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PROFILE IN BRIEF

TERRANCE KEITH A founding father

BY BRIAN COX
Legal News

Nineteen years ago, Terrance Keith was a young lawyer and a new father.

Having earned his juris doctorate from the University of Detroit Mercy School of Law three years prior, in 1987 he was in the early days of his practice in Oakland County.

He had a host of professional and paternal concerns, but chief among them were two that happened to converge: how best as an African-American attorney to network with other minority colleagues and how to forge a future that ensured his son, if needed, received fair treatment in the country's legal system.



KEITH

His answer to the first concern was lunch.

"Minority attorneys in Oakland County shared a similar problem," says Keith. "They didn't see each other every day. There was no ready means of socializing."

Keith and a small circle of colleagues began holding regular monthly lunches at the Machus Sly Fox Restaurant in Birmingham where African-American attorneys could network. As the lunch's popularity grew from five lawyers to 10 to 15, those who attended began calling themselves — for lack of a more exciting, original name — the Oakland County Group.

Attendance at the lunches continued to rise and inside of two years, the Oakland County Group had grown to such an extent that it began to explore becoming a specialty bar of the State Bar of Michigan. Near the top of the to-do list, was settling on a new, more inspiring name.

After long consideration, the group selected a name honoring the first African-American to argue before the Michigan Supreme Court, and so the D. Augustus Straker Bar Association held its first meeting to elect officers and directors on Nov. 14, 1990. There were more than 400 people in attendance at that inaugural dinner, recalls Keith, who was elected the bar association's first president.

Fewer can do condo living

Associations, owners caught in foreclosure squeeze

BY JOHN MINNIS
Legal News

Condominium owners are not immune to the housing crisis afflicting homeowners across Michigan and the United States.

With condo foreclosures and plunging market values paralleling those of detached single-family homes, condominium associations find themselves "between a rock and hard place" with fewer owners left to pay maintenance fees, according to Bingham Farms attorney Robert M. Meisner.

He should know. He wrote the book on condo living.

"Hopefully, the economy will turn around," laments Meisner, author of "Condo Living: A Survival Guide to Buying, Owning and Selling a Condominium."

"They hope things will bottom out in six months."

He doesn't sound convinced.

Meisner did not have hard numbers of condo foreclosures in Michigan and nationally, but he suspects they are about the same as those for homes, percentage-wise.

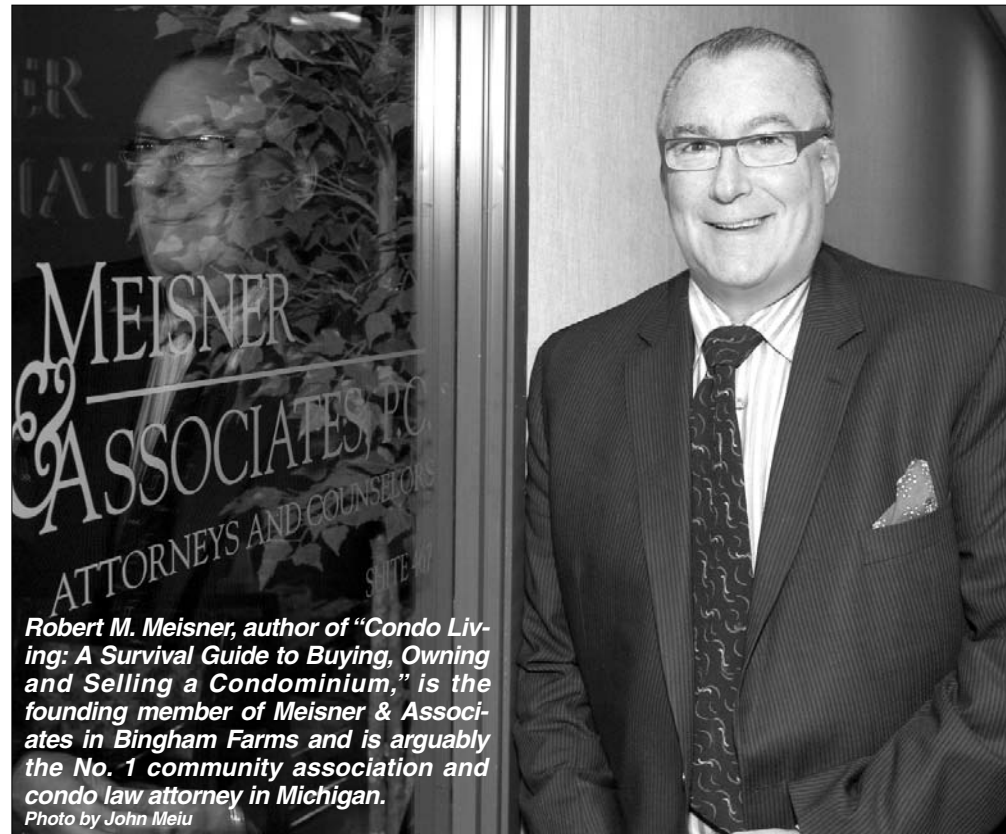
NewCondosOnline.com, through a partnership with Realtytrac.com, lists some 33,500 condominiums in foreclosure. Michigan, not a huge condominium state, comprises about 10 percent of condo foreclosures nationwide, according to condos.com.

