



FEDERAL BAR ASSOCIATION – BANKRUPTCY SECTION NEWSLETTER

SPRING 2017



BANKRUPTCY SECTION STEERING COMMITTEE	NEWS & ANNOUNCEMENTS
<p>BENJAMIN M. WHITE, CHAIR BARBARA P. FOLEY, TREASURER RACHEL L. HILLEGONDS, SECRETARY GREGORY J. GUEST, EDITOR TODD ALMASSIAN, SEMINAR CO-CHAIR JOSEPH M. AMMAR DAVID C. ANDERSEN STEVEN BYLENGA MATTHEW W. CHENEY W. FRANCESCA FERGUSON LAURA J. GENOVICH, PAST CHAIR ANDREW J. GERDES, PAST CHAIR WILLIAM J. GREENE MICHAEL V. MAGGIO MARCIA R. MEOLI JONATHAN R. MOOTHART HAROLD E. NELSON PERRY G. PASTULA JOHN T. PIGGINS DEAN E. RIETBERG BRETT N. RODGERS JEREMY B. SHEPHARD PETER A. TEHOLIZ, HISTORIAN AND PAST CHAIR ELISABETH M. VON EITZEN NORMAN C. WITTE, PAST CHAIR MICHELLE M. WILSON, SEMINAR CO-CHAIR</p>	<p><u>LUNCH FOR JUDGE DALES IN MARQUETTE</u></p> <p>The Federal Bar Association – Bankruptcy Section will host a lunch for Chief Judge Scott Dales in Marquette, Michigan on July 11, 2017 to celebrate the completion of his current rotation in Marquette. Please view the announcement attached to this newsletter for further information.</p> <p><u>2017 FBA BANKRUPTCY SEMINAR – JULY 27-29, 2017</u></p> <p>The Bankruptcy Section will be holding its annual seminar on July 27-29, 2017 at Boyne Highlands – 600 Highland Rd, Harbor Springs, MI 49740. Please visit the Bankruptcy Section’s website (www.fbabankruptcy.com) to register. The seminar agenda and conference details are attached to this newsletter.</p> <p><u>BANKRUPTCY SECTION WEBSITE</u></p> <p>For more information and announcements, please visit the Bankruptcy Section’s website – www.fbabankruptcy.com</p>

WHO'S ON FIRST?

JOSEPH M. AMMAR
PLUNKETT COONEY

When making loans, lenders assume that if the mortgage or financing statement is filed before anyone else's, the lender has priority. Although that time-honored principle may generally be true, there are liens that can prime the secured creditor's position. Even worse, some of these liens may be "hidden." This article will highlight some of the ways a secured creditor's priority position may be at risk.

I. TAX LIENS

A. Michigan

MCL 205.29 provides that State of Michigan tax liens take precedence over all other liens and encumbrances, except bona fide liens recorded before the state tax lien is recorded. However, bona fide liens recorded before the tax lien is recorded shall take precedence only to the extent of disbursements made under a financing arrangement before the 46th day after the date of the tax lien recording, or before the date the person making the disbursement had actual knowledge of a tax lien recording, whichever is earlier. To the extent the creditor makes advances more than 46 days after the date of recording of state tax liens, the state tax liens will have priority.

MCL 211.40 provides that personal property tax liens assessed for state, county, village, or township taxes are a first lien, prior, superior, and paramount on all personal property. The tax liens take precedence over all other claims, encumbrances, and liens on that personal property. The transfer of personal property assessed for taxes does not divest or destroy the lien, except where the personal property is actually sold in the regular course of retail trade. The local taxing authority needs to be contacted to determine if personal property taxes are owing.

MCL 421.15(e) provides that except for liens and encumbrances recorded before the filing of the notice of the lien, all contributions, interest, and penalties payable to the Michigan Unemployment Insurance Agency from a party that neglects to pay the same when due are a first and prior lien upon all property and rights to real and personal property belonging to the party.

Notice of the lien shall be recorded with the Register of Deeds of the county in which the real property subject to the lien is situated. Notice of the lien may also be filed with the Michigan Secretary of State in regard to personal property.

