

#75

4/25/73

Memorandum 73-45

Subject: Study 75 - Right of Nonresident Aliens to Inherit

At the last meeting, a recommendation was approved for printing to repeal the statute restricting the right of nonresident aliens to inherit.

During the last year, on a number of occasions, I have written to our consultant on this topic--Professor Babette B. Barton at Boalt Hall--and never received an answer. Nevertheless, I sent her a copy of the recommendation and asked for her comments. In response to this notice of entry of a "default judgment," she called me today and stated that she will complete her study for submission to the California Law Review by the end of May or early in June. She indicates that she and other experts with whom she has consulted believe that a sensible state statute in this area can and should be drafted. Accordingly, the staff suggests that our previously approved recommendation not be printed until after the Commission has had an opportunity to review Professor Barton's study. This should cause no serious problem because the recommendation is short, and I had not planned to have the recommended legislation introduced until early in the 1975 session.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary