

RETAIL INTELLIGENCE: AI, ECONOMICS, AND MICHIGAN'S MARKET MOMENTUM
ICSC 2026 Michigan Continuing Education Program
For Real Estate Professionals

Thursday, April 23, 2026
Vibe Credit Union Showplace, Novi, MI

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Presentation Title: Legal Update 2026

Session Outline:

The Panel will review recent cases and new legislation involving real estate issues from the past year.

Real Estate Cases Include:

1. **Chippewa County Treasurer v David Chaveriat** – A foreclosing governmental unit cannot combine surplus proceeds from multiple properties to cover losses on others, which creates a new limit for property tax foreclosures. (September 8, 2025)
2. **Dine Brands v State Treasurer** – A Notice of Determination for unclaimed property creates a separate and enforceable legal duty. Such separate duty starts a new statute of limitations, even if the original period expired. (August 18, 2025)
3. **Chad Atherton et al v Jarred Sper et al** – A quit claim deed for \$0 consideration effectively triggered a right of first refusal, as it was later sold for value. (Michigan Court of Appeals, unpublished, June 2025)
4. **Berlin Trust v. Rubin** – Michigan Supreme Court ruled that "single family residence purposes" in recorded instruments prohibited short-term vacation rentals (July 2025)

5. **Resort Properties Co-Op v Township of Waterloo** – Michigan Supreme Court held that conveyances of more than 50% of a corporation's shares was a transfer of ownership subject to uncapping under the GPTA, even if such percentage transfers is cumulative (July 2025)

Legislation Update:

1. **Marketable Record Title Act** (MCL 565.101 *et seq.*) - Modifications and amendments to existing act regarding recording of notices of claim of interest in land. The most recent update expanded the list of “persons” permitted to file a Notice of Claim and includes a safe harbor approved form of Notice of Claim.
2. **Homeowners' Energy Policy Act** (MCL 559.301 *et seq.*) – Limits ability of homeowners association to restrict or prohibit an owner from installing solar panels or other energy-saving devices.
3. **Michigan Land Division Act** (MCL 560.101 *et seq.*) – Modifications and amendments to the existing act. Two main changes: (1) beginning on March 24, 2027, the first 10 acres of a parent parcel can be divided into up to 10 parcels. Until that time, the law remains the same (the first 10 acres of a parent parcel can be divided into up to 4 parcels), and (2) allows municipalities or counties that have the authority to approve/reject a proposed land division to adopt ordinances allowing tracts of land to be partitioned into a greater number of parcels than otherwise allowed under the Act.
4. **Michigan-Indiana State Line Remonumentation Act** (Public Act 67 of 2025) – This Act deals with the border line between Michigan and Indiana. The Act allows the Michigan-Indiana State Line Commission to provide counties adjacent to Indiana with grants so that counties may contract for surveying services.
5. *Pending Legislation* HB 5045 and HB 5046 provide a fix to clarify the holding in **Kessler v Longview Agric Asset Mgmt, LLC** (Mich App 2023), which held that the redemption period runs from the date of the sheriff's sale, not from the date of recording the sheriff's deed. These acts would clarify that the sheriff's deed must be recorded within 20 days after the sale. If the deed is timely recorded, then both the redemption period and the interest on the sum bid begin on the date of the sale. If it is not recorded within the 20 days after the sale, then the sale is not invalid, but the redemption period and the interest on the sum bid begin on the date of recording.