A recent New York Times story reported that condominiums make up one out of eight homes in the United States, and according to the National Association of Realtors, sales of existing condos were down 26 percent in March from a year ago, compared to an 18 percent decline for single-family homes.

As with the housing collapse in general, Meisner faults sub-prime loans as a leading factor in condo foreclosures.

"People bought units they couldn't afford even in the best of times," he says. "They have 90 or 100 percent mortgages. The market values go down. They walk away from the property."

In the meantime, the over-extended "co-owner," as the unit buyer is properly referred



Robert M. Meisner, author of "Condo Living: A Survival Guide to Buying, Owning and Selling a Condominium," is the founding member of Meisner & Associates in Bingham Farms and is arguably the No. 1 community association and condo law attorney in Michigan.

Photo by John Meiu

to, is unable to pay the maintenance fees - assessments. Consequently, the condominium association is left with a cash flow problem.

"Obviously if the revenue is not coming in, the remaining owners have to pay more," Meisner says, "but that's the nature of commons ownership."

Meisner is one of the leading community association lawyers in Michigan. He was Michigan's first inductee into the Community Association of Lawyers by the Community Associations Institute. He aided in drafting Michigan's Condominium Act in 1978 and its amendments in 2001. He has been general counsel to United Condominium Owners of Michigan for its entire 33 years of existence. He also represents numerous developers and builders, as well as homeowners associations and cooperatives.

He is the founding member of Meisner & Associates on Telegraph Road.

"We're busier than ever representing community associations," he says. "We've picked up a number of new association clients. The legal advice and counsel they were getting was falling short."

(See MEISNER, Page 3)

Commission prepares for 'Silver Tsunami'

Meeting to address county's growing senior population

On Friday, June 19, from at 8:30 to 10 a.m., in the Oakland County Board of Commissioners' Auditorium, the Oakland County Senior Coalition will host a special free public meeting to address issues relating to the increase in the county's growing senior citizen population.

This intent of the newly formed Oakland County Senior Planning Coalition is to conduct a needs assessment of Oakland County's aging population. The group will offer recommendations to enhance the quality of life, the business climate, and health and social services safety net for older Oakland County residents. Just as important are the support services for their families and caregivers.

The Oakland County Senior Planning Coalition consists of representatives from the Area Agency on Aging 1-B; Oakland Livingston Human Services Agency; United Way for Southeast Michigan; Catholic Social Services; Oakland County Senior Advisory Council; Oakland County's Health and Human Services Department; and fellow members from the Oakland County Board of Commissioners: Helaine Zack, Marcia Gershenson, Shelley Goodman Taub and Bradford C. Jacobsen, along with representatives from community organizations; senior centers; local government and the general public.

It is believed that in a few short years there will be more citizens in Oakland County aged 65+ than school age children. A presentation will be provided by special guest speaker and expert Kurt Metzger, director of research for City Connect Detroit. Metzger will share information on how Oakland County demographics are shifting and look at projections that point to a "Silver Tsunami." He will look at all facets of the issue from the economic impact, transportation, health, social services, housing to active senior lifestyles.

Metzger is a leader in this field of demographic research. He is a graduate of the University of Cincinnati receiving a M.A. degree in Experimental Psychology in 1972 and a B.A. degree from the university in 1969 in Psychology and Sociology.

(See SILVER TSUNAMI, Page 2)

Condo foreclosures by area

Ann Arbor	18
Chesterfield Township	11
Clinton Township	41
Detroit	79
Farmington Hills	13
Grand Rapids	24
Pontiac	11
Royal Oak	19
Southfield	29
Sterling Heights	16
Warren	22
West Bloomfield	13
Westland	31
Wyandotte	13
Ypsilanti	20

Source: www.newcondosonline.com/foreclosures (March 27)

MEISNER: Condo associations need good counsel

(Continued from page 1)

According to his book, Meisner became familiar with condo living when he moved into one following a divorce. Since then, he has become the expert in condos as both an owner and attorney.

“Community association law is a good subspecialty,” he said.

Meisner earned his undergraduate and law degrees at the University of Michigan. While practicing law, he has taught at the Thomas M. Cooley and Michigan State University law schools.

