

**MINUTES OF THE JOINT MEETING OF THE COUNCIL
OF THE PROBATE AND ESTATE PLANNING SECTION AND COMMITTEE ON
SPECIAL PROJECTS**

**March 15, 2008, 2007 8:30 a.m.
University Club, East Lansing, Michigan**

- I. The joint meeting of the Probate and Estate Planning Council and Committee on Special Projects was called to order at 8:30 a.m. by Chairperson, Lauren M. Underwood.
- II. **A. Council Members Excused:** John R. Dresser, Shaheen I. Imami, Rebecca A. Schnelz, Thomas F. Sweeney, Robert P. Tiplady
- B. Council Officers and Members Present:**
Lauren M. Underwood Nancy L. Little
Harold G. Schuitmaker Douglas G. Chalgian
George W. Gregory
- C.** W. Josh Ard Amy N. Morrissey
Daniel E. Cogan Richard J. Sirani
Robin D. Ferriby James B. Steward
Hon. Kathryn A. George Marlaine C. Teahan
Mark K. Harder
Ellen Sugrue Hyman
Marilyn A. Lankfer

Others Present: Susan M. Allan, Constance L. Brigman, Samuel D. Carpenter, Kevin Cotter, Christopher L. Edgar, Honorable Phillip E. Harter, Stephen W. Jones, J. David Kerr, Daniel P. Marsh, Melisa Mysliwicz, Michael S. McClory, Jeanne Murphy, Honorable David M. Murkowski, Lorraine F. New, Patricia M. Ouellette, Julie Hirth Pfitzenmaier, Valerie L. Rice, Christine M. Savage, Carol A. Sewell, George M. Smrcka, Tracy A. Sonneborn, James P. Spica, Teresa S. Sullivan, Bob Taylor, Derek A. Walters

III. Legislation and Lobbying

1. **Legislation** - *Harold Schuitmaker and John R. Dresser, co-chairs:*

Michigan Trust Code - *Mark K. Harder, chair.*

Mark K. Harder began the meeting with a discussion of the Michigan Trust Code.

Section 803

Mark K. Harder moved to adopt Section 803 of the Michigan Trust Code as proposed by the Committee. Motion was supported by Marilyn A. Lankfer. Motion passed.

Article 2

A discussion followed regarding Article 2 of the Trust Code, specifically a renumbering of Sections 206, 207 and 208. Motion made by Mark K. Harder, supported by George W. Gregory, motion passed. **See Attachment 7**

Sections 605-615

Discussion followed regarding Sections 605-615 of the Michigan Trust Code which sections appear currently as EPIC Sections 700.7501-700.7511. A motion was made by Mark K. Harder with support by Marilyn A. Lankfer to have those EPIC sections renumbered into the Michigan Trust Code. There was a discussion and a motion by W. Josh Ard with support by Richard J. Siriani to change the order of the items identified in Section 605(1) to conform to Section 607(2). Motion by W. Josh Ard failed. Motion by Mark K. Harder was passed without the motion which would have changed the recommendation. **See Attachment 8**

Section 816

Mark K. Harder made a motion to adopt the Committee recommendation replacing the word “money” with the word “property” in two places in Section 816. This motion was supported by Marilyn A. Lankfer, motion passed.

EPIC Sections 700.1101 and 700.1102

Mark K. Harder made a motion to make changes to EPIC Section 700.1101 and 700.1102 which would refer to Articles 1-6 and Article 8 of EPIC as EPIC and Article 7 as the

Michigan Trust Code. Motion was supported by Marilyn A. Lankfer, motion passed.

Definition changes to EPIC Sections 700.1103, 700.1104, 700.1105 and 700.1107

Mark K. Harder made a motion to make changes to definitions currently appearing in EPIC sections 700.1103, 700.1104, 700.1105 and 700.1107 which definitions would conform with EPIC including the definitions of “beneficiary”, “distribute”, “current trust beneficiary”, “interested trust beneficiary” and changing the term “sex” to “gender”. Motion supported by Marilyn A. Lankfer, motion passed.

EPIC Sections 700.1201, 700.1210, 700.1212

Mark K. Harder made the motion to revise Sections 700.1201, 700.1210, and 700.1212 with certain conforming changes to reflect the Michigan Trust Code. Motion was supported by George W. Gregory, motion passed.

EPIC Sections 700.2705, 700.2901

Mark K. Harder made a motion to modify EPIC Sections 700.2705, and 700.2901 to conform to the Michigan Trust Code. Motion was supported by Marilyn A. Lankfer, motion passed.

EPIC Sections 700.3104, 700.3403, 700.3703, 700.3705, 700.3715, 700.3801, 700.3803, 700.3805

Mark K. Harder made a motion to revise references in Sections 700.3104, 700.3403, 700.3703, 700.3705, 700.3715, 700.3801, 700.3803, and 700.3805 to conform to changes in the Michigan Trust Code. Motion was supported by Teresa S. Sullivan, motion passed.

Mr. Mark K. Harder then summarized the status of this matter and indicated that there are several somewhat controversial issues that will need to be addressed at the April meeting of the Probate Council. These would include issues regarding attorney fees, capacity, and the trust protector provisions. This led to a discussion that an additional meeting should be scheduled in the event that April 19, 2008 does not provide adequate time to complete the work of the Michigan Trust Code Committee. Accordingly, an additional meeting was scheduled for May 17, 2008 beginning at 9:00 a.m. at the University Club in East Lansing, Michigan.

IV. Adjournment – The Joint Meeting of the Probate and Estate Planning Council and Committee on Special Projects was adjourned at 10:00 a.m.

Respectfully submitted,

Douglas G. Chalgian