B. Federal

Section 6321 of the Internal Revenue Code grants the United States a lien upon a taxpayer's real and personal property when the taxpayer fails to pay any tax due. In order for the federal tax lien to have priority over the secured creditor's perfected interest, the IRS must record a notice of the federal tax lien. With respect to real property, the notice of federal tax lien must be filed with the Register of Deeds for the county where the real property is located. With respect to personal property, the notice of federal tax lien must be filed with the Michigan Secretary of State. In regard to assets such as accounts receivable or inventory, the secured creditor's lien takes priority over the federal tax lien only to the extent of advances made during the 45 days immediately following the filing of the federal tax lien and only as to receivables arising during that same period. 26 USC §6323(c).

The IRS unfortunately is not required to use the taxpayer's exact legal name on a notice of federal tax lien. In *United States v. Crestmark Bank*, 412 F.3d 653 (6th Cir. 2005), the debtor's correct name was "Spearing Tool and Manufacturing Co." The notice of federal tax lien was filed under "Spearing Tool & Mfg. Company Inc." Although UCC searches under the debtor's correct legal name did not indicate the existence of the federal tax lien, the Sixth Circuit Court of Appeals found that the notice of federal tax lien would have been disclosed by a reasonable and diligent search.

II. CONSTRUCTION LIENS

The Michigan Construction Lien Act, MCL 570.1101 *et seq.*, creates construction lien rights for persons who provide improvements to privately owned real property. The rights created under the Act cover privately owned construction projects only. The remedies for collection of funds due to those who provide improvements on public projects are covered by the Contractor's Bond for Public Buildings or Works Act, MCL 129.201 *et seq.*

If the construction lien is recorded before a mortgage, the construction lien has priority. However, if the mortgage is recorded before the construction lien, whether the mortgage has priority depends upon whether the mortgage was also recorded before the first “actual physical improvement” on the project.

“Actual physical improvement” means the actual physical change in, or alteration of, real property as a result of labor provided, pursuant to a contract, by a contractor, subcontractor, or laborer which is readily visible and of a kind that would alert a person upon reasonable inspection of the existence of an improvement. Actual physical improvement does not include that labor which is provided in preparation for that change or alteration, such as surveying, soil boring and testing, architectural or engineering planning, or the preparation of other plans or drawings of any kind or nature. Actual physical improvement does not include supplies delivered to or stored at the real property. MCL 570.1103(1).

If the mortgage was recorded prior to the first actual physical improvement on the project, then the mortgage has priority. If not, then all of the claims of lien recorded for that project have priority over the mortgage. Additionally, it is possible for a mortgage which is recorded before the first actual physical improvement, but which is not fully disbursed at the time of recording, to lose its priority as to those funds disbursed after the first actual physical improvement.

III. STATUTORY TRUSTS

A. Michigan Builders’ Trust Fund Act

The Michigan Building Contract Fund Act, MCL 570.151 *et seq.*, commonly known as the Michigan Builders’ Trust Fund Act, was adopted to protect both subcontractors and owners from financially irresponsible general contractors. The Act imposes a trust on monies paid to a contractor for the benefit of other contractors, subcontractors, laborers, suppliers, and the person making the payment. The Act also prohibits a contractor from keeping or using construction payments from a particular project until all laborers, subcontractors, and materialmen who worked on the project are paid. The Act does not impose a trust on funds held by the owner, nor does it apply to public construction contracts.

A secured creditor will not necessarily prevail over an unsecured beneficiary under the Act. The secured creditor will have priority only if the security interest was obtained in return for funds actually used to pay for laborers, subcontractors or materialmen on the specific project for which the funds were obtained. *Bishop Distributing Co. v. Safeco Title Ins. Co.*, 130 Mich. App. 791 (1983).

B. Perishable Agricultural Commodities Act

The Perishable Agricultural Commodities Act, 7 USC §499a *et seq.* (“PACA”), establishes a statutory trust for the benefit of persons who sell perishable agricultural commodities to commission merchants, dealers and brokers, and are not paid. “Perishable agricultural commodity” means any of the following, whether or not frozen or packed in ice: fresh fruits and fresh vegetables of every kind and character, and cherries in brine. 7 USC §499a(4).

