategic real estate leasing, development, finance, construction, acquisition and disposition projects. She is a nationally recognized expert on green building and leasing projects and wind farms. Ms. Lewis is also counsel to top national and regional banks in large corporate and middle market loan originations and modifications, and in complex post-foreclosure/REO commercial property dispositions. She is real estate counsel to major health systems, senior living organizations and other significant nonprofits, and leads teams in handling cross-border REIT, lending and major real estate investment work. She is a national speaker and author for the ABA, ALI-CLE, ICSC, USGBC, GVSU/Michigan Community Resources and the State

Bar of Michigan. Ms. Lewis is on the National Editorial Board for ALI-CLE's *The Practical Real Estate Lawyer*, is past Co-Chairperson of the RPLS Residential Transactions Committee, and is a member of the national Women Lawyers Association. She is also Chairman Emeritus of the Board of Directors of Lake Michigan Academy, a grades 1-12 school for students with learning disabilities.

#### Thursday, July 11, 2013

#### Faculty



**Michael G. Campbell** of Barnes & Thornburg LLP in Grand Rapids, is a member of the Corporate Department and co-chair of the firm's Lending & Structured Finance Practice Group. Mr. Campbell concentrates his practice in the areas of commercial and real estate financing, including commercial loan documentation, real estate and construction lending and tax exempt financing. Mr. Campbell is a member of the State Bar of Michigan (Business and Tax Section and Real Estate Section), and the Grand Rapids Bar Association. He is vice president and serves on the board of directors of Legal Aid of West Michigan. Mr. Campbell's professional recognitions include listings in industry reviews such as the 2007-2013 editions of *The Best Lawyers in America*® in the areas of Corporate, Mergers and Acquisitions and Securities Loans, as well as the 2007-2012 editions of *Super Lawyers*® and 2007-2011 editions of *Chambers USA*.



**Joseph M. Fazio** of Miller, Canfield, Paddock and Stone, P.L.C. resides in the firm's Ann Arbor, Michigan office. He is Deputy Group Leader of the Real Estate Group and is Chair of the firm's Managing Director Committee. He specializes in commercial real estate matters and financing with a specific expertise in complex commercial real estate acquisition developments as well as leasing, including ground leases, entity formation, public/private development agreements, as well as conventional, securitized and tax increment financing. Mr. Fazio is a member of the State Bar of Michigan and the Washtenaw County Bar

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### **Faculty continued**

Association. He currently is a member of the Board of Directors of the Legacy Land Conservancy. Mr. Fazio has been identified by Best Lawyers in America since 2005 in real estate, by Super Lawyers since 2006 and by Chambers USA since 2008 and 2012 as a leading individual. His clients include national retailers, developers, municipal bodies and lenders.



**Robert Lotzar** of CBRE in Grand Rapids has been directly involved in the acquisition, development, management, and leasing of over 18 million square feet of space. During the course of his 20 year commercial real estate career, Mr. Lotzar has acquired and developed various retail properties in 15 different states. He has received several commercial real estate Industry awards over the past 10 years. In addition, Mr. Lotzar has earned the President's Cup recognition from CBRE several times.



**Margaret Dearden Petersen** of Petersen Law PLLC, is an experienced shopping center, retail, and commercial property leasing and real estate matters attorney. She previously worked at Borders as

Director – Real Estate Counsel, where she managed all lease and lease amendment, lease assignment, and lease termination negotiation and documentation for Borders stores, including managing outside counsel and legal department staff. She was responsible for contract support and negotiation for property management and store construction as well as managing all Borders stores lease estoppels and non-disturbance agreements, including internal due diligence. She also managed real estate procedures and documentation during company's Ch. 11 (liquidating) case, including multiple lease amendments, lease termination agreements, and lease assumption/assignment transactions.



