

May 23, 1973

<u>Time</u>	<u>Place</u>
June 7 - 7:00 p.m. - 10:00 p.m.	International Hotel
June 8 - 9:00 a.m. - 5:00 p.m.	6211 W. Century Blvd., Room 1219
June 9 - 9:00 a.m. - 12:00 noon	Los Angeles, CA. 90045

FINAL AGENDA

for meeting of

CALIFORNIA LAW REVISION COMMISSION

Los Angeles

June 7-9, 1973

June 7-8

1. Minutes of May 4-5, 1973, Meeting (sent 5/9/73)

2. Administrative Matters

3. Study 63 - Evidence (Physician-Patient Privilege)

Memorandum 73-48 (sent 5/9/73)

Tentative Recommendation (attached to Memorandum)

4. Study 36 - Condemnation

Approval for Sending to State Bar for Comment

Study 36.50 - Compensation and Measure of Damages

Memorandum 73-41 (sent 4/25/73; another copy sent 5/9/73)  
Draft Statute (attached to Memorandum)

Study 36.150 - Compensation for Divided Interests

Memorandum 73-50 (enclosed)  
Draft Statute (attached to Memorandum)

Study 36.80 - Condemnation (Procedure)

Memorandum 73-51 (sent 5/18/73)  
Draft Statute (attached to Memorandum)

5. Study 39.100 - Enforcement of Foreign Judgments

Memorandum 73-52 (sent 5/17/73)  
Tentative Recommendation (attached to Memorandum)

June 9

6. Study 78 - Property Left on Leased Premises When Lease Terminated

Memorandum 73-53 (to be sent)  
Revised Consultant's Study (attached to Memorandum)

MINUTES OF MEETING

of

CALIFORNIA LAW REVISION COMMISSION

JUNE 7, 8, AND 9, 1973

Los Angeles

A meeting of the California Law Revision Commission was held in Los Angeles on June 7, 8, and 9, 1973.

Present: John D. Miller, Chairman  
John J. Balluff  
Noble K. Gregory  
John N. McLaurin  
Thomas E. Stanton, Jr., Thursday and Friday  
Howard R. Williams, Thursday and Friday

Absent: Marc W. Sandstrom, Vice Chairman  
Alister McAlister, Member of Assembly  
George H. Murphy, ex officio

Messrs. John H. DeMouilly, Jack I. Horton, Nathaniel Sterling, and Stan G. Ulrich, members of the Commission's staff, also were present. Thomas M. Dankert, Commission consultant on condemnation law and procedure, was present on Thursday, June 7. Gideon Kanner, Commission consultant on condemnation law and procedure, was present on Thursday and Friday, June 7 and 8. Norman E. Matteoni, Commission consultant on condemnation law and procedure, was present on Friday, June 8. Professor Jack Friedenthal, Commission consultant on tenant's abandoned property, was present on Saturday, June 9.

The following persons were present as observers on days indicated:

Thursday, June 7

Anthony J. Ruffolo, Department of Public Works, Los Angeles

Friday, June 8

Norval Fairman, Department of Public Works, San Francisco  
Michael H. Remy, Department of Water Resources, Sacramento  
Anthony J. Ruffolo, Department of Public Works, Los Angeles  
Terry C. Smith, Los Angeles County Counsel, Los Angeles

Saturday, June 9

Ronald P. Denitz, Tishman Realty & Construction Co., Los Angeles  
Amelia Justice, Justice Realty, Van Nuys

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ADMINISTRATIVE MATTERS

Approval of Minutes of May 4-5, 1973, Meeting

The Minutes of the May 4-5, 1973, meeting of the Law Revision Commission were approved as submitted by the staff.

Future Meetings

The following schedule for future meetings was adopted.