Besides his book, he has written a real estate column for the Observer & Eccentric newspapers for more than 30 years.

Meisner also teaches seminars for association board members. In fact, he devotes three chapters of his book to condo association management and directors. He notes that many “professionals” do not make good directors, particularly lawyers whose expertise is not real estate or condo law.

“They have the same liability and exposure as any board member of any corporation,” he says of condo association directors. “They need to understand they are running a business, and they need good legal counsel to do that.”

He says that in tough times, the first impulse is to cut back in maintenance and professional services—both big mistakes.

If the grass goes uncut and the roof unrepaired, the condos are less desirable and their values go down even more. If professional services are cut, the condo association is less likely to respond appropriately.

“Don’t skimp in quality of management, legal and accounting advice,” he advises. “Why stick your neck out? If it is a desirable place to live, the value will go up—or at least not go down as much.”

Other words of advice for association board members: maintain adequate capital reserves, be vigilant in tracking delinquencies and slap on liens as soon as possible.

“The association has to be aggressive more than ever and monitor their delinquencies and going after them,” Meisner says. “The association can commence foreclosures just like the mortgage companies can. The association has lots of resources and lots



Bingham Farms attorney Robert M. Meisner finds respite from “dealing with lawyers all day” by bringing Bailey, the legal beagle, to work on Fridays. Photo by John Meiu

of remedies, if they have a knowledgeable and aggressive attorney to collect their money.”

Lenders don’t necessarily have the condo associations at heart.

“The mortgage companies are not being helpful,” Meisner says, “because they are refusing to pay assessments from the date of the sheriff’s sale to the expiration of the redemption period—normally six months from the date of the sheriff’s sale unless the unit is abandoned.”

Meanwhile, assessments are not being paid.

“During the six-month period, homeowners can stay in the unit,” Meisner says. “Under the condo act, the first mortgage is first over assessments, but not second mortgages. If a lien is filed first, then we get our money.”

Of course, if the value of the condo falls below what is owed on it in a first mortgage, there’s no equity to take.

Another tactic banks are using is not foreclosing.

“If the bank sits on it for a period of time and doesn’t foreclose,” Meisner says, “the association is between a rock and a hard place. The end of the slide is not in sight. Our association clients have generally followed our advice about being aggressive with co-owners and mortgage companies.”

Washington, D.C. real estate attorney Benny L. Kass, writing in The Washington Post, echoes Meisner’s words of wisdom. He suggests associations adopt a zero-tolerance rule. If a unit owner gets more than a month behind in assessments, begin legal action, he advises.

For the long term, Kass recommends legislatures adopt “super lien” statutes requiring lenders pay assessments on foreclosed units. He also thinks condo associations should require purchasers put three months of assessments in escrow to act as a cushion toward delinquencies.

The consequences to the condo

board of not taking these measures, he warns, may be bankruptcy.

“I have been reading that more associations are, in fact, contemplating such a drastic measure,” he says.

Regarding the specter of association bankruptcies, Meisner says, “That’s a disaster we’ve never seen before. That’s something you want to avoid at all costs.”

He said he has heard of some condominium bankruptcies in Fort Lauderdale, Fla., where buyers in brand new condo projects failed to show up for closing.

In such a case, the lender, who knows nothing about condo management, ends up running the bankrupt development.

“The bank doesn’t have legal expertise over association affairs,” he says, “so you kind of have the blind leading the blind. At least the condo developer knows something about condo associations.”

One last piece of advice for condo owners, sellers and associations: “Read my book.”

June

9 The Oakland County Bar Association (OCBA) Employment Law Committee will host “**The Year in Review**” on Tuesday, June 9, from 8:15 to 9:30 a.m. at the Oakland County Bar Center in Bloomfield Hills. The cost is \$20 for OCBA members who pre-register and \$30 for non-OCBA members who pre-register. OCBA student members pay \$10 and non-OCBA student members pay \$15. There is an additional \$5 charge for those paying at the door. Cost includes a continental breakfast. Register online at www.ocba.org. For additional information, call (248) 334-3400.

10 The Oakland County admission ceremony for new lawyers is scheduled for Wednesday, June 10, at 11:30 a.m. The ceremony will be conducted at the Commissioners’ Auditorium at the Oakland County Courthouse, 1200 N. Telegraph Rd., Pontiac. Pre-registration is required and forms are available at www.ocba.org. Questions can be directed to Jan Anson at (248) 334-3400 ext. 209 or janson@ocba.org.

