

11/12/87

Memorandum 87-91

Subject: Annual Report

Attached is a draft of the Annual Report covering the year 1987. The draft follows closely the form of previous Annual Reports.

The staff will revise the draft to reflect any decisions made at the November meeting that affect the legislative program for 1988. Subject to these revisions, we would like to approve the Annual Report for printing.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

STATE OF CALIFORNIA

# CALIFORNIA LAW REVISION COMMISSION

Annual Report



December 1987

CALIFORNIA LAW REVISION COMMISSION  
4000 Middlefield Road, Suite D-2  
Palo Alto, California 94303-4739

# THE CALIFORNIA LAW REVISION COMMISSION

## COMMISSION MEMBERS

Ann E. Stodden <i>Chairperson</i>	Bill Lockyer <i>Member of Senate</i>
Forrest A. Plant <i>Vice Chairperson</i>	Arthur K. Marshall <i>Member</i>
Roger Arnebergh <i>Member</i>	Edwin K. Marzec <i>Member</i>
Bion M. Gregory <i>Member</i>	Tim Paone <i>Member</i>
Elihu M. Harris <i>Member of Assembly</i>	Vaughn R. Walker <i>Member</i>

## COMMISSION STAFF

### Legal

John H. DeMouly <i>Executive Secretary</i>	Robert J. Murphy III <i>Staff Counsel</i>
Nathaniel Sterling <i>Assistant Executive Secretary</i>	Stan G. Ulrich <i>Staff Counsel</i>

### Administrative-Secretarial

Stephen F. Zimmerman <i>Administrative Assistant</i>	
Eugenia Ayala <i>Word Processing Technician</i>	Victoria V. Matias <i>Word Processing Technician</i>

## NOTE

The Commission's annual reports and its recommendations and studies are published in separate pamphlets which are later bound in permanent volumes. The page numbers in each pamphlet are the same as in the volume in which the pamphlet is bound. The purpose of this numbering system is to facilitate consecutive pagination of the bound volumes. This pamphlet will appear in Volume 19 of the Commission's *Reports, Recommendations, and Studies* which is scheduled to be published late in 1989.

Cite this pamphlet as *Annual Report, 19 Cal L. Revision Comm'n Reports 501 (1988)*.

STATE OF CALIFORNIA

# CALIFORNIA LAW REVISION COMMISSION

Annual Report



December 1987

CALIFORNIA LAW REVISION COMMISSION  
4000 Middlefield Road, Suite D-2  
Palo Alto, California 94303-4739

## **SUMMARY OF WORK OF COMMISSION**

### **Recommendations to 1988 Legislative Session**

The California Law Revision Commission plans to submit to the 1988 legislative session a number of recommendations relating to probate law and procedure:

- Opening Estate Administration
- Inventory and Appraisal
- Interest and Income During Administration
- Litigation Involving Decedent
- Abatement
- Accounts
- Distribution and Discharge
- Nonresident Decedent
- Rules of Procedure
- Public Guardians and Administrators
- Miscellaneous Division 3 Provisions
- Fiduciaries Wartime Substitution Law
- Attorney Fees
- Personal Representative Fees

The Commission also plans to submit a recommendation relating to the Uniform Dormant Mineral Interests Act.

Recommendations relating to additional aspects of probate law and procedure will be submitted to the 1988 legislative session if work on them is completed in time to permit their submission.

### **Recommendations Enacted by the 1987 Legislative Session**

In 1987, both of the bills recommended by the Commission were enacted. These bills amended 99 sections, added 414 sections, and repealed 213 sections. They effectuated Commission recommendations relating to:

- Technical Revisions in the Trust Law
- Supervised Administration of Decedent's Estate
- Independent Administration of Estates Act
- Creditor Claims Against Decedent's Estate
- Notice in Probate Proceedings
- Notice in Guardianship and Conservatorship Proceedings
- Preliminary Provisions and Definitions of the Probate Code
- Marital Deduction Gifts
- Administration of Estates of Missing Persons

### **Commission Plans for 1988**

During 1988, the Commission plans to continue its work in preparing a new Probate Code.