**Clay B. Thomas** of McKinley Inc. in Ann Arbor, serves as Director of Commercial Portfolio Management with Commercial Client Services. As Director of Commercial Portfolio Management, Clay oversees the workouts and management of third-party real estate assets, which include distressed assets in multiple

jurisdictions throughout the country. Clay's duties include relationship management, commercial portfolio management and redevelopment, lease negotiation, and acquisition and disposition. Prior to joining McKinley, Clay practiced real estate and construction law for two of Southeast Michigan's leading law firms. Clay serves on the council of the Real Property Law Section of the State Bar of Michigan.

### **Friday, July 12, 2013**

#### **State of the Law**



**John G. Cameron, Jr.** of Dickinson Wright successfully represented a mortgage lender in the United States Court of Appeals for the Seventh Circuit in connection with a property forfeiture sought by the

federal government. He serves as general counsel to a major mixed-use, community transforming real estate development, which faces challenges involving all aspects of law. John negotiated a sophisticated subcontract for the installation of material handling equipment for what was anticipated to be a \$500 million nationwide project. He has also developed standard construction contracts for a well-known institution of higher learning and a major international corporation.



**Melissa N. Collar**, Warner Norcross & Judd LLP, is a Michigan native and partner in our Grand Rapids office. She is chair of Real Estate Services Group as well as the firm's Condominium practice group. Melissa was admitted to the State Bar of Michigan in 1994

and also is a member of the Grand Rapids Bar Association. Melissa serves on the Real Property Section's Council of the State Bar of Michigan, and is the current chair of the Continuing Legal Education Committee of the Council. She earned her undergraduate degree from the University of Michigan and her J.D. from Wayne State University. Melissa is a member of Commercial Real Estate Women, Commercial Alliance of Realtors, Homebuilders Association of Greater Grand Rapids and American Institute of Architects. She assists clients in the acquisition, development, construction, leasing and sale of real property with special expertise in the health care and life sciences industries. She is listed

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### State of Law continued

in The Best Lawyers in America and Michigan Super Lawyers. She is a frequent teacher on real estate and construction matters. She regularly prepares architect and construction contracts for owners, architects and contractors, condominium documents, tax incentive and abatement applications and leases, as well as handles Land Division Act documentation and real estate brokerage matters. Melissa can be reached at 616.752.2209 or mcollar@wnj.com.

### Workshops

Friday, July 12, 2013



**C. Leslie Banas** of Banas and Associates PLLC provides corporate and commercial real estate services to clients in the real estate, sustainable energy, service, hospitality and health care industries. She represents real estate companies in the development and construction of retail centers, affordable multifamily rental properties, medical office buildings and condominium and mixed use properties. These projects often involve unique organizational and real estate structures, multiple layers of financing, and compliance with satisfaction of complex regulatory requirements. She also assists in the negotiation of commercial lease agreements, particularly involving national retail tenants, and counsels purchasers of net leased retail properties. Ms. Banas helps non-profit organizations with various governance and business matters and is presently assisting a 501(c)(3) organization in the development of its new campus. She is also representing the developer of the largest net metered wind energy project in the Midwest. Ms. Banas is listed in *Best Lawyers in America*, *Super Lawyers*, and *Top Lawyers* by *dbusiness*. She is AV Preeminent peer rated in Martindale-Hubbell.



**Michael S. Hale** is President of Clairmont Advisors, LLC, an insurance consulting firm. He is experienced as an insurance coverage lawyer and insurance broker and routinely serves as an expert witness in insurance coverage and agent errors and omissions matters. Michael holds the nationally recognized professional designations of Chartered Property and Casualty Underwriter (CPCU) and Accredited Advisor

in Insurance (AAI). He is published in the Institute of Continuing Legal Education's Book Michigan Insurance Law & Practice where he wrote and regularly updates the chapter entitled "Insurance Agents."



**Michael P. James** of Fraser Trebilcock Davis & Dunlap, P.C. combines his experience as an entrepreneur, judicial officer, mediator and litigator to develop dynamic solutions to complex legal and business problems. Mr. James provides representation and counseling related to all facets of business enterprise, health care law matters and employer-employee relations, including: entity formation and governance, joint ventures, business transactions, mergers and acquisitions, professional services arrangements, employer/employee relations, federal and state regulatory compliance, physician practices, integrated delivery systems, and health care reform.



