

November 23, 1973

<u>Time</u>	<u>Place</u>
November 29 - 7:00 p.m. - 10:00 p.m.	International Hotel
November 30 - 9:00 a.m. - 5:00 p.m.	Los Angeles Airport 6211 West Century Blvd. Los Angeles 90045

FINAL AGENDA

for meeting of

CALIFORNIA LAW REVISION COMMISSION

Los Angeles

November 29 and 30, 1973

November 29

1. Minutes of October 18-19, 1973, Meeting (sent 10/31/73)
2. Administrative Matters

Suggested Schedule for Future Meetings

January 10 - 7:00 p.m. - 10:00 p.m.	San Francisco
January 11 - 9:00 a.m. - 5:00 p.m.	
February 14 - 7:00 p.m. - 10:00 p.m.	Long Beach
February 15 - 9:00 a.m. - 5:00 p.m.	Queen Mary
March 14 - 7:00 p.m. - 10:00 p.m.	San Francisco
March 15 - 9:00 a.m. - 5:00 p.m.	
April 18 - 7:00 p.m. - 10:00 p.m.	Los Angeles
April 19 - 9:00 a.m. - 5:00 p.m.	

3. Study 78 - Landlord-Tenant Relations

Memorandum 73-85 (sent 11/21/73)

Drafts of Tentative Recommendations (attached to Memorandum)

4. Study 72 - Liquidated Damages

Memorandum 73-97 (sent 11/19/73)

Draft of Revised Recommendation (attached to Memorandum)

Note. If time permits, we will also consider Agenda items 8-12 on November 29

November 23, 1973

November 30

5. Study 36 - Condemnation

Memorandum 73-93 (sent 11/21/73)  
Portion of Preliminary Portion of Tentative Recommendation  
First Supplement to Memorandum 73-93 (enclosed)

6. Study 23 - Partition Procedure

Memorandum 73-94 (sent 11/12/73)  
Background Study (attached to Memorandum)

7. Study 39.70 - Prejudgment Attachment

Special order  
of Business at  
1:30 p.m. on  
Nov. 30

Memorandum 73-95 (sent 11/5/73)  
Draft of Recommendation (attached to Memorandum)

8. Study 39.100 - Enforcement of Sister State Money Judgments

Memorandum 73-98 (sent 11/12/73)  
Recommendation (attached to Memorandum)

9. Study 39.30 - Wage Garnishment and Related Matters (AB 101, 102)

Memorandum 73-96 (sent 11/12/73)  
First Supplement to Memorandum 73-96 (sent 11/19/73)

10. Study 63.20-80 - Evidence (Jury View)

Memorandum 73-92 (sent 10/31/73)  
Draft of Tentative Recommendation (attached to Memorandum)

11. Printing Program

Memorandum 73-99 (enclosed)

12. Conflict of Interest Statute

Memorandum 73-100 (enclosed)

MINUTES OF MEETING  
OF  
CALIFORNIA LAW REVISION COMMISSION

NOVEMBER 29 AND 30, 1973

Los Angeles

A meeting of the California Law Revision Commission was held in Los Angeles on November 29 and 30, 1973.

Present: John D. Miller, Chairman  
Mare W. Sandstrom, Vice Chairman  
Noble K. Gregory  
John N. McLaurin (Friday, November 30)  
Thomas E. Stanton, Jr.  
Howard R. Williams

Absent: Robert B. Stevens, Member of Senate  
Alister McAlister, Member of Assembly  
John J. Balluff  
George H. Murphy, ex officio

Messrs. John H. DeMouilly, Jack I. Horton, Rand McQuinn, Nathaniel Sterling, and Stan G. Ulrich, members of the Commission's staff, also were present. Mr. Garrett E. Elmore, Commission consultant on partition sales, was present on Friday, November 30. Professor Stefan A. Riesenfeld, commission consultant on creditors' remedies, was present on Friday, November 30.