PACA creates a non-segregated floating trust which permits the commingling of trust assets. Therefore, all of the purchaser’s produce-related inventory, proceeds and receivables from the sale thereof are included in the assets of the trust, to the extent of the amount that sellers remain unpaid.

IV. MICHIGAN STATUTORY LIENS

A. Mechanic’s and Artisan’s Liens / Keeping of Animals

MCL 570.185 *et seq.* provides mechanics, artisans, and tradespersons with possessory liens for the manufacture, repair, or alteration of goods. The validity of these liens depends on possession. A lien is also provided for the care or keeping of animals. MCL 570.185. The lien of a mechanic, artisan, or tradesperson who maintains possession will take priority over prior liens asserted on the property. MCL 440.9333.

B. Tools, Dies, Molds and Special Equipment Liens

Michigan law provides protections for the builders and end users of tools, molds, and other specially made equipment by granting those parties liens under the Michigan Special Tools Lien

Act, MCL 570.541 *et seq.*, and the Michigan Ownership Rights in Dies, Molds, and Forms Act, MCL 445.611 *et seq.*

For a tool builder to hold a valid lien on a tool, the tool builder must permanently record, on each special tool that the builder fabricates, repairs, or modifies, the builder's name, street address, and city and state. MCL 570.563(1). A second requirement for perfection to occur is the filing of a financing statement. *In re Plastech Engineered Products*, 418 B.R. 235, 247 (Bankr. E.D. Mich. 2009). A tool builder's valid lien will take priority over all other liens, including those of a secured lender. MCL 570.563(6); MCL 440.9201(2)(u).

C. Garage Keeper's Liens

The Michigan Garage Keeper's Lien Act, MCL 570.301 *et seq.*, provides a lien to garage keepers who furnish labor or material for storing, repairing, maintaining, keeping, or otherwise supplying automobiles or other vehicles. The validity of a garage keeper's lien under the Act depends on possession. MCL 570.303(1). A garage keeper's lien for labor and material furnished in making repairs to a vehicle has priority over all other liens on the vehicle. MCL 570.303(3). However, if a security interest attached to the vehicle before a garage keeper's lien, the prior lienholder may pay the garage keeper pursuant to a formula set forth in MCL 570.303(4) and MCL 570.304(2) to subordinate the garage keeper's lien.

D. Boatyard Liens

The Michigan Marina and Boatyard Storage Lien Act, MCL 570.371 *et seq.*, provides protections for marinas, boatyards, and marine repair facilities that repair, service, and store marine property. To assert a valid lien, a facility owner must maintain possession of the property.

The lien is entitled to priority over any prior lien on the property unless the prior lienholder pays to the facility owner the lesser of (1) the amount of the lien attributable to storage, labor, materials, supplies, or other charges reasonably incurred in the sale of the property under the Act or (2) the amount calculated pursuant to the formula set forth in MCL 570.373(1)-(4). In the event the prior lienholder provides payment to the facility owner, the prior lienholder's lien

increases in an amount commensurate to the payment, and the facility owner's lien is decreased in a commensurate amount. MCL 570.373(5).

E. Self-Service Storage Facility Liens

The Michigan Self-Service Storage Facility Act, MCL 570.521 *et seq.*, provides owners of self-service storage facilities with a lien on personal property located at their facilities, regardless of whether the personal property is owned by the tenant. MCL 570.523(1). The validity of a lien arising under this Act depends on possession. A lienholder with a prior lien on a motor vehicle, aircraft, mobile home, moped, motorcycle, snowmobile, trailer, or watercraft may pay the storage facility owner the amount of the owner's lien and reasonable expenses. MCL 570.525(12). However, this amount shall not exceed the equivalent of four months' rent. Any such payment is then added to the amount of the lien of the prior lienholder and subtracted from the amount of the owner's lien.

F. Threshing and Hulling Liens

Owners of hay presses, threshing machines and hullers who press, thresh, or hull any hay, grain, corn, beans, peas or other vegetable products for another, shall, upon the filing of a sworn statement with the Register of Deeds within 20 days of such services, have a lien for the value of such services, or in case there is an agreed price, then for such agreed price upon the hay, grain or other products so pressed, threshed or hulled. Such lien shall not attach where the hay, grain or other products, shall have passed to an innocent purchaser or dealer in the usual course of trade. MCL 570.331.