**CALIFORNIA LAW REVISION COMMISSION**

4000 Middlefield Road, Suite D-2  
Palo Alto, CA 94303-4739  
(415) 494-1335

ANN E. STODDEN  
Chairperson  
FORREST A. PLANT  
Vice Chairperson  
ROGER ARNEBERGH  
BION M. GREGORY  
ASSEMBLYMAN ELIHU M. HARRIS  
SENATOR BILL LOCKYER  
ARTHUR K. MARSHALL  
EDWIN K. MARZEC  
TIA PADNE  
VAUGHN R. WALKER

December 10, 1987

To: The Honorable George Deukmejian  
*Governor of California*  
and  
The Legislature of California

In conformity with Government Code Section 8293, the California Law Revision Commission herewith submits this report of its activities during 1987.

Both of the bills introduced in 1987 to implement Commission recommendations were enacted. One of the bills streamlined, modernized, clarified, and improved various aspects of California probate law. The other bill made technical revisions in the new comprehensive trust law enacted in 1986. Assembly Member Harris authored these measures.

In 1987, the Legislature added an additional topic—administrative law—to the Commission's calendar of topics.

The Commission held one one-day meeting and ten two-day meetings during 1987. Meetings were held in Irvine, Los Angeles, Sacramento, San Diego, San Francisco, and San Jose.

Respectfully submitted,

Ann E. Stodden  
*Chairperson*

**CONTENTS**

	<i>Page</i>
<b>SUMMARY OF WORK OF COMMISSION .....</b>	<b>503</b>
<b>ANNUAL REPORT FOR THE YEAR 1986 .....</b>	<b>509</b>
<b>Introduction .....</b>	<b>509</b>
<b>1988 Legislative Program .....</b>	<b>510</b>
<b>The Probate Code Study .....</b>	<b>511</b>
<b>Calendar of Topics for Study .....</b>	<b>512</b>
<b>Function and Procedure of Commission .....</b>	<b>512</b>
<b>Personnel of Commission .....</b>	<b>515</b>
<b>Legislative History of Recommendations</b>	
<b>Submitted to the 1987 Legislative Session ...</b>	<b>516</b>
<b>Probate Law and Procedure .....</b>	<b>517</b>
<b>Trust Law .....</b>	<b>517</b>
<b>Resolutions Regarding Topics for Study ...</b>	<b>517</b>
<b>Report on Statutes Repealed by Implication or</b>	
<b>Held Unconstitutional .....</b>	<b>517</b>
<b>Recommendations .....</b>	<b>518</b>
 <b>APPENDICES</b>	
<b>1. Calendar of Topics Authorized for Study ..</b>	<b>519</b>
<b>2. Legislative Action on Commission</b>	
<b>Recommendations (Cumulative) .....</b>	<b>521</b>
<b>3. Communication From California Law</b>	
<b>Revision Commission Concerning</b>	
<b>Assembly Bill 362 (Trust Law) .....</b>	<b>539</b>
<b>4. Communication From California Law</b>	
<b>Revision Commission Concerning</b>	
<b>Assembly Bill 708 (Probate Law) .....</b>	<b>543</b>
<b>5. Recommendation Relating to Marital</b>	
<b>Deduction Gifts (March 1987) .....</b>	<b>613</b>
<b>6. Recommendation Relating to Administration</b>	
<b>of Estates of Missing Persons</b>	
<b>(April 1987) .....</b>	<b>635</b>
<b>7. Recommendation Relating to The Uniform</b>	
<b>Dormant Mineral Interests Act</b>	
<b>(December 1987) .....</b>	<b>653</b>
 <b>PUBLICATIONS OF THE CALIFORNIA LAW</b>	
<b>REVISION COMMISSION .....</b>	

# ANNUAL REPORT FOR THE YEAR 1987

## INTRODUCTION

The California Law Revision Commission<sup>1</sup> was created in 1953 (as the permanent successor to the Code Commission) with the responsibility for a continuing substantive review of California statutory and decisional law.<sup>2</sup> The Commission studies the California law to discover defects and anachronisms and recommends legislation to make needed reforms.