July 12	7:00 p.m. - 10:00 p.m.	State Bar Building
July 13	9:00 a.m. - 5:00 p.m.	601 McAllister St.
July 14	9:00 a.m. - 12:00 noon	San Francisco 94102
August	No meeting	
September 20	7:00 p.m. - 10:00 p.m.	International Hotel
September 21	9:00 a.m. - 5:00 p.m.	6211 W. Century Blvd.
September 22	9:00 a.m. - 5:00 p.m.	Los Angeles 90045
October 18	7:00 p.m. - 10:00 p.m.	San Francisco
October 19	9:00 a.m. - 5:00 p.m.	
October 20	9:00 a.m. - 3:00 p.m.	
November 29	7:00 p.m. - 10:00 p.m.	International Hotel
November 30	9:00 a.m. - 5:00 p.m.	6211 W. Century Blvd.
December 1	9:00 a.m. - 5:00 p.m.	Los Angeles 90045
January 10	7:00 p.m. - 10:00 p.m.	San Francisco
January 11	9:00 a.m. - 5:00 p.m.	
January 12	9:00 a.m. - 12:00 noon	

Letter for Dr. Garbell

The following letter, requested by Dr. Maurice A. Garbell, was approved and is to be sent to the persons designated by Dr. Garbell.

This letter is written at the request of Dr. Maurice A. Garbell.

A few years ago, the California Law Revision Commission was directed by the California Legislature to study the decisional, statutory, and constitutional rules governing inverse condemnation liability. In the course of its study of this topic, the Commission considered inverse condemnation liability arising out of airport operations, including liability for damages caused by aircraft noise. No recommendation resulted from the aircraft noise study, and this problem is no longer under active Commission study.

One of the Commission's consultants on the aircraft noise study has been Dr. Maurice A. Garbell, aeronautical consultant. He provided the Commission with a number of background reports on technical aspects of noise measurement and arranged for other knowledgeable experts to make presentations to the Commission. In addition, Dr. Garbell has from time to time provided the Commission with reports on recent developments, and the Commission has found these reports informative. The Commission is grateful for his substantial assistance.

#### Legislative Program

The Executive Secretary gave an oral report on the 1973 Legislative Program. This report is summarized below.

#### SIGNED OR ADOPTED

Civil Arrest - Chapter 20, Statutes of 1973 (SB 81)  
Authority to Study Topics - Res. Ch. 39, Stats. 1973 (SCR 7)

#### PASSED ONE HOUSE

Claim and Delivery Statute (AB 103)  
Unclaimed Property Resolution (AJR 27)

#### APPROVED BY COMMITTEES IN FIRST HOUSE

Wage Garnishment and Related Matters (AB 101)  
Approved by Assembly Judiciary Committee and Assembly Ways and Means Committee - Sent to Assembly Floor

Discharge From Employment for Wage Garnishment (AB 102)  
Approved by Assembly Judiciary Committee - Sent to Assembly Floor

#### UNDER SUBMISSION IN COMMITTEE IN FIRST HOUSE

Unclaimed Property Bill (AB 727)  
Taken under submission by Committee--to be reset at request of author if it appears that satisfactory progress is not being made on the federal legislation. (It should be noted that a bill will be necessary to conform to the federal legislation--and delete the impermissible California presumption--and AB 727 could be used for this purpose if the federal legislation is enacted.)

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Request of Mr. Waller Taylor II concerning Unclaimed Property Recommendation

The Commission considered the letter (attached to these Minutes as Appendix I) from Waller Taylor II that the Commission advise Senator Cranston as to its support of federal legislation relating to travelers checks, money orders, and similar instruments. After discussion, the Commission decided that Assemblyman McAlister should be requested to write to Senator Cranston advising him of the fact that the Commission has made a report recommending federal legislation such as S 1895 and that Assembly Joint Resolution No. 27 has been introduced in the California Legislature to effectuate this recommendation. Assemblyman McAlister also should send a copy of the Commission's report on this subject to Senator Cranston with the letter. The Executive Secretary is to advise Assemblyman McAlister of the Commission's request.