G. Commercial Real Estate Broker's Lien

The Commercial Real Estate Broker's Lien Act, MCL 570.581 *et seq.*, provides that a commercial real estate broker's lien for a commission attaches to commercial real estate if the broker has a written commission agreement and the broker records a sworn statement with the Register of Deeds pursuant to the Act.

H. Environmental Liens

The State of Michigan may impose a lien on real or personal property of a person or a business where there is environmental “response activity” resulting in loss and damages incurred by the state. MCL 324.20138. The lien has priority over any liens filed after the environmental lien is filed.

For violations of the Michigan Natural Resources and Environmental Protection Act, the civil fine or other award constitutes a lien on any of the defendant’s property. MCL 324.3115 (7)(b). The lien has priority over any other liens filed after the environmental lien is filed.

V. CONCLUSION

A secured creditor should not assume it is has first priority. Its priority position may be at risk from a number of liens. The prudent lender will be on the lookout for competing liens and take steps to preserve its priority position.

MARQUETTE BIDS FAREWELL FOR NOW
TO THE HONORABLE SCOTT W. DALES!



The Honorable Chief Judge Scott W. Dales' current tour of duty in Marquette ends with his July 11, 2017, Marquette Motion day. The Federal Bar Association – Bankruptcy Section will host a lunch for Judge Dales and the Marquette Bar to celebrate the completion of his current rotation in Marquette.

DATE: JULY 11, 2017

TIME: 11:00 A.M. TO 1:00 P.M.

LOCATION: ELIZABETH'S CHOPHOUSE

113 South Front Street
Marquette, Michigan 49855
Tel: (906) 228-0900

Lunch is free, but we must ask you to RSVP to be sure we can give an accurate count to the restaurant. Please send your RSVP to Ms. Sarah Garrett at sarah.t.garrett@usdoj.gov by July 7, 2017. Please come to lunch and give Judge Dales a warm UP send off!

Seminar Registration: <http://fbabankruptcy.com>

HOTEL RESERVATIONS: Rooms are held at Boyne Highlands starting at \$99.00 plus tax and resort fee per night. Reservation can only be made by calling group reservations at (800) 462-6963 or by visiting the Boyne Highlands website at the link on the Court's website. Ask for the "**Federal Bar Association – Bankruptcy Section**" room block.

Rooms will be held until **JUNE 26, 2017**. Please note that after the cut-off date of JUNE 26, 2017 you will have to book your room based on availability. There are no additional rooms available at Boyne Highlands other than our currently held block. If you delay in making your reservation, you may end up having to stay off-site.

HOTEL RESERVATIONS ARE YOUR RESPONSIBILITY. PLEASE MAKE YOUR RESERVATIONS BY JUNE 26, 2017 DIRECTLY WITH BOYNE HIGHLANDS. (800) 462-6963 or the link to their website shown above.

SEMINAR REGISTRATION FEES: AGAIN - we are pleased to announce **NO INCREASE** in seminar fees. The conference fee is **\$295.00 for attorneys and \$245.00 for all others.** A \$50.00 late fee will be charged to all reservations received on or after July 1, 2017. The conference fee is waived for judicial law clerks, judges, and conference speakers.

GOLF EVENT: Tee times have been reserved at The Heather course at Boyne Highlands. 18 holes at \$95.00 per person, includes greens fees and cart. For details and course dress code, see: <http://www.boyne.com/boynehighlands/golf/courses/the-heather>.

SEMINAR CANCELLATION POLICY: Notice of cancellation received **before** July 1, 2017, will result in a full seminar registration refund; cancellations received on July 1, 2017 through July 10, 2017 will result in a full refund less \$120.00. For cancellations received after July 10, 2017 no refund will be given.