The following persons were present as observers on days indicated:

Thursday, November 29

Ronald P. Denitz, Tishman Realty Co., Los Angeles  
Lawrence Murray, California Hotel & Motel Association, McFarland,  
Kitchens, & Jackson, San Francisco

Friday, November 30, morning

Jesse M. Bethel, Department of Water Resources, Sacramento

Friday, November 30, afternoon

Joseph D. Brady, Retired Inspector, Los Angeles Sheriff's Dept., Los Angeles  
C. D. Fountaine, Inspector, Los Angeles Sheriff's Dept., Los Angeles  
Paul L. Freese, Kindel & Anderson, Los Angeles  
James E. Gillespie, Marshal's Dept., Los Angeles  
Jake R. Humber, Capt., Los Angeles County Sheriff's Dept., Los Angeles  
William Kumli, Wholesale Credit Associations, San Francisco  
Hon. Campbell M. Lucas, Superior Court, Los Angeles  
Carl M. Olsen, Chief, San Francisco Sheriff's Dept., San Francisco  
Vernon D. Stokes, Wholesale Credit Associations, San Francisco

ADMINISTRATIVE MATTERS

Approval of Minutes

The Minutes for the October 18-19, 1973, Meeting were approved after correction of the following typographical errors:

- (1) Page 4, 3d line of 2d paragraph, "advice" should replace "advise."
- (2) Page 21, 3d line from top of page, "of" should replace "is."

Future Meetings

Future meetings are scheduled as follows:

January 1974	no meeting
February 14 - 7:00 p.m. - 10:00 p.m.	Long Beach
February 15 - 9:00 a.m. - 5:00 p.m.	(Queen Mary)
March 14 - 7:00 p.m. - 10:00 p.m.	San Francisco
March 15 - 9:00 a.m. - 5:00 p.m.	
April 18 - 7:00 p.m. - 10:00 p.m.	Los Angeles
April 19 - 9:00 a.m. - 5:00 p.m.	

Contractual Services

The Commission approved adding \$200 additional compensation to the contract for the indexing of Volume 11. This additional compensation is in recognition of the fact that the volume will contain two additional recommendations: (1) Landlord-Tenant Relations and (2) Liquidated Damages. Also, the volume will contain a 200 plus page recommendation on prejudgment attachment, a recommendation that was not definitely to be included in the volume at the time the original contract was made. The Executive Secretary was directed to execute on behalf of the Commission the necessary documents to increase the compensation by \$200.

Award to Chairman

The Commission presented to Chairman Miller a gavel-plaque in recognition of his distinguished service as Chairman during 1971-1973.

Mailing List

The Executive Secretary was directed to confer with the new Chairman after January 1 concerning procedures that might be used to eliminate names from the Commission's mailing list. The Executive Secretary should report to the Commission on this subject in February.

Conflict of Interests Statute

The Commission considered Memorandum 73-100 and briefly discussed the new Conflict of Interests Act (Cal. Stats. 1973, Ch. 1166). The Commission decided to postpone further discussion of the act until the Secretary of State disseminates information about its requirements. The staff was instructed to immediately forward copies of such information to the Commissioners.

Printing Program

The Commission considered Memorandum 73-99 concerning the printing program and directed the Executive Secretary to contact the legislative members of the Commission in the event that it becomes necessary to expedite the printing program.

STUDY 23 - PARTITION PROCEDURE

The Commission considered Memorandum 73-94 and the attached study relating to revision of the partition law along with a memorandum by Walter V. Stafford that was distributed at the meeting by Commissioner Gregory (attached hereto as Exhibit 23(a)). The Commission made the following policy determinations with regard to this subject and directed the staff to prepare a draft statute that would embody those determinations.

(1) The statute should be a comprehensive revision of the partition statute rather than a piecemeal correction of deficiencies.

(2) The statute should not attempt to make uniform the confirmation procedures for a partition sale in the Code of Civil Procedure and those in the Probate Code. Code of Civil Procedure Section 775 should be amended to make clear that the probate procedures are not incorporated--the Code of Civil Procedure provisions should be complete in themselves.

(3) The statute should move in the direction of a right to partition unless partition is shown to be inequitable under the circumstances of the case; the statute should not create a presumption of validity of a contract precluding partition.

(4) As to the manner of partition, the statute should move away from the presently strong preference for division in kind over division by sale, toward a position of neutrality; the statute should maintain, however, a moderate preference for division in kind.

(5) The statute should provide new sales procedures granting the trial court broader powers to prescribe the procedures applicable to partition sales

as proposed in the study. It should include express authority for the court to order any procedures agreed to by the parties, such as appointment of an exclusive broker.

(6) The staff was authorized to further develop an optional procedure permitting one or more coowners to acquire an undivided share at a value fixed by a referee and confirmed by the court.

(7) The statute should provide that all successive interests or estates, regardless of classification, are subject to partition. The manner of partition, whether in kind or by sale, should depend upon the type of future interest involved.