Approval of Distribution of Tentative Recommendations

The Commission approved for distribution for comment the following tentative recommendations:

Tentative Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information

Tentative Recommendation Relating to Evidence Code Section 999--The "Criminal Conduct" Exception to the Physician-Patient Privilege

Tentative Recommendation Relating to Enforcement of Sister State Money Judgments

Tentative Recommendation and Study Relating to Inheritance Rights of Nonresident Aliens

These tentative recommendations are to be sent out with the recently published pamphlet containing the Commission's Recommendation Relating to Unclaimed Property.

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STUDY 36.50 - CONDEMNATION (COMPENSATION AND  
MEASURE OF DAMAGES)

The Commission considered Memorandum 73-41 and the attached draft of the compensation chapter of the Eminent Domain Law. The Commission approved sending the draft to the State Bar Committee for comment along with a preliminary portion to be prepared by the staff with the following changes:

§ 1245.020. Separate assessment of elements of compensation. This section was deleted; a Comment should indicate that any problems that arise can be handled by instructions and requests for special interrogatories.

§ 1245.030. Agreement to compensate. This section was deleted as unnecessary.

§§ 1245.110-1245.150. Date of valuation. Reference should be made in these sections to the commencement of the proceeding rather than to the filing of the complaint with a cross-reference in the Comment indicating commencement by filing. A note should be made that these sections will be reexamined in connection with the ability to amend the complaint.

§ 1245.210. Compensation for improvements pertaining to the realty. The Comment to this section should be expanded to indicate that property is valued with the improvements on it; if the improvements enhance the value, it is valued at its enhanced value and, if the improvements decrease the value, it is valued at its decreased value.

§ 1245.220. Business equipment. This section was revised to read:

1245.220. Equipment designed for business purposes and installed for use on the property taken that cannot be removed without a substantial loss in value shall be deemed to be improvements pertaining to the realty for the purposes of compensation regardless of the method of installation.

The Comment to this section should make clear that, where the equipment can be moved without substantial loss in value but removal would cause damage to the structure in which it is installed, the structure must be valued in its undamaged state. The Comment should also indicate that the term "business" is used in its broadest sense to include manufacturing and industrial enterprises as well as retail commercial business. The Comment should make clear that the condemnor is in effect "buying" the equipment, not merely paying for damage to it, and consequently has the right and the burden of realizing any salvage value it may have.

§ 1245.230. Improvements removed or destroyed. A provision should be incorporated in this section to the effect that, where there is a dispute whether improvements are part of the realty, the defendant may notify the plaintiff that he claims compensation for the improvements and intends to store them pending resolution of the issue, whereupon the plaintiff may permit storage or assume responsibility for the improvements.

The Comment to this section should make clear that, where improvements are removed, the removal may affect the value of property either adversely or favorably, and the property is to be so valued in both cases.

§ 1245.240. Improvements made after service of summons. This section should be reformulated to provide:

1245.240. Improvements pertaining to the realty made subsequent to the date of service of summons shall be taken into account in determining compensation only in the following cases:

\* \* \* \* \*

A sentence should be added to subdivision (b)(3) to the effect that a deposit made after issuance of an order permitting completion has no effect on the right to compensation for the improvement.

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The second sentence of the Comment to subdivision (b)(1) should be deleted.

§ 1245.260. Removal of improvements. A provision should be added to permit the plaintiff within 30 days after notice of intent to remove to object that the improvements are required for public use, the filing of which should prevent removal. The word "improvements" should be substituted for the word "property" wherever it occurs in this section.

The Comment should indicate that this section covers an area not covered by the relocation assistance statute.

§ 1245.310. Compensation for property taken. The Comment to this section should include cross-references to the other elements of compensation provided in the compensation chapter.

§ 1245.320. Fair market value. The Comment to this section should indicate that the fact that there is no open market for some types of transactions is the reason for omission of the phrase "in the open market" from the definition of fair market value.

§ 1245.420. Damage to the remainder. The Comment to this section should make reference to the body of case law indicating that, where there is no specific proposal for the manner of construction of the improvement, damages should be based on the assumption the improvement will be constructed in the most injurious manner.