SEMINAR MATERIALS COSTS: All material will be available at no charge by *download* after you register. Once you are registered, you will receive directions for downloading the materials. **Paper copies or a thumb drive of the materials will be available to all participants at a charge of \$30.00.**

CONFERENCE ATTIRE: Casual

BOCCE BALL TOURNAMENT: For those not planning to play golf, we are pleased to announce our 1st Annual Bocce Ball Tournament. Bocce Ball is a game that can be played by kids and adults alike. Tournament champions win a Bocce Ball set. Please sign up to play with the partner of your choosing (including kids). If you don't have a partner in mind, we will pair you with someone. There is no cost for this event! The tournament begins at 2:30 pm on Friday. Be sure to sign up early to ensure a spot.

29TH ANNUAL BANKRUPTCY SECTION SEMINAR

FEDERAL BAR ASSOCIATION
WESTERN DISTRICT OF MICHIGAN



JULY 27 – 29, 2017

The Federal Bar Association for the Western District of Michigan invites you to attend this year's educational seminar at Boyne Highlands Resort in Harbor Springs, Michigan, featuring:

- plenary and breakout sessions covering hot topics and recent developments in bankruptcy law
- expert consumer and commercial insolvency professionals, including 18 sitting and retired judges
- networking opportunities at one of Northern Michigan's most exciting destinations

THURSDAY, JULY 27

- 4:00 – 6:00 pm **Registration**
Boyne Highlands Resort
Harbor Springs, Michigan
- 5:00 – 6:00 pm **First Timers Mixer with FBA Steering Committee Members and Judges** (INVITATION ONLY)
- 6:00 – 10:00 pm **5th Annual Dennis Chamberlain Friending Reception** (ALL INVITED)
Cocktails and *Hors d'oeuvres*

FRIDAY, JULY 28

- 7:00 – 7:50 am **Registration and Breakfast**
- 8:00 – 9:00 am **BREAKOUT SESSIONS**
- Session A: *Divorce & Bankruptcy: State v. Federal***
- Presenters:** Hon. Jon A. VanAllsburg
Circuit Court – Ottawa County, Michigan
- Jeff A. Moyer
Chapter 7 Trustee
- Hon. Maria L. Oxholm (Moderator)
U.S. Bankruptcy Court – E.D. Mich.
- John A. Potter
Twohey Maggini, PLC



FRIDAY, JULY 28 (continued)

Session B: *Chapter 13 Business Cases*

Presenters: Hon. James W. Boyd (Moderator)
U.S. Bankruptcy Court – W.D. Mich.
Elizabeth T. Clark
Office of Brett N. Rodgers, Chapter 13 Trustee
Michael P. Hanrahan
Chase Bylenga & Hulst, PLLC
Susan Jill Rice
Alward, Fisher, Rice, Rowe & Graf, PLC

Session C: *Evidence: How to Present It & Make a Clear Record*

Presenters: Hon. Phillip J. Green
U.S. District Court – W.D. Mich.
Hon. Robert J. Jonker (Moderator)
U.S. District Court – W.D. Mich.
Michelle M. Wilson
Office of the United States Trustee

Session D: *Advanced Chapter 11/Asset Sale*

Presenters: Paul R. Hage
Jaffe, Raitt, Heuer & Weiss, P.C.
David A. Hall
Miller, Johnson, Snell & Cumiskey, P.L.C.
Patrick M. O'Keefe
O'Keefe & Associates Consulting, LLC
Hon. Phillip J. Shefferly (Moderator)
U.S. Bankruptcy Court – E.D. Mich.



FRIDAY, JULY 28 (continued)

9:05 – 10:05 am

BREAKOUT SESSIONS

Session E: *Exemptions*

Presenters: Michael T. Brown
Dietrich Law Firm
Rebecca Johnson-Ellis
Andersen, Ellis & Shephard, P.C.
Dean E. Rietberg
Office of the United States Trustee
Hon. Daniel S. Opperman (Moderator)
U.S. Bankruptcy Court – E.D. Mich.

Session F: *Cure/Maintenance/Modification and Other Section 1322 Issues*

Presenters: Courtney K. Roberts
Office of Barbara P. Foley, Chapter 13 Trustee
Allison Greenlee Korr
Stancati, Hencken & Greenlee, P.C.
Hon. John P. Gustafson (Moderator)
U.S. Bankruptcy Court – N.D. Ohio
Robert J. Shefferly
Trott Law, P.C.