**Jeffrey R. Kravitz** of Jeffrey R. Kravitz PLLC represents landlords and tenants in leases, developers and owners in sales and purchases of commercial properties, and also works with borrowers on construction and permanent financing. Projects have included shopping centers, office buildings, industrial property, hotels and apartments, as well as acquisition and development of raw land.



**Steve Manz** of Marsh USA Inc. is Marsh's environmental practice leader for the Midwest based Detroit office. Steve is responsible for assisting clients with environmental risk management issues, drawing upon and integrating the talent and expertise of Marsh's Global Environmental Practice to provide innovative and comprehensive solutions, including environmental risk transfer and insurance. Steve joined Marsh in 2002. Prior to joining Marsh, he worked for environmental engineering consulting firms in the Midwestern United States where he was responsible for conducting and performing environmental investigations and cleanups, and assisting clients with complex environmental risk and compliance issues. He has

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### Workshop Presenters continued

many years of providing environmental risk consulting services and solutions "to private sector, commercial, industrial, institutional and governmental clients throughout the country, having started in the industry over 25 years ago. While at Marsh, Steve has developed innovative and cost-effective risk management and environmental insurance programs for clients in a wide variety of industry sectors, including health care, manufacturing, real estate, Brownfield redevelopment, higher education, construction, engineering, telecommunications, food production, retail, waste management, and petroleum and chemical production and distribution.



**Sharon R. Newlon** is Co-Chair of the Environmental Practice Group at Dickinson Wright. She specializes in complex transactions, environmental compliance and remediation. Her notable representations include: (1) lead counsel on all aspects of a significant Brownfield development and wastewater solids recycling project (including property purchase, permitting, contracts, tax incentives, and negotiation of liability limitations with MDEQ and U.S. EPA); (2) group counsel for 110 member PRP group in multi-million dollar Superfund cleanup near Mississippi River; (3) environmental counsel for one of the largest Tier I suppliers in numerous acquisitions and divestitures of manufacturing, warehousing and office properties throughout the U.S.; and (4) national compliance audit counsel for an automotive manufacturer and a nationwide chemical manufacturer. Sharon has also served as lead environmental counsel for JPMorgan Chase Bank and private equity firms on numerous industrial and commercial financings.



**Richard D. Rattner** of Williams, Williams, Rattner and Plunkett, P.C., specializes in real estate transaction law, land use and zoning law, corporate law and entertainment law. He is also an adjunct professor at Thomas M. Cooley Law School, where he teaches Modern Real Estate Transactions, and Wayne State University, where he teaches the Business of Music. Mr. Rattner is actively involved in a number of professional organizations, including the Oakland County Bar Association; the State Bar of Michigan: Member of Governing Council of Real Property Law Section,

Co-Chair of the Real Property Law Section's Membership Committee, Member of the Nominating Committee; past Co-Chair of the Continuing Legal Education Committee; and Member of the Subcommittee on Zoning and Land Use Planning. He also serves as a volunteer arbitrator for the Attorney Grievance Commission. Mr. Ratter is a member of the American Bar Association: Real Property, Trust and Estate Law section, and Entertainment and Sports Law Forum.



**Brian V. Borden**, AICP, is Senior Planner and Associate Partner at LSL Planning, Inc., a community planning firm that provides land use, zoning and transportation advice to over 50 Michigan municipalities and agencies. LSL also has projects in other states in the Great Lakes Region as well as Pennsylvania, Alaska, Georgia and South Carolina. With 6 years of public planning and zoning experience, and 10 years in private consulting, Brian brings a public and private perspective to the development review process. His experience runs the gamut from commercial and industrial properties to condominium and residential developments. Brian personally serves over 10 communities in the Southeast Michigan region on daily planning and zoning needs, and has also prepared dozens of Master Plans, zoning ordinances and other specialized studies and services to communities throughout LSL's service area. He is a certified planner through the American Institute of Certified Planners, a member of the American Planning Association and the Michigan Association of Planning. He is a regular presenter at local, County and State-wide training seminars, sharing his expertise on topics including zoning, site plan review, and officials training.