§ 1245.440. Computing damage and benefit to the remainder. The last sentence of the Comment was revised to read in substance: "Subdivision (b) adopts the position that it is the value of the remainder in the before

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condition unaffected by any enhancement or blight that is to be used as the basis in computing damages and benefits that will be caused by the project."

§ 1245.610. Business loss. The measure of damage in this section was changed from loss of net business profits to loss of goodwill.

§ 1245.820. Partially completed improvements; performance of work to protect public from injury. Subdivision (c) of this section was deleted. A provision comparable to subdivision (c) that is of general application may be presented for consideration at a later time if it appears that such a provision is desirable in light of conforming changes to the Eminent Domain Law.

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STUDY 36.80 - CONDEMNATION (PROCEDURE)

The Commission considered Memorandum 73-51 and the draft statute attached thereto. The staff was authorized to reorganize this material in whatever manner appears desirable. Subject to this general reorganization, the following action was taken:

Article 1 (Section 1260.110). Approved as drafted. The Comment should be revised to reflect the decisions indicated below.

Article 2 (Sections 1260.210-1260.250). Approved subject to editorial revisions given to the staff.

Article 3 (Sections 1260.310-1260.340). Approved as drafted.

Section 1260.410. Approved as drafted.

Section 1260.420. The term "administrator" was changed to "personal representative." The staff was directed to reconsider subdivision (b) generally to ensure that the substance of Section 1245.3 is not lost. The staff was further directed to consider whether adequate protection is provided for unknown claimants and whether a procedure should be provided to permit persons not specifically named to determine whether or not their interests will be affected by the proceeding. See also Section 1260.430.

Section 1260.430. The staff was directed to consider incorporating here the second paragraph of Section 1246. The basic policy here and under Section 1260.420 should be to permit the plaintiff to secure clear title as against unknown persons but also to provide a third person with a means to have it determined whether his interest is sought to be taken and, if so, to appear and protect this interest. In addition, the statute should permit claimants with a wide variety of interests to appear but should avoid the possibility for conflict which would arise if the beneficiary of a trust or

shareholder in a corporation were permitted to appear on behalf of (or in opposition to) the interests of the trust or corporation respectively, i.e., we should make clear that we are not attempting to change the law of trusts or the law of corporations with respect to who should properly represent such interests.

Section 1260.510. The first set of brackets in subdivision (a) and the material in the second set of brackets was deleted.

Sections 1260.520 and 1260.530. Subdivision (a) of both sections was deleted, and the staff was directed to combine subdivision (b) of both sections into one section. Subdivision (b) of Section 1260.520 was revised to provide substantially as follows:

( ). Where the state is a defendant, service of process shall be made on the Director of General Services and copies of the summons and complaint shall be mailed to the Governor, the Attorney General, and the State Lands Commission.

Section 1260.610. The second sentence of subdivision (b) was revised to provide substantially as follows:

If the plaintiff claims an interest in the property sought to be taken, it shall indicate the nature and extent of such interest.

Section 1260.620. This section was disapproved. The staff was directed to determine whether any provision is necessary to continue present law permitting any number of parcels located in one county to be joined initially in the complaint.

Section 1260.630. The staff was directed to reconsider whether or not the general grounds for demurrer should be supplanted by a section which either states the exclusive grounds for demurrer in an eminent domain proceeding or states those grounds, if any, which may not be raised by demurrer.

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Section 1260.640. Approved as drafted. The Commission considered the general verification requirements and decided to adopt the federal rule regarding verification by an attorney and to make no change where the defendant appears in propria persona.