FRIDAY, JULY 28 (continued)

Session G: *Nondischargeability*

Presenters: Jacqueline M. Appleman
Rhoades McKee, P.C.

Gregory J. Guest
Dickinson Wright PLLC

Hon. Mark A. Randon (Moderator)
U.S. Bankruptcy Court – E.D. Mich.

Scott A. Wolfson
Wolfson Bolton PLLC

Session H: *Cash Collateral/DIP Financing Mock Trial Part 1* (NOTE: THIS IS HOUR 1 OF A 2-HOUR SESSION)

Presenters: Allison R. Bach
Dickinson Wright PLLC

Brendan G. Best
Varnum LLP

Hon. Scott W. Dales
U.S. Bankruptcy Court – W.D. Mich.

Scott B. Lepene
Thompson Hine LLP

Michael V. Maggio
Office of the United States Trustee

10:05 – 10:25 am Coffee Break



FRIDAY, JULY 28 (continued)

10:25 – 11:25 am

BREAKOUT SESSIONS

Session H: *Cash Collateral/DIP Financing Mock Trial Part 2* (NOTE: THIS IS HOUR 2 OF A 2-HOUR SESSION)

Presenters: Allison R. Bach
Dickinson Wright PLLC

Brendan G. Best
Varnum LLP

Hon. Scott W. Dales
U.S. Bankruptcy Court – W.D. Mich.

Scott B. Lepene
Thompson Hine LLP

Michael V. Maggio
Office of the United States Trustee

Session I: *Avoidance & Recovery Issues, Including the Rights & Defenses of Secured Creditors*

Presenters: Ryan F. Beach
Law Offices of Ryan F. Beach, PLLC

Andrew J. Gerdes
Capital Bankruptcy

Rodney M. Glusac
Bernardi, Ronayne & Glusac, P.C.

Hon. Mary Ann Whipple (Moderator)
U.S. Bankruptcy Court – N.D. Ohio



FRIDAY, JULY 28 (continued)

Session J: *If You Were the Judge, What Would You Decide?*

Presenters: David A. Lerner
Plunkett Cooney
Steve L. Rayman
Rayman & Knight

Session K: *Property of the Estate*

Presenters: Kelly M. Hagan
Chapter 7 Trustee
Travis T. Russell
Russell Law Firm, P.C.
Kurt A. Steinke
Office of Barbara P. Foley, Chapter 13 Trustee
Hon. Thomas J. Tucker (Moderator)
U.S. Bankruptcy Court – E.D. Mich.

11:30 am – 12:30 pm

KEYNOTE ADDRESS

Legal Ethics Compliance & Professionalism: The Ethics of Sportsmanship as a Model for a Professional's Practice

Prof. Mark D. Yochum (Ret.)
Duquesne University School of Law



FRIDAY, JULY 28 (continued)

- 12:30 pm** **Annual Meeting of Debtors Bar of West Michigan (INVITATION ONLY)**
- 1:00 pm** **Golf Tournament – Boyne Highlands Heather Course**
- 2:30 pm** **Bocce Ball Tournament**
- 5:30 – 6:30 pm** **Speaker & Sponsor Reception (INVITATION ONLY)**
- 6:30 pm** **Picnic Dinner**



SATURDAY, JULY 29

8:00 – 8:50 am

BREAKFAST WITH THE JUDGES

Hon. James W. Boyd
U.S. Bankruptcy Court
Western District of Michigan

Hon. Scott W. Dales
U.S. Bankruptcy Court
Western District of Michigan

Hon. James D. Gregg (Ret.)
U.S. Bankruptcy Court
Western District of Michigan

Hon. John T. Gregg
U.S. Bankruptcy Court
Western District of Michigan

Hon. John P. Gustafson
U.S. Bankruptcy Court
Northern District of Ohio

Hon. Jeffrey R. Hughes (Ret.)
U.S. Bankruptcy Court
Western District of Michigan

Hon. Daniel S. Opperman
U.S. Bankruptcy Court
Eastern District of Michigan

Moderator: Laura J. Genovich

Hon. Maria L Oxholm
U.S. Bankruptcy Court
Eastern District of Michigan

Hon. Mark A. Randon
U.S. Bankruptcy Court
Eastern District of Michigan

Hon. Steven W. Rhodes (Ret.)
U.S. Bankruptcy Court
Eastern District of Michigan

Hon. Walter Shapero (Ret.)
U.S. Bankruptcy Court
Eastern District of Michigan

Hon. Phillip J. Shefferly
U.S. Bankruptcy Court
Eastern District of Michigan

Hon. Thomas J. Tucker
U.S. Bankruptcy Court
Eastern District of Michigan

Hon. Mary Ann Whipple
U.S. Bankruptcy Court
Northern District of Ohio



SATURDAY, JULY 29 (continued)