### Roundtable Discussion Leaders

Friday and Saturday, July 12 and 13, 2013

**Cathy Bronkema** of Cohen Financial has over 19 years of commercial real estate finance experience. Prior to joining Cohen Financial, Cathy was a Director of Portfolio Management and also Vice President-Portfolio Manager with Lowe Enterprises Investment Management. She oversaw investments in commercial real estate portfolios valued at over \$785 million. She began her real estate career with CB Commercial Real Estate Group as an Accounting Payroll Manager and later as the Financial Reporting Supervisor/Controller.

## RETURNING TO OUR ROOTS - Conventional Real Estate Practice Fundamentals for 2013

### Roundtable Discussion Leaders continued

**Max George, PS, CFM** is the Survey Group Manager for Fleis & Vanderbrink Engineering, Inc. He has over twenty years of experience including the fieldwork, research, planning and preparation of a wide variety of surveys. These range from small private single owner parcels, to large multi-family and industrial parcels where he has been responsible for boundary, topographic and ALTA surveys. His experiences also include determining riparian boundaries, land divisions, plats and condominiums, site development, hydrographic surveys, FEMA flood plain issues/Letters of Map Amendment & Elevation certificates, construction layout, precise site monitoring, ground penetrating radar and 3D laser scanning. Currently Max is a licensed Professional Surveyor in both Michigan and Indiana and is a Certified Floodplain Manager. He is also the Vice President of the Southwest Chapter of the Michigan Society of Professional Surveyors.

**Brandon J. Muller**, Clark Hill PLC is an associate in the Real Estate Services Practice Group of Clark Hill's Detroit office and concentrates his practice in real estate and construction law. Prior to joining Clark Hill, Brandon worked as a consulting engineer and was responsible for the planning, design, review and inspection of various commercial, residential and municipal land developments across the region.

**David E. Nykanen** of Nykanen Dorfman provides exceptional skills and vigorous advocacy on behalf of his clients. His representation is backed by almost 20 years of experience in the property tax field, representing the owners of hundreds of properties. His experience and results have been recognized by his peers. Dave is the Secretary and Council Member of the Real Property Section of the State Bar of Michigan. In addition, he is a frequent speaker before legal and trade groups. Dave has written numerous articles about property tax issues. As a result of Mr. Nykanen's experience, results, and legal writing, he has been recognized by his peers as both a SuperLawyer, and as one of the Best Lawyers in America.

**Nicolas M. Morano**, Dickinson Wright PLLC is an associate in the Real Estate, Environmental, Energy and Sustainability Practice Group and focuses his practice on real estate transactions, with an emphasis on purchase and sale transactions, leasing transactions, construction contracts and condominium developments. He has extensive experience in drafting

and negotiating transactional documents for the lease, purchase, and sale of multi-million dollar industrial, office and commercial facilities. He also has drafted various governing documents for communities within large scale residential and commercial condominium developments. In addition, he is uniquely familiar with the Interstate Land Sales Full Disclosure Act, having successfully registered and maintained the registration of residential condominium developments under that Act.

**Melissa B. Papke** is a partner and Chair of the Real Estate Practice Group in the Grand Rapids office of Varnum LLP. Melissa focuses her practice on a wide variety of corporate and real estate matters, including commercial sales, acquisitions, leasing, redevelopment, construction, condominium projects, and opinion work. She also has extensive experience in structuring primary and replacement real estate financing, including joint ventures and mezzanine loans. She earned a degree in Asian Studies and Japanese from Dartmouth College and her law degree from the University of Michigan Law School, and is admitted to practice in Michigan and New York. Ms. Papke serves on the State Bar of Michigan Real Property Law Section Council, and as Co-Chair of the Environmental and Energy Law Committee of the Section. In addition, she is Michigan State Chair for the American College of Mortgage Attorneys, and Vice President of the Real Estate Section of the Grand Rapids Bar Association.