Sections 1260.650 and 1260.660. Final decisions concerning these sections were deferred pending a review to determine whether right to take objections should be raised by answer or demurrer or both. If Section 1260.660 is retained, the introductory clause should be revised to provide substantially as follows:

1260.660. Grounds for objection to the right to take where the plaintiff has not adopted a resolution of necessity that is given conclusive effect:

Section 1260.670. The staff was directed to reconsider whether this section is necessary and whether Section 428.10 is adequate as is or should be revised. In addition, the statute should make clear that a claim for damages arising out of activities occurring before the complaint is filed and which relates to the property described in the complaint should be raised by cross-complaint but without the necessity of filing a prior claim with the public entity.

Section 1260.710. Approved as drafted.

Section 1260.720. Approved as drafted.

Section 1260.730. Disapproved.

Section 1260.810. This section should be revised to permit objections to the right to take to be specially set for trial and to state that objections to the right to take should be heard and determined prior to determination of the issue of compensation unless the court orders otherwise.

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Section 1260.820. Disapproved.

Section 1260.830. Subdivision (d) should be revised to make clear that the condemnor may either accept the conditions imposed by the court or reject them and appeal from the dismissal.

Article 9 (Sections 1260.910-1260.990). This article was not reviewed in detail. However, the staff was directed to remove from subdivision (d) of Section 1260.910 the requirement that a party who makes a demand for valuation data must automatically exchange comparable data without any request from the other party. In short, exchange should follow only upon demand although the time limits should provide any party upon whom a demand is served adequate time to permit him to file a cross-demand.

Section 1261.010. Approved as drafted.

Section 1261.020. Disapproved.

Section 1261.030. Disapproved.

Section 1261.040. The last sentence of subdivision (c) was deleted, and the section should make clear that it does not limit Section 1048. With these exceptions, the section was approved as drafted. A cross-reference to this section should be included in subdivision (d) of Section 1261.240.

Section 1261.050. Disapproved.

Section 1261.060. The last clause of this section was deleted, and the section was otherwise approved as drafted.

Section 1261.070. This section should be revised to add the proviso that neither party has a burden of persuasion on the issue of compensation.

Section 1261.110. The material in brackets was deleted, and the section was otherwise approved as drafted.

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Section 1261.120. The staff was directed to reconsider this section with a view towards making clear that an eminent domain proceeding can be in the nature of a quiet title action. Compare Section 1245.3.

Section 1261.130. The clause--"or his legal representative"--and paragraph (3) of subdivision (b) were deleted. The section was otherwise approved as drafted.

Section 1261.140. The material in brackets in subdivision (a) was deleted. The staff was directed to revise this section to provided that (1) either party may apply for the order of condemnation, (2) the party which obtains the order shall then give notice to the other parties affected by the order that the order has been granted, and (3) either party may then record the order but shall give notice of recordation to the other parties affected by the order.

Article 12 (Sections 1261.210-1261.250). General consideration of this article was deferred. However, the staff was directed to include provisions in the statute authorizing execution against a plaintiff who has failed to make any payment required by this title.

Costs. The staff was directed to attempt to codify the rules relating to payment of costs in an eminent domain proceeding.

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STUDY 36.150 - CONDEMNATION (COMPENSATION  
FOR DIVIDED INTERESTS)

The Commission considered Memorandum 73-50 and the attached draft statute and preliminary portion relating to compensation for divided interests. The Commission approved sending the statute and preliminary portion to the State Bar Committee for comment with the following changes:

§ 1250.030. Costs of apportionment among divided interests. The word "such" was substituted for "the" in the next to last line of the section.

§ 1250.110. Rights under lease not affected. The word "expressly" was deleted from this section and from the Comment to this and subsequent sections.

§ 1250.220. Allocation of award among encumbrancers in partial taking. The phrase "absent a contractual provision to the contrary" was deleted from the last sentence to the Comment.

§ 1250.410. Contigent future interests. Subdivisions (b)(1)-(2) of this section should be reversed, and the Comment should indicate that "public use" includes use by a public utility. Language changes in the form proposed by Commissioner Williams should be incorporated to assure technical accuracy.

