

2005/2006 ANNUAL REPORT REAL PROPERTY LAW SECTION

The Real Property Law Section continues to be one of the more active and largest sections in the State Bar of Michigan. The following details the activities of the Section during the past year.

Education.

The Section continued its presentation of the popular Homeward Bound Series which consists of six afternoon seminars on current real estate topics of current interest, with an emphasis on intermediate to advanced legal topics. This year's programs were Tax planning for Real Estate Owners, Real Estate Due Diligence Parts 1 and 2, Zoning and Condemnation 21st Century Update; Moving on Up, Handling Higher End Residential Transactions; and Uncovering the Secret to Real Estate Development Incentives. For the second year in a row, the May Homeward Bound program was transmitted to a record audience by video-conference to Grand Rapids.

The Section also continued past practice and held two breakfast roundtable sessions at the Townsend Hotel in Birmingham. This year's topics involved construction and bankruptcy issues. These roundtable presentations continue to be sold out long well in advance of the presentation date.

The Section concluded an historic agreement with the Institute for Continuing Legal Education ("ICLE") of the University of Michigan which will allow the Section and ICLE to jointly produce and promote the Homeward Bound Series for the next three (3) years, beginning in the Fall of 2006. This joint project will allow the expansion of the Homeward Bound program to attorneys who participate in ICLE's partnership program. Also, for the first time, all Homeward Bound programs will be webcast, and consequently, available to all interested attorneys regardless of geography.

The Section also continued publication of its quarterly Michigan Real Property Review, containing timely articles of interest on topics of real estate law, a legislative summary, case comments, and a report on continuing legal education opportunities sponsored by the Section. Professor George Siedel

retired as editor of the esteemed publication in the Fall, after serving for approximately 30 years in the post. The Section held a delightful reception for George in Bloomfield Hills to celebrate his contribution to the Section, The Section engaged Professor Lynda Oswald of the University of Michigan's Business School to become the next editor of the publication.

Summer Conference

Our 30th annual Summer Conference was held at the Grand Traverse Resort in July, 2005. The cornerstone of the summer conference remained the educational sessions. Breakfast roundtables were held on Thursday and Friday mornings followed by presentations and workshop sessions. Due to the increasing involvement of sponsorships for the summer conference, the Section was able to offer attendees many social activities from cocktail receptions to golf clinics and a golf scramble. The annual meeting of the Section and Council was held in conjunction with the 2005 Summer Conference, continuing the practice started in 2003. The Summer Conference was extremely well attended and enjoyed by all section participants and their families. The 2006 Summer Conference will be held at the Grand Hotel on Mackinac Island.

Winter Conference

In March 2006, the Section held its Third Winter Conference in Las Vegas, Nevada to the largest number of attendees yet. Half of the program centered around an extensive and informative program detailing Nevada development practices and issues. The second half of the Michigan focused on hot button Michigan topics, such as condominium conversions, conditional zoning, mixed use developments, and work out issues. The Council of the Section has made the decision to hold the 2007 Winter Conference at Disney's Yacht and Beach Club Resort in Lake Buena Vista, Florida, and the 2008 Conference at the Sofitel in Chicago, Illinois.

Recording Committee

Chairperson David Charron established an ad hoc committee for the purpose of addressing current recording issues experienced by real estate

practitioners. The members have begun to meet and the work of the committee is expected to conclude with the drafting of legislation this Fall.

Legislation and Public Policy Advocacy

This past year the Section continued to keep a watchful eye on legislation in the State of Michigan and to have its voice heard with respect to legislation affecting the practice of real estate law in Michigan. The Section registered official opposition or support for legislation affecting the practice of real property law. The expertise of the special committees of the Section was tapped for the purpose of reviewing and commenting on proposed bills identified by the Section's lobbyist. Other legislation not apparent of the lobbyist that would affect the practice of real estate law in Michigan is identified by the Vice Chairperson of the Section and referred to special committees for comment. Over the course of any given year, including 2004/2005, over 100 pieces of legislation are identified and followed by the Vice Chairperson, the lobbyist and the special committees.

Amicus Briefs.

The Section also continued to take an active role in advocacy matters involving Michigan Courts. The Section has been asked by the Michigan Court of Appeals and the Michigan Supreme Court on various occasions to submit amicus briefs involving areas of real estate law which require particular expertise. The Section takes great pride in being called upon by the Courts of this State to provide inside issues of real estate law. Members of the Section also have increasingly been asking for the Section's assistance in amicus matters. Amicus briefs were filed in the case of *Pine Oaks v DeVries*, *Comben v State of Michigan*, *In Re Estate of VanConnett*, and *Carrier Creek Drainage District v Land One, LLC*. In those areas where a particular issue of law or practice important to all Michigan real estate practitioners is involved, the Real Property Law Section stands ready to lend its assistance on such matters by the filing of amicus briefs.

David W. Charron
2005/2006 Chairperson