**Margo B. Rosenthal** is a Vice President with Investment Property Exchange Services, Inc. IPX is the premier Qualified Intermediary for IRC Section 1031 tax deferred exchange transactions. She is also an attorney, licensed to practice in the state of Michigan. Margo is a frequent speaker on 1031 Exchanges, having done seminars for ICLE (Institute of Continuing Legal Education), Homeward Bound Series, Continuing Education for CPAs and for groups of Attorneys and Real Brokers. She has also published a chapter on Title Insurance for the Michigan Residential Real Estate Transaction Book published by ICLE (Institute of Continuing Legal Education).

**Don Rysztak**, Fidelity National Title Insurance Company, is a 40 year veteran of the title industry. He currently handles both the local and national title insurance needs for his clients. He is also a frequent speaker for the Commercial Board of Realtors (CBOR) continuing

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### Roundtable Discussion Leaders continued

education and jump start programs. Not only does Don have a toolbox full of title expertise and knowledge but he has personally closed complex multi-state transactions.

**C. Lynn Sagar** is underwriting counsel for the First American Title Insurance Company, Michigan direct offices. She has been in the title insurance industry for over 20 years and her experience and underwriting knowledge covers both residential and commercial transaction.

**Nicholas P. Scavone, Jr.** is a member of Bodman PLC and Chair of Bodman's Real Estate Practice Group. Mr. Scavone represents banks and other financial institution clients 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, and deeds in lieu of foreclosure. In addition to banking and finance matters, Mr. Scavone also represents clients in a wide variety of complex real estate transactions, including purchases and sales and commercial lease transactions. He serves on the Council of the Real Property Law Section of the Michigan State Bar, and the Michigan Land Title Standards Committee. He is listed in *The Best Lawyers in America 2013* under Banking and Finance Law and Real Estate Law, *Chambers USA: America's Leading Lawyers for Business 2012* under Real Estate and *Michigan Super Lawyers 2007-2012* under Real Estate. He is also AV® Peer Review Rated by Martindale-Hubbell.

**J. Scott Timmer**, Miller Johnson, is a member of the firm and has been in practice since 1980. He concentrates in real estate, construction, creditors' rights, mergers and acquisitions, and general corporate matters. Mr. Timmer has represented developers, landlords, tenants, commercial, industrial, agricultural and residential property owners, school systems, townships and financial institutions in matters relating to the acquisition, sale, leasing, and zoning of real property. He has lectured and written articles on a variety of real estate topics such as boundary disputes, real estate transfer taxes, liens, title issues and oil and gas leases. Mr. Timmer is the Co-chairman of the Real Property Section's Title and Conveyances Committee. He is listed in *Best Lawyers in America 2013* and is AV® Peer Review Rated by Martindale-Hubbell.

**Glen M. Zatz** is a member of Bodman PLC. He has over 30 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 commercial 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 and a member of the American College of Mortgage Attorneys. Mr. Zatz is also active in pro bono matters and serves on the Board of Directors of Community Legal Resources which provides pro bono legal services to non-profit organizations. He is also very nice to dogs and cats.

### Special Presentation by Ken Segall

#### "The power of simple"



**Ken Segall**, author of *Insanely Simple: The Obsession That Drives Apple's Success*, is an advertising executive who worked closely with Steve Jobs for over 12 years

spanning NeXT and Apple. He started the i-frenzy by naming the iMac and led the team that created Apple's famous *Think different* campaign. Ken talks about the power of simplicity, offering an inside look at life in the world of Steve Jobs — and valuable advice to help any organization get better results.