(8) Where a person seeks partition of property and the coowners are also coowners of other noncontiguous property, the statute should make clear the right of the other owners to join in the partition action the other property. Where several parcels are joined in a partition action, the court should have power to order the parcels distributed without physical division, with appropriate payment of owelty, rather than to require each parcel to be divided.

(9) The statute should provide greater protection for the interests of third parties who provide services in the partition in the manner proposed in the study. The staff should consider the possibility of providing for accrual of interest in case of delay in payment.

(10) The statute should provide a clearer and more detailed statement of the powers and duties of the trial court in the manner proposed in the study.

## MEMORANDUM

November 26, 1973

MR. GREGORY:

I have reviewed the various materials prepared for the Law Revision Committee with respect to the partition of real estate and related personal property. Insofar as the technical provisions of the proposed revisions are concerned, I believe that they are generally excellent and provide much needed reform. However, I question a number of the basic premises upon which the revisions are based. These include the following:

1. The concept of partition itself is, insofar as a physical division of property is concerned, almost invariably impracticable. The proposed revisions retain the concept that some sort of a physical division is preferable to sale. My experience, and based on a rather substantial amount of research and discussions with other people involved in partition actions, the experience of others, has been that where a physical division is possible the parties are generally not satisfied with the division because the aggregate value for the various parcels after partition is seldom equal to the value of the whole parcel before partition. Although I recognize the sanctity of the concept of real property (historically, the concept of partition is one aspect of the concept that real property is unique), I seriously question whether in today's society the concept has any substantial continuing validity. In my judgment the partition rules ought to be structured to provide for a sale unless the referees determine that it is reasonably practicable to make a physical division of the property.

2. The proposed revisions reflect the author's view that partition should always be possible notwithstanding an agreement among the parties to the contrary. The author analogizes to the law of partnership and points out that a partner can always terminate a partnership although in doing so he may breach an agreement to continue as a partner thereby making himself liable for damages. I do not believe that the analogy to partnership law is appropriate in many partition cases because many partition cases, perhaps a majority, involve the division of family property acquired by inheritance. In the partnership situation the parties have come together in a consensual transaction for profit. This is frequently not the case where real property is acquired by gift or inheritance.

At the urgings of the donor the donees may well agree not to partition the property. In my opinion such an agreement should be binding and enforceable. Where the parties received the property by gift or inheritance it seems to me that the law has no interest in saying that they are free to breach an agreement not to partition the property. I note in this connection that very frequently real property ownership is totally passive. In the partnership context one of the reasons for always permitting a termination of the partnership is to permit one partner to avoid the mutual agency relationship which he has with his fellow partners. This problem simply does not exist in the context of real property ownership.

3. The proposed revisions do not specifically deal with the problems of the partition of several distinct and non-contiguous parcels of land. This is the one situation in which a physical division may well be possible without materially undercutting the value of the interests of the various parties. I believe that the partition law should specifically provide that where the same persons are the co-owners of several parcels the court or the referees may partition the parcels by awarding one or more thereof to the individual parties.

Walter V. Stafford

Minutes  
November 29 and 30, 1973

STUDY 36.300 - CONDEMNATION (PRELIMINARY PORTION OF  
TENTATIVE RECOMMENDATION)

The Commission considered Memorandum 73-93 and the First Supplement thereto, and the attached draft of the preliminary portion of the eminent domain tentative recommendation. The Commission approved the preliminary portion for printing, subject to editorial revisions submitted by the Commissioners, and with the following changes:

(1) The Acknowledgements should include a statement to the effect that the Commission is also indebted to representatives of public agencies who attended meetings and provided advice.

(2) The staff should find an appropriate synonym to replace the term "package" as it is used in the Preface.

(3) In the Summary, on page 3, "sequential steps" was substituted for "temporal sequence"; on page 4, the sentence relating to award of attorney's fees in actions to recover damages for entry on property should be clarified; on page 5, a reference should be made to the solution of the remnant "problem" rather than remnant "situation"; on page 8, the discussion of the lease problem should indicate that express provisions in the lease may control.

(4) In the Tentative Recommendation, on page 3, "requires" should be substituted for "mandates"; on page 19, the last sentence should be revised to read "there appears to be no general consensus in California that adoption of a different scheme would be desirable."

Minutes  
November 29 and 30, 1973

STUDY 39.30 - WAGE GARNISHMENT AND RELATED MATTERS (AB 101, 102)

The Commission considered Memorandum 73-96 and the First Supplement thereto and decided not to make any changes in the recommendation as previously approved.