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STUDY 39.100 - ENFORCEMENT OF SISTER STATE

MONEY JUDGMENTS

The Commission considered Memorandum 73-52 and the tentative recommendation relating to enforcement of sister state money judgments. The Commission approved the tentative recommendation to be sent out for comment with the following changes:

Preliminary part. On page 3, in the last two lines of the text, the word "foreign" should be placed before "corporation" and before "partnership." A sentence should be added to the paragraph at the top of page 4, explaining that the general provisions regarding notice of execution sale apply to sales under this act where the debtor is a resident. Further changes may have to be made in the preliminary part in view of revisions made in the text of the proposed statute.

Section 674. Where Section 674 reads "stayed on appeal" in the second and 12th lines of the printed portion, it should be changed to read "stayed on appeal or pursuant to Section 1710.55."

Section 1713.3. The word "filing" in the second line of the Comment should be changed to "entering." The Comment should indicate that foreign nation judgments are enforced by bringing an action on the judgment in this state.

Section 1710.20. The staff is to find out whether court rules or some other provisions require papers filed in court to have the attorney's name and address. If not required by rules or other statute, it should be specifically provided. In subdivision (b)(2), the word "knowledge" should be changed

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to "information" to be consistent with subdivision (b)(5). Also, in subdivision (b)(2), the words "has been granted" should be deleted.

Section 1710.25. A subdivision should be added to this section to make clear that a court may transfer a proceeding under general provisions regarding change of venue.

Section 1710.45. The second sentence in the Comment at the top of page 17 should be deleted. The next sentence will have to be conformed.

Section 1710.50. The 10-day provision in subdivisions (a) and (d) should be changed to 30 days. The preliminary part will have to be conformed to this change. The third sentence in the second paragraph of the Comment should be reworded to say that the clerk may rely on the information in the creditor's application in making his determination of whether a writ of execution may be issued before notice.

A provision should be added giving the Judicial Council authority to provide the contents of notice provided by the act and the notice should inform the judgment debtor that he has 30 days within which to make a motion to vacate the judgment.

Technical changes suggested by Professor Stefan A. Riesenfeld also should be made.

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STUDY 63 - EVIDENCE (PHYSICIAN-PATIENT PRIVILEGE)

The Commission considered Memorandum 73-48 and the Tentative Recommendation Relating to Evidence Code Section 999--The "Criminal Conduct" Exception to the Physician-Patient Privilege. The Commission approved the tentative recommendation to be sent out for comment.

STUDY 78 - PROPERTY LEFT ON LEASED PROPERTY  
WHEN LEASE TERMINATED

The Commission considered Memorandum 73-53 and the revised draft statute concerning property left on leased premises when lease terminated. The Commission also considered comments and proposed changes presented by Mr. Ronald Denitz, Assistant General Counsel, Tishman Realty & Construction Co., Inc. The Commission made the following decisions:

Part I. Abandonment of Leased Real Property

Civil Code Section 1953.10. The last sentence of the Comment should be deleted.

Civil Code Section 1953.20. In subdivision (b), the notice provisions should be conformed to the notice provisions in Civil Code Section 1963.60. The second sentence of subdivision (c) beginning with "thereafter" should be rewritten to state that 15 days after the effective date of the notice, unless the lessor is contacted by the lessee, the lessor is not liable for treating the property as abandoned. The other requirement of subdivision (a) that the lessor reasonably believe the property to have been abandoned for 20 consecutive days should be added to the last sentence of subdivision (c). The Comment to subdivision (a) should indicate that reasonable belief may require some minimal investigation. The last sentence of the Comment should be deleted.

Civil Code Section 1953.30. Subdivision (a) should begin "Except as otherwise provided" instead of "Subject to." In subdivision (b), "surrenders possession of" should be replaced by "has vacated," and "to the lessor" should be deleted. The Comment should point out that the lessor does not have to

mitigate unless the lessee has vacated and that the notice is effective against the lessee even if it is not effective against the lessor under subdivision (b). The last sentence of the Comment should be deleted.