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### **BREAKFAST ROUNDTABLE DISCUSSIONS**

- 1. What You Don't Know About 1031 Exchanges Could Cost You Money**  
Margo B. Rosenthal, Investment Property Exchange Services, Inc.
- 2. No Problem...Or Is It? Clearing Title Issues**  
Brandon J. Muller, Clark Hill PLC  
Don Rysztak, Fidelity National Title Insurance Company - Bloomfield Hills
- 3. Legal Opinion Letters: The Importance of Being Earnest**  
Melissa B. Papke, Varnum
- 4. I need an ALTA Survey, or do I? and I need it Quick!**  
Max George, PS, CFM, Fleis & Vanderbrink Engineering, Inc.
- 5. ABC's of Common Area Maintenance (CAM) & Operating Expenses in Leases**  
Glen M. Zatz, Bodman PLC
- 6. Negotiating an Oil & Gas Lease for a Landowner**  
J. Scott Timmer, Miller Johnson
- 7. Planning for the Uncapping of Property Taxes: No Time Like the Present**  
David E. Nykanen, Nykanen Dorfman PLLC
- 8. Lender and Tenant Negotiation of SNDA's and Tenant Estoppels**  
Nicholas P. Scavone, Jr., Bodman PLC
- 9. Financing - "The New Normal"  
Financing Commercial Real Estate in Today's Capital Markets**  
Cathy Bronkema, Cohen Financial
- 10. The End of the Beginning: The Intersection of Fit Out and Lease Commencement**  
Nicolas M. Morano, Dickinson Wright PLLC
- 11. New ALTA 2012 Endorsements**  
C. Lynn Sagar, First American Title Insurance Company

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## ACTIVITIES

### WEDNESDAY, JULY 10, 2013

- 4:00 p.m. **Check-in at Crystal Mountain Resort & Spa**
- 4:00 – 6:00 p.m. **Conference Registration - Inn Registration**
- 6:30 – 8:00 p.m. **Welcoming Reception - Lodge Deck & Pavilion**

The opening reception provides an excellent opportunity to meet the other registrants and their families. Drinks and appetizers will be served. No charge for beer, wine or soft drinks.

### THURSDAY, JULY 11, 2013

- 7:30 – 8:45 a.m. **Continental Breakfast - Prefunction Area**
- 8:15 – 8:45 a.m. **Technology Update - Northwest Territories**
- 9:00 a.m. – Noon **Program - Northwest Territories**
- 1:00 p.m. **Golf Scramble - Mountain Ridge Course**
- 6:30 – 8:00 p.m. **Reception - Northern Lights/Crystal Deck**

Wine Tasting presented by Black Star Farms  
Drinks and appetizers to be served. No charge for beer, wine or soft drinks

- 6:30 – 7:30 p.m. **Children's Entertainment - Arctic Bay**
- 8:00 – 9:15 p.m. **Strolling Dinner - Northwest Territories**

Private dinner for conference registrants, their families and guests. We will feature a strolling dinner with a Grilling Station, Pasta and Salad Station - \$55 per person; Children's Buffet (5-12 years old) - \$16 (under 5) - Free  
Pre-registration required.

- 9:30 – 10:15 p.m. **Entertainment - Northwest Territories**  
"River City Improv"

### FRIDAY, JULY 12, 2013

- 7:45 – 8:30 a.m. **Breakfast Buffet - James Bay Hall**
- 8:30 – 9:00 a.m. **Roundtable Discussions - James Bay Hall**
- 9:00 – 9:45 a.m. **State of the Law**
- 9:45 – 9:55 a.m. **Business Meeting of the Section**
- 10:00 a.m. – Noon **Workshops - (Choose Two)**

**Threading the Needle: Negotiating and Drafting Insurance Provisions in Leases, Mortgage Documents and Other Real Estate Contracts - Northwest A**

**Job 1: Get Your Client's Shovel in the Ground: Navigating Your Way Through the Municipal Approval Process - Northwest B**