STUDY 39.100 - ENFORCEMENT OF SISTER STATE MONEY JUDGMENTS

The Commission considered Memorandum 73-98 and the attached recommendation relating to enforcement of sister state money judgments and decided not to make any changes in the recommendation as it was sent to the printer.

STUDY 39.70 - PREJUDGMENT ATTACHMENT

The Commission considered Memorandum 73-95, the Recommendation Relating to Prejudgment Attachment attached thereto, and the oral presentations of those persons attending the meeting (Friday afternoon, November 30th). The staff was authorized to send the recommendation to the printer and to have the proposed legislation submitted at the 1974 legislative session subject to the following actions:

Preliminary portion. This portion of the recommendation should be conformed to the changes made in the statutory portion of the recommendation. Editorial revisions furnished to the staff should be considered when these conforming changes are made.

Civil Code Section 3065a. The staff was directed to make clear that a plaintiff seeking to attach in an action authorized by this section should be permitted to secure ex parte a writ of attachment by showing that the property subject to his lien is about to be removed from the county.

Section 482.040. The last sentence of the Comment to this section should be incorporated into the statute itself.

Section 483.010. The phrase "reasonably ascertainable" should be changed to "readily ascertainable," and the prior case law using the latter term should be referred to in the Comment to this section.

Section 484.020. In connection with subdivision (e) of this section and similar provisions throughout the recommendation which require the plaintiff to describe the property which he seeks to attach, the staff was directed to implement the policy of requiring such description only where the property is

owned by an individual. Corporate and partnership property should not be required to be described in the plaintiff's application or the writ issued; however, provision should be made for instructing the levying officer as to what property is to be levied upon. Where an individual's property is sought to be attached, the plaintiff's application should describe the property in a manner adequate to permit the defendant to know what is sought to be attached.

Section 484.310. In connection with the procedures for issuance of "additional" writs, the staff was directed to take whatever action is necessary to make clear that the statute retains the ability to issue "multiple" writs in the same form.

Section 485.010. Paragraph (1) of subdivision (b) was revised to provide in part: "(1) A danger that the property sought to be attached would be concealed or placed beyond the process of the court . . . ." The Comment to this provision should be revised to indicate that this is a change from existing law.

Section 486.020. The second sentence of the Comment was deleted.

Section 486.040. This section was revised to provide substantially as follows:

486.040. The temporary protective order issued under this chapter shall contain such provisions as the court determines would be in the interest of justice and equity to the parties, taking into account the effects on both the defendant and the plaintiff under the circumstances of the particular case.

Section 488.310. Subdivision (c) was revised to provide substantially as follows:

(c) Promptly after recordation and in no event more than 45 days after the date of recording, the levying officer shall mail a copy of

the writ and the notice to the defendant and to any third person in whose name the property stands on such date. Such copies shall be mailed to the address of the defendant and any third person as shown by the records of the office of the tax assessor of the county where the property is located.

The staff was directed to consider in connection with the study on execution procedures the general problem of third-person's rights in real property which is the subject of levy under either attachment or execution.

Section 488.360. The staff was directed to implement the policy that the defendant should be permitted to continue to conduct his business in his usual manner but that the sheriff should be absolved from liability for permitting the defendant to do so, i.e., the risk of loss for permitting sales by check or credit card should fall on the plaintiff.

Section 488.370. This section should be revised to require that the account debtor identify in writing any obligee and to provide that the levying officer be absolved from liability for making service pursuant to this section.

Section 488.380. Subdivision (c) should be revised to require the levying officer to serve the account debtor here.

Section 488.530. The words "or keeper" were deleted from subdivision (c).

Section 489.220. This section should be revised to provide for a bond in the minimum amount of \$2,500 in an action in the municipal court and \$7,500 in an action in the superior court.

Section 489.310. The Comment to this section should note that the "reasonable" notice to the plaintiff may be a very short period of time as the circumstances require.

Minutes  
November 29 and 30, 1973

STUDY 63.20-80 - EVIDENCE (JUDICIAL SUPERVISION OF JURY VIEWS  
IN CIVIL CASES)

The Commission considered Memorandum 73-92 and the attached staff draft of a tentative recommendation relating to judicial supervision of jury views in civil cases. The Commission decided that it should be made clear both in the preliminary part and in Section 610 of the Code of Civil Procedure that the requirement that the judge personally attend the view may not be waived by the parties. Subject to this change and any necessary editorial revisions, the tentative recommendation was approved to send out for comment.