9:00 – 10:00 am

BREAKOUT SESSIONS

Session L: *Property of the Estate* (REPEAT)

Presenters: Kelly M. Hagan

Chapter 7 Trustee

Travis T. Russell

Russell Law Firm, P.C.

Kurt A. Steinke

Office of Barbara P. Foley, Chapter 13 Trustee

Hon. Thomas J. Tucker (Moderator)

U.S. Bankruptcy Court – E.D. Mich.

Session M: *Evidence: How to Present It & Make a Clear Record* (REPEAT)

Presenters: Hon. Phillip J. Green

U.S. District Court – W.D. Mich.

Hon. Robert J. Jonker (Moderator)

U.S. District Court – W.D. Mich.

Michelle M. Wilson

Office of the United States Trustee



SATURDAY, JULY 29 (continued)

Session N: *Receiverships & Bankruptcy*

Presenters: Michael D. Almassian
Keller & Almassian, PLC

Susan M. Cook
Warner, Norcross & Judd, LLP

Hon. John T. Gregg (Moderator)
U.S. Bankruptcy Court – W.D. Mich.

Hon. Christopher P. Yates
Circuit Court – Kent County, Michigan

Session O: *Small Chapter 11: Small Businesses, Single Asset Real Estate, Individuals*

Presenters: Matthew W. Cheney (Moderator)
Office of the United States Trustee

Rozanne M. Giunta
Warner, Norcross & Judd, LLP

Sandra S. Hamilton
Clark Hill PLC

James R. Oppenhuizen
Oppenhuizen Law Firm, PLC



SATURDAY, JULY 29 (continued)

10:05 – 10:55 am

CASE LAW UPDATE

Presenters: Hon. James W. Boyd
U.S. Bankruptcy Court – W.D. Mich.
Thomas D. DeCarlo (Moderator)
Office of David W. Ruskin, Chapter 13 Trustee
Laura J. Genovich
Foster, Swift, Collins & Smith, PC

11:00 – 12:00 pm

JUDGES' PANEL: WHAT DOES YOUR JUDGE REALLY THINK?

Hon. James W. Boyd
U.S. Bankruptcy Court
Western District of Michigan

Hon. James D. Gregg (Ret.)
U.S. Bankruptcy Court
Western District of Michigan

Hon. Scott W. Dales
U.S. Bankruptcy Court
Western District of Michigan

Hon. Steven W. Rhodes (Ret.)
U.S. Bankruptcy Court
Eastern District of Michigan

Hon. John T. Gregg
U.S. Bankruptcy Court
Western District of Michigan

Hon. Walter Shapero (Ret.)
U.S. Bankruptcy Court
Eastern District of Michigan

Moderator: Steven L. Rayman



SEMINAR PLANNING COMMITTEE

Seminar Co-chairs:

A. Todd Almassian
Keller & Almassian, PLC
Grand Rapids, MI

Michelle M. Wilson
Office of the United States Trustee
Western District of Michigan

Educational Co-chairs:

Hon. James W. Boyd
United States Bankruptcy Court
Western District of Michigan

Hon. John T. Gregg
United States Bankruptcy Court
Western District of Michigan

Consumer Committee:

Elizabeth T. Clark
Office of Brett N. Rodgers,
Chapter 13 Trustee

Rebecca Johnson-Ellis
Andersen, Ellis & Shephard, P.C.

Robert Shefferly
Trott Law, P.C.

Commercial Committee:

Allison R. Bach
Dickinson Wright, PLLC

Elisabeth Von Eitzen
Warner Norcross & Judd, LLP

Steven L. Rayman
Rayman & Knight