**Finishing the Jigsaw Puzzle - Creative Development of Infill & Difficult Parcels - Northwest C**

**Environmental Essentials for the Real Estate Attorney - Arctic Bay**

### SATURDAY, JULY 13, 2013

- 7:45 – 8:30 a.m. **Breakfast Meeting of the Real Property Law Section Council - Arctic Bay**
- 7:45 – 8:30 a.m. **Breakfast Buffet - Northwest Territories**
- 8:30 – 9:30 a.m. **Roundtable Discussions - Northwest Territories**
- 9:40 – 10:40 a.m. **Special Presentation by Ken Segall, "The Power of Simple"**

Ken Segall, author of "Insanely Simple: The Obsession that Drives Apple's Success"  
**Check out time**

# Registration

Register online at <http://e.michbar.org>

## Summer Conference July 10-13, 2013

P #: \_\_\_\_\_

Name: \_\_\_\_\_

Guest/Spouse Name: \_\_\_\_\_

Name(s) Child(ren) Attending: \_\_\_\_\_

\_\_\_\_\_

Your Firm/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Enclosed is check # \_\_\_\_\_ for \$ \_\_\_\_\_

Please make check payable to: STATE BAR OF MICHIGAN

Please bill my:  Visa  MasterCard for \$ \_\_\_\_\_

Card #: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Please print name as it appears on credit card:

\_\_\_\_\_

Authorized Signature: \_\_\_\_\_

**To maintain credit card security, registration forms are not accepted via e-mail. Print the completed form and mail or fax it using the information below.**

**Mail** your check and completed registration form to:  
State Bar of Michigan  
Attn: Seminar Registration  
Michael Franck Building  
306 Townsend Street  
Lansing, MI 48933

**Fax** (ONLY if paying by credit card) the completed form and credit card information to:  
Attn: Seminar Registration at  
(517) 372-5921

**CANCELLATIONS:** A registrant who does not attend shall be entitled to receive a refund of all but \$100 of his or her registration fee and shall be entitled to receive the conference materials. There shall be no exception to this policy. Questions: Contact Karen Schwartz at (248) 933-0835 or e-mail [rplsks@gmail.com](mailto:rplsks@gmail.com).

**Cost: (Please check your payment fees)**  
**Become a MEMBER of the Section for \$45 and SAVE.**

### Before May 31, 2013

- First time Summer Conference Section Attendees ..... \$285
- Section Members ..... \$325
- Non-Section Members ..... \$375
- Member of the Young Lawyers Section ..... \$100

### After May 31, 2013

- First time Summer Conference Section Attendees ..... \$325
- Section Members ..... \$385
- Non-Section Members ..... \$430
- Member of the Young Lawyers Section ..... \$100

Registration fee total: \$ \_\_\_\_\_

### Thursday Night Section Event

We will feature a strolling dinner with Sirloin Steak, Salmon Filet, Pasta and Caesar Salad Station

8-9:30 p.m. Adult..... \$55 x \_\_\_\_\_ = \$ \_\_\_\_\_  
Kids Buffet (5-12 years) \$16 \_\_\_\_\_ = \$ \_\_\_\_\_

9:30-10:15 p.m. Entertainment - River City Improv

**GRAND TOTAL:** \$ \_\_\_\_\_

(add registration fee and Thursday event fee total together)

**Hotel reservations cannot be made using this form. See information below to make a reservation with Crystal Mountain Resort.**

### Hotel Information

Book your hotel room today! For online reservations, go to: [Book Online](#). Or call 800-968-7686 ext 5100 and use Group Code: 45G593 to receive the discounted rate. Room Rates: Hotel Room-\$175, Suite-\$215, One-Bedroom Condo-\$259. Room Rates do not include 6% state tax, 2% local assessment and 9% service fee. For additional information visit [here](#).

### Golf Scramble, Thursday, July 11 at 1 p.m.

Please contact Crystal Mountain's Pro Shop at 800-968-7686, ext. 4000 to reserve your individual tee times on the Mountain Ridge course. Please mention "Real Property" to receive a special price of \$76 which includes cart. All golfers will be billed individually.

**Conference Materials:** Materials will be available online a week before the conference. We will no longer distribute print materials at any Section programs.