10 The Rochester Bar Association (RBA) will host its June meeting on Wednesday, June 10, from 11:45 a.m. to 1 p.m. at the Rochester Mills Beer Company. The RBA will welcome new Oakland County Circuit Court Judges Lisa Gorcyca and Daniel O’Brien as they discuss “**The First 150 Days...**” The cost to attend is \$10 per person (or payment of \$50 for 2009 annual dues) plus lunch as ordered off the menu. Non-RBA members are welcome. Space is limited. To reserve a spot, send an e-mail to RBA President Allen M. Wolf at awolf@law-wolf.com.

11 The Oakland County Bar Association (OCBA) Juvenile Law Committee will conduct a brown bag lunch lecture series called “**Fundamentals of Juvenile Law – Year III**” on the topic of “**Alternatives to Termination of Parental Rights**” on Thursday, June 11, from noon to 1:15 p.m. at the Oakland County Bar Center in Bloomfield Hills. The lecture costs \$10 for OCBA members and \$20 for walk-ins, non-OCBA members and video viewers. To register or for additional information, call (248) 334-3400 or visit www.ocba.org.

11 The Real Estate Investors Association (REIA) of Oakland will host Brad Zitzner as he presents “**Implementing Systems to Save Time & Make More Money**” on Thursday, June 11, from 5:30 to 9:30 p.m. at the MSU Management Education Center in Troy. The seminar is free for REIA members and costs \$20 per person for non-REIA members. To register or for more information, call 1-800-747-6742.

11 The Eastern District of Michigan Chapter of the Federal Bar Association (FBA) and The Rutter Group will co-sponsor “**Home Run’ Motions in Federal Court**” on Thursday, June 11, beginning with registration at 1 p.m. at The Atheneum in Detroit. The cost to attend is \$130 for FBA members and \$160 for non-FBA members. For additional information or to register, call the Rutter Group at 1-800-747-3161 x2 or (818) 990-3260 x2; or visit



Calendar

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(586) 634-6850 or by e-mail at evansrp@comcast.net.

12 Legal Aid and Defender Association (LADA) will hold a **free legal aid clinic** for income eligible residents under 60 years of age who qualify for services on Friday, June 12, from 9 a.m. to noon at Oakland Livingston Human Services located at 345 East Nine Mile Road in Ferndale. Those seeking assistance are asked to arrive before 10 a.m. to register as LADA staff will assist only those persons registered before 10 a.m. For more information, contact Stacey Felder at (248) 253-1548 ext. 4005 or 1-877-964-4700.

12 The Michigan Defense Trial Counsel (MDTC) will conduct its summer meeting Friday and Saturday, June 12-13, at Boyne Highlands in Harbor Springs. Titled “**Thinking Outside the (Jury) Box,**” the two-day meeting will focus on using jury selection strategies to evaluate and prepare a case from answer through trial. For additional information or to register, visit http://mdtc.org/event/summer_meeting_boyne_highlands.

12 Detroit HOPE, a partnership of mortgage lenders and servicers, legal service providers, nonprofit housing organizations, and government sponsored agencies, is hosting **two free homeownership preservation workshops** in Detroit. The first workshop is Friday, June 12, from 6 to 8 p.m. at the New Beginnings Cathedral, 11433 Beaconsfield. The second workshop is Saturday, June 13, from 10 a.m. to 2 p.m. at the Samaritan Center Conference Room at 5555 Conner. Lenders and servicers will be available at the Saturday, June 13, workshop only. For addition information about these workshops or to register call (313) 640-1100 x12.

16 The Oakland County Bar Association (OCBA) Criminal Law Committee will present “**Anatomy of an Arson Case**” with guest speaker Gregory J. Townsend of the Oakland County Prosecutor’s Office as part of its Anatomy on a Criminal Case – Year XI on Tuesday, June 16, from 11:30 a.m. to 1 p.m. at the Oakland County Bar Center in Bloomfield Hills. The cost to attend for OCBA members is \$10 and \$20 for non-OCBA members, all walk-ins, and video viewings. Register online at www.ocba.org. For additional information, call (248) 334-3400.

16 “**The Essentials of HR Law**” will be the topic of a one-day seminar conducted by Fred Pryor Seminars on Tuesday, June 16. The cost to attend is \$179 per person or for groups of 5 or more, 169 per person. Those registering before Friday, May 22, only pay \$143 when using special offer code #661348. To find out more about The Essentials of HR Law, contact the customer service department at customerservice@pryor.com or by phone at 1-800-780-8476.

18 The D. Augustus Straker Bar Association will host its **16th Trailblazers Dinner** at Pi Banquet Facility in Southfield on Thursday, June 18. The cocktail hour begins at 6 p.m. and will feature jazz recording artist Lin Roundtree. Rhonda Walker, WDIV Local 4 News anchor, will serve as the Mistress of Ceremonies. The dinner program will begin at 7 p.m. Individual tickets are \$50. Tables seating