Minutes  
November 29 and 30, 1973

## STUDY 72 - LIQUIDATED DAMAGES

The Commission considered Memorandum 73-97 and the attached draft of a Revised Recommendation Relating to Liquidated Damages. The recommendation and background study were approved for printing and submission to the 1974 session after the following changes were made in the draft of the revised recommendation.

### Preliminary Portion

On page 5, footnote 10 should be reviewed by the staff and clarified, possibly by including the substance of the third paragraph on page 21. Also the place where this notecall appears in the text should be reconsidered by the staff.

On page 10, the second sentence under "Conclusion" was revised to read:

Such a provision would eliminate the uncertainty that now exists as to the validity of such late payment charges and would inhibit the practice of imposing unreasonable high charges.

On page 12, footnote 27 should be a notecall to the sentence that appears just before the sentence where the notecall now appears.

### Section 2954.6

(1) 10-percent rate. Section 2954.6 (late payment charge) was discussed. It was noted that the 10-percent late charge in Section 2954.6 conforms to the legislation enacted at the 1973 session (Bus. & Prof. Code § 10242.5) relating to mortgage loan brokers. It was agreed, however, that, if AB 105 is enacted in 1974 and provides a lower rate, the Commission's proposed general section should be amended to adopt the lower rate and should repeal both Section 10242.5 of the Business and Professions Code and the provision enacted by AB 105 to limit late payment charges.

(2) Subdivision (e). In subdivision (e), after "enforcement," the word "proceeding" was inserted.

(3) Subdivision (f). It was noted that subdivision (f) of proposed Civil Code Section 2954.6 states that the section does not apply to loans made by "an industrial loan company subject to the provisions of Division 7 (commencing with Section 18000) of the Financial Code," as well as to loans made by credit unions or personal property brokers under similar statutes. It was pointed out that, effective January 1, 1974, mortgage bankers can be licensed as industrial loan companies but are not subject to the late charge limitations imposed by Section 18667 of the Financial Code. Late charges imposed by such mortgage bankers would thus be subject to the standard provided by Section 3319 and would not be subject to the limitations imposed by Section 2954.6. It was suggested that subdivision (f) be revised to exclude only those industrial loan companies, personal property brokers, and credit unions which are subject to the late charge provisions of the statutes governing such entities.

After considerable discussion, the Commission decided not to revise subdivision (f) of Section 2954.6. It was noted that, to the extent that entities described in subdivision (f) are not subject to the late payment charge limitation of the particular special statute which governs the entity, this reflects a decision that the late payment charges of such entity should not be dealt with by statute. Consistent with this decision, these charges will not be governed by Section 2954.6 but, instead, will be governed by the general section relating to the validity of a liquidated damages provision-- Section 3319. The Comment to subdivision (f) should be revised to note

that there are exceptions to the rule that the late payment charges of credit unions, industrial loan companies, and personal property brokers are governed by special provisions in the applicable special statute that governs their operations.

(4) Comment. In the Comment appearing on page 16, an indication should be made following the reference to "Section 3302" to the substantive content of that section so that a person reading the Comment will know what the section deals with.

On page 18, second paragraph of Comment, after "late payment charge" insert "authorized by this section."

#### Section 3319

Section 3319 was revised to read:

3319. (a) Except as otherwise provided by statute, a provision in a contract liquidating the damages for breach of a contractual obligation is valid unless the party seeking to invalidate the provision establishes that it was unreasonable under the circumstances existing at the time of the making of the contract.

(b) Subdivision (a) does not apply to provisions included in public works contracts pursuant to Section 14376 or 53069.85 of the Government Code.

The last sentence of the second paragraph (page 19) of the Comment to Section 3319 was revised to read: "Compare Commercial Code Section 2718."

On page 19, the last sentence of the third paragraph should be revised to read in substance:

On the other hand, where the liquidation of damages provision is in a form contract, the court should carefully consider the circumstances existing at the time of the making of the contract to assure that the provision does not unreasonably benefit the party who prepared the form contract. In this connection, it should be noted also that nothing in Section 3319 affects the power of a court to modify or nullify terms in a contract of adhesion. See discussion in I. B. Witkin, Summary of California Law Contracts § 13 (6th Ed. 1973).

Section 3320

This section should be rewritten to require that any liquidated damage provision in a contract for the sale of real property is valid only if provided by a clause separately signed or initialed by each in order to be valid.

