

**MINUTES OF THE MEETING OF THE COUNCIL
OF THE PROBATE AND ESTATE PLANNING SECTION**

**December 8, 2007, 11:30 a.m.
University Club, East Lansing, Michigan**

I. The meeting was called to order at approximately 11:30 a.m. by the chair, Lauren M. Underwood

II. A. Council Members Excused:

B. Council Officers and Members Present:

Lauren M. Underwood	Douglas G. Chalgian
Harold Schuitmaker	George W. Gregory
George W. Gregory	

W. Josh Ard	Rebecca A. Schnelz
John R. Dresser	Richard J. Siriani
Mark K. Harder	James B. Steward
Ellen Sugrue Hyman	Thomas F. Sweeney
Marilyn A. Lankfer	Marlaine C. Teahan
Amy N. Morrissey	Joan C. VonHandorf

C. Others Present:

Susan M. Allen	Michael S. McClory
Becky Bechler	Melisa Mysliwicz
Connie Brigman	Lorraine F. New
Sam Carpenter	Patricia M. Quelette
Hon. Phillip E. Harter	Valerie L. Rice
Stan Jones	Jill Schwab
Mark E. Kellogg	Pamela J. Sisson
J. David Kerr	Amy R. Tripp
Dan Marsh	Derek A. Walters

III. Introduction of Guests: All attendees, including guests, introduced themselves.

IV. Secretary's Report: The minutes of the November 17, 2007 meeting were approved with corrections to the names of those in attendance.

V. Treasurer's Report: Treasurer George W. Gregory provided a budget report.

Chairperson's Report: Excused absences were announced by the Chairperson as Nancy L. Little, Robert P. Tiplady, Hon. Kathryn A. George and Daniel E. Cogan.

VII. Report of the Committee on Special Projects: No Report.

VIII. Standing Committee Reports

A. Internal Governance

1. **Budget** – *George W. Gregory, chair.* No report.
2. **Bylaws** - *Marilyn K. Lankfer, chair.* No report.
3. **Michael Irish Award** - *Brian V. Howe, chair.* No report.
4. **Long-Range Planning** - *Lauren M. Underwood, chair.* No report.
5. **Nominations** - *Henry M. Grix, chair.* No report.
6. **Relations with the State Bar** - *John R. Dresser, chair.* No report.
7. **Annual Meeting** - *Lauren M. Underwood, chair.* No report.

B. Education & Advocacy Services for Section Members

1. **Amicus Curiae** - *Mark K. Harder, chair.* No report.
2. **Continuing Education & Annual Probate Institute** - *Nancy L. Little, chair.* Harold Schuitmaker reported on the status of the probate institute which is held in May in Traverse City and Plymouth and he indicated that there were two national speakers and that there was a sponsor for the Speaker's Dinner.
3. **Section Journal** - *Nancy L. Little, chair.* No report.
4. **State Bar Journal** - *Sebastian V. Grassi, Jr., chair.* No report.
5. **Pamphlets** - *Ellen Sugrue Hyman, chair.* No report.

6. **Electronic Communication** - *John R. Dresser, chair*. No report.
7. **Committee on Special Projects** – *Amy N. Morrissey/Richard J. Siriani, co-chairs*: No report.

C. Legislation and Lobbying

1. **Legislation** - *Harold Schuitmaker and John R. Dresser, co-chairs*:
2. **Michigan Trust Code** - *Mark K. Harder, chair*.
3. **Statute of Repose** - *John A. Scott*: No report.

D. Ethics, Professionalism and Standards

1. **Ethics** - *Marilyn A. Lankfer, chair*. No report.
2. **Unauthorized Practice & Multidisciplinary Practice** - *Thomas F. Sweeney, chair*: No report.
3. **Specialization and Certification** - *Shaheen I. Imami and Richard A. Shapack, co-chairs*: No report.
4. **Practice Management** - *Richard J. Siriani, chair*: No report.

E. Administration of Justice

1. **Contested and Uncontested Probate Proceedings** – *Amy N. Morrissey, chair*: No report.
2. **Uniformity of Practice** - *Sebastian V. Grassi, Jr. and Joan Von Handorf, co-chairs*: Co-chair Joan Von Handorf reported on the Uniformity of Practice Committee activities including House Bill 5471 which addresses the calculation of an inventory. Ms. Von Handorf made a motion with support from J. David Kerr to support the legislation but to support true changes which would clarify that the reduction for an encumbrance is applicable to all property, not just real property when valuing assets for an inventory, and, also, that the charge for estates under \$1,000 would be 1%.

Ms. Van Handorf made a motion which was supported by Douglas G. Chalgian to include additional language in MCR

5.409 (B)2 regarding the listing of joint ownership of property. That motion passed.

Ms. Von Handorf made a motion with support from Harold Schuitmaker to modify MCR 5.409 (C)5 relating to the carrying value of non-liquid assets on accounts. That motion also passed.

Ms. Von Handorf also led discussion regarding possible changes to MCR 5.409 (C)3 on a motion by Douglas G. Chalgian with support from Amy N. Morrissey. The Council voted to take no action and to leave the language in its present form.

F. Practice Issues, Related Areas & Liaisons

1. **Charitable Giving/Exempt Organizations** - *Robin D. Ferriby, chair*. No report.
2. **Estate Gift Tax** - *George W. Gregory, chair*. No report.
3. **Real Property Tax Issues** - *George W. Gregory, chair*. No report
4. **Guardianships and Conservatorships** - *Douglas G. Chalgian, chair*: No report.
5. **Business Law and Business Section Liaison** - *John R. Dresser, chair*: Chair John R. Dresser reported on activities in the business law section including a report on the case of Miller v. Allstate and a report on the Kellogg Foundation's efforts to modify Michigan law to accommodate the establishment of a charitable LLC. Also, Mr. Dresser reported on efforts by the Business Law Section to create a committee involving law students.
6. **Court Rules and Forms** - *Harold Schuitmaker and Joan C. Von Handorf, co-chairs*:
7. **Elder Law/Elder Law Section Liaison** – *W. Josh Ard*: Chair W. Josh Ard reported on elder law and indicated that there is interest in the State Bar representative assembly regarding unauthorized practice of law issues. He also discussed guardianship laws that are currently being considered by the legislature. Discussion around those bills was put off for another meeting

8. **Family Law/Family Law Section Liaison** - *Patricia M. Ouellette*: No report.
9. **Real Property Law/Real Property Section Liaison** - *Richard Shapack*: No report.
10. **Tax Section Liaison** – *Lorraine F. New* : Chair Lorraine F. New presented a report on the Tax Section and provided a “tax nugget” as a written report. She also recommended the creation of a joint committee with the Tax Section to review the Michigan State business tax and how it implicates the use of LLCs in estate planning.
11. **State Bar Liaison** - *Francine Cullari*: No report.
12. **Trust/Michigan Bankers Association Liaison** - *Daniel E. Cogan*: No report.
13. **Michigan Probate Judges** – No report.

IX. Other Business:

X. Hot Topics:

XI. Adjournment - the meeting was adjourned at 12:20 p.m.

Respectfully submitted,

Douglas G. Chalgian