



### **Section 112**

Mark K. Harder moved for approval, support by David L. Carrier of Section 112 in the form approved by the Committee. The motion passed with all fourteen Council members present voting to approve the Section and with five of the six absent Council members who had voted in writing approving the Committee's recommendation. One of the written votes opposed. **Attachment #1**

### **Section 1403**

Mark K. Harder moved to approve Section 1403 in the form recommended by the Committee. Support by David L. Carrier. The motion passed unanimously with all fourteen Council members present and the six absent Council members by writing also supporting approval of this Section. **Attachment #2**

### **Section 1004**

Mr. Mark K. Harder moved for approval of Section 1004 in the form recommended by the Committee. Support by John R. Dresser. Discussion followed from the Michigan Banker's Association representative and Michigan Probate Judge's Association representative regarding concerns they have with respect to the Section which addresses the scope of a Court's discretion to award attorney fees in trust proceedings. Ultimately the motion passed with fifteen votes supporting and five votes opposing (taking into consideration the six absent Council members who voted in writing). **Attachment #3**

### **Sections 1001 and 1308**

Mark K. Harder moved to approve both Sections 1001 and 1308 in the form recommended by the Committee. John R. Dresser supported. Both sections with the vote (including absent Council members voting in writing) of 16-3 to approve Section 1001 and 17-2 to approve Section 1308. **Attachments #4 and #5**

### **Section 809**

Mark K. Harder made a motion to support Section 809 in the form recommended by the Committee. Support by Marlaine C. Teahan. This is a new Section formally discussed within the confines of prior Section 808. The Michigan Probate Judge's Association expressed their concerns. The Section was approved by a vote of sixteen in favor, three opposed and one abstaining (taking into consideration votes of absent Council who voted in writing). **Attachment #6**

Mark K. Harder then discussed the fact that this represents a completion of the Council's review and approval of the Michigan Trust Code. That some work will continue within the Committee and issues may be brought back to the Council.

Assistant Attorney General Tracy Sonneborn then discussed concerns from the Attorney General's office regarding how Charitable Trusts are handled under the Michigan Trust Code and whether some changes should be made with respect to these issues.

- IV. Adjournment** – The Joint Meeting of the Probate and Estate Planning Council and Committee on Special Projects was adjourned at 10:35 a.m.

**Respectfully submitted,**

**Douglas G. Chalgian**