Part II. Property Abandoned on Leased Premises

Civil Code Section 1963.10. In subdivision (a), the fourth line should read "but not including motor vehicles disposed of pursuant to Article 2 . . . ." Subdivision (e) should read "'Reasonable knowledge or belief' is that actual knowledge or belief . . . ." A provision should be added to subdivision (e) stating that the cost of investigation should be reasonable in light of the probable value of the property, and the Comment should be adjusted accordingly.

Civil Code Section 1963.20. The words "pursuant to the Commercial Code" in subdivision (b)(1) should be deleted, and the words "in favor of the landlord" should be added. The Comment to this section should explain that the removal of personal property rights does not excuse violation of other contract provisions such as one requiring the tenant to keep a business open and functioning.

Civil Code Section 1963.30. In the first line, the words "surrender or abandonment" should be replaced by "vacation." In the Comment on pages 11 and 12, the word "voluntarily" should be deleted in the phrase "the tenant has voluntarily left the premises." In the fifth line, "was his in the first place" should read "is his."

Civil Code Section 1963.40. In subdivision (a)(5), the notice should state when notice is effective as provided in Section 1963.60. In subdivision (d), the word "sent" should be changed to "given."

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Civil Code Section 1963.50. In subdivision (a)(4), the notice should state when notice is effective as provided in Section 1963.60. The Comment to subdivision (b) should more clearly state the rule that the property is not deemed lost if the sheriff or police officer refuses to accept it.

Code of Civil Procedure Section 1174. In subdivision (d), the word "redeemed" should be deleted and the sentence made to read "unless the defendant or the owner pays the plaintiff the reasonable cost of storage and takes possession of the personal property within 15 days . . . ." In subdivision (e), the provision relating to the plaintiff inventory of abandoned property should be deleted. The Comment should indicate what happens if the tenant feels the cost of storage assessed by the landlord is too high.

Part III. Innkeepers' and Landlords' Liens

Civil Code Section 1861a. The words "nonexempt" should be deleted from the first paragraph on page 26. In the second paragraph, it should be made clear that the court must make a finding of probable validity before an order to take possession of the defendant's property may issue.

APPROVED

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Executive Secretary

LA OFFICES OF  
ADAMS, DUQUE & HAZELTINE  
523 WEST SIXTH STREET  
LOS ANGELES, CALIFORNIA 90014  
TELEPHONE (213) 620-1240

HENRY DUQUE (1904-1971)

May 30, 1973

John H. DeMouilly, Executive Secretary  
California Law Revision Commission  
School of Law, Stanford University  
Stanford, California 94305

Re: Assembly Bill No. 727  
Assembly Joint Resolution No. 27

Dear Mr. DeMouilly:

We are now informed that the proposed Federal legislation has been introduced as Senate Bill No. S 1985. Senator Scott of Pennsylvania introduced the Bill with Alan Cranston as co-sponsor.

The Bill has been referred to the Committee on Banking, Housing and Urban Affairs of which Senator Cranston is a member. It is now incumbent upon all interested parties to do everything possible to have Senator Cranston have the Bill heard as soon as possible.

In view of the substantial role played by the Law Revision Commission in formulating the California legislation, we believe it would be of particular significance to Senator Cranston to hear directly from the Commission as to its support of the Federal legislation. In this connection, you may wish to forward a copy of Assembly Joint Resolution No. 27 as expressing the Commission's views.

We have also written to Assemblyman McAlister to suggest that, as the author of the pending California legislation, he also directly express his support of the Federal legislation.

We appreciate very much the time and effort you and the Commission have spent on this matter. If all parties strongly support the Federal legislation, we believe the result will be a speedy resolution of this problem in a manner beneficial to California.

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John H. DeMouilly, Executive Secretary

May 30, 1973

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We shall, of course, continue to keep you and Assemblyman McAlister advised of the progress of Senate Bill No. S 1985.

Very truly yours,



WALLER TAYLOR, II

WT:ls