The section should also provide that, if the contract provides that any part or all of any deposit that is actually made by the purchaser shall constitute liquidated damages to the vendor, the amount shall be deemed to be reasonable and to satisfy the requirements of Section 3319 if it does not exceed five percent of the total purchase price in the contract.

Operative Effect

Section 9 on page 22 (relating to the operative effect) was deleted.

STUDY 78 - LANDLORD-TENANT RELATIONS

The Commission considered Memorandum 73-85 and the attached draft of two tentative recommendations relating to landlord-tenant relations. The Commission decided to separate out the portion relating to liens--Civil Code Sections 1861 (~~repealed~~), 1861a (amended), 1862.5 (amended)--and to include this portion in a tentative recommendation which is to be sent out after the meeting for comment. The remainder of the tentative recommendation was approved (with the revisions indicated below) for printing and submission to the 1974 Legislature.

The Commission made the following decisions with respect to the drafts of the recommendations attached to Memorandum 73-85.

RECOMMENDATION RELATING TO ABANDONMENT OF LEASED REAL PROPERTY

Section 1951.3

The phrase "Real property" was inserted for the word "Property" at the beginning of subdivision (a). Similar revisions should be made throughout the statute.

Subdivision (c) was revised to read in substance as follows:

(c) The lessor's notice of belief of abandonment shall be in writing and shall be personally delivered to the lessee or sent by first-class mail, postage prepaid, to the lessee at his last known address and, if there is reason to believe that the notice sent to that address will not be received by the lessee, also to such other address, if any, known to the lessor where the lessee may reasonably be expected to receive the notice.

In the second line on page 5, the word "lessor" was substituted for "undersigned."

In the last portion of the form at the top of page 5, "(Signature of lessor)" was substituted for "(Signature of lessor or his agent)" and "(Type or print name of signer)" was substituted for "(Type or print name of such person)."

Subdivision (e) was deleted.

In the Comment, on page 9, the phrase "a more objective test" was substituted for "an objective test." A comparable change is to be made in the preliminary portion of the recommendation.

In the preliminary portion of the recommendation, footnote 7 should be rewritten to make it more understandable. In revising this footnote, consideration should be given to using a portion of the language found in the last subdivision of proposed Section 1951.3.

RECOMMENDATION RELATING TO PERSONAL PROPERTY LEFT ON PREMISES VACATED BY  
TENANT

Lien Provisions

The portion of the recommendation relating to liens--Civil Code Sections 1861 (repealed), 1861a (amended), 1862.5 (amended)--is to be prepared as a separate tentative recommendation and distributed for comment to interested persons and organizations.

Disposition of Abandoned Property Provisions

References should be to "former tenant" rather than to "tenant."

The provision of Section 1983 on the manner of giving notice should be conformed to the language adopted for subdivision (c) of Section 1951.3 (see above).

Minutes  
November 29 and 30, 1973

In the forms, the detailed description under "Address" should be omitted, and the informational statement of how the property is to be described in the form should be omitted. The informational statement concerning the date to be inserted should be retained. The signature should be "Signature of landlord" (omitting "or his agent") and the remainder of the information at the bottom of the forms should be conformed to that change.

The phrase "the landlord reasonably believes may be the owner of the property" should be changed to "the landlord reasonably believes to be the owner of the property" in subdivision (a) of Section 1983. A similar revision should be made in the introductory clause of Section 1985 and in subdivision (b) of Section 1989. The words "may have" should be deleted from subdivision (b)(2) and subdivision (c)(2) of Section 1989 and in the Comments to those provisions. A similar revision should be made in subdivision (f)(2) of Section 1174.

Subdivision (c) of Section 1990 was revised to read:

(c) If the landlord stores the personal property on the premises, the cost of storage shall be the fair rental value of the space reasonably required for such storage for the term of the storage.

Section 1991 should be revised so that it gives the substantive right to combine the forms, even though technically the form under Section 1951.3 goes to the "lessee" and the form under Section 1983 goes to the "tenant."

Subdivision (f)(4) of Section 1174 should be conformed to Section 1987. The last paragraph on page 42 should be revised to indicate the basis for the holding in Gray v. Whitmore.

Minutes  
November 29 and 30, 1973

Other revisions suggested at the meeting or made on copies of the recommendations turned in by Commissioners are to be reviewed in preparing the recommendations for the printer.

APPROVED

\_\_\_\_\_ Date

\_\_\_\_\_ Chairman

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