The Commission assists the Legislature in keeping the law up to date by:

- (1) Intensively studying complex and sometimes controversial subjects;
- (2) Identifying major policy questions for legislative attention;
- (3) Gathering the views of interested persons and organizations; and
- (4) Drafting recommended legislation for legislative consideration.

The efforts of the Commission permit the Legislature to determine significant policy questions rather than to concern itself with the technical problems in preparing background studies, working out intricate legal problems, and drafting needed legislation. The Commission thus enables the Legislature to accomplish needed reforms that otherwise might not be made because of the heavy demands on legislative time. In some cases, the Commission's report demonstrates that no new legislation on a particular topic is needed, thus relieving the Legislature of the need to study the topic.

The Commission consists of:

—A Member of the Senate appointed by the Committee on Rules.

—A Member of the Assembly appointed by the Speaker.

—Seven members appointed by the Governor with the advice and consent of the Senate.

—The Legislative Counsel who is an ex officio member.

The Commission may study only topics that the Legislature by concurrent resolution authorizes it to study. The Commission now has a calendar of 24 topics.<sup>3</sup>

Commission recommendations have resulted in the enactment of legislation affecting 10,142 sections of the California statutes:

1. See Gov't Code §§ 8280-8297 (statute establishing Law Revision Commission).

2. See 1 Cal. L. Revision Comm'n Reports, Annual Report for 1954, at 7 (1957).

3. See list of topics under "Calendar of Topics Authorized for Study" set out in Appendix I *infra*.



4,538 sections have been added, 2,233 sections amended, and 3,371 sections repealed. Of the 210 Commission recommendations submitted to the Legislature, 194 (92%) have been enacted in whole or in substantial part.<sup>4</sup>

The Commission's recommendations are published in softcover and later are collected in hardcover volumes. A list of past publications and information on where and how copies may be obtained may be found at the end of this Report.

### 1988 LEGISLATIVE PROGRAM

The Commission plans to recommend legislation on the following aspects of probate law to the 1988 Legislature:

- (1) Opening Estate Administration.<sup>5</sup>
- (2) Inventory and Appraisal.<sup>6</sup>
- (3) Interest and Income During Administration.<sup>7</sup>
- (4) Litigation Involving Decedent.<sup>8</sup>
- (5) Abatement.<sup>9</sup>
- (6) Accounts.<sup>10</sup>
- (7) Distribution and Discharge.<sup>11</sup>
- (8) Nonresident Decedent.<sup>12</sup>
- (9) Rules of Procedure.<sup>13</sup>
- (10) Public Guardians and Administrators.<sup>14</sup>
- (11) Miscellaneous Division 3 Provisions.<sup>15</sup>
- (12) Fiduciaries Wartime Substitution Law.<sup>16</sup>

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4. See list of recommendations and legislative action in Appendix 2 *infra*.

5. See *Recommendation Relating to Opening Estate Administration* (October 1987). This recommendation will be separately published.

6. See *Recommendation Relating to Inventory and Appraisal* (October 1987). This recommendation will be separately published.

7. See *Recommendation Relating to Interest and Income During Administration* (December 1987). This recommendation will be separately published.

8. See *Recommendation Relating to Litigation Involving Decedent* (November 1987). This recommendation will be separately published.

9. See *Recommendation Relating to Abatement* (October 1987). This recommendation will be separately published.

10. See *Recommendation Relating to Accounts* (November 1987). This recommendation will be separately published.

11. See *Recommendation Relating to Distribution and Discharge* (October 1987). This recommendation will be separately published.

12. See *Recommendation Relating to Nonresident Decedent* (November 1987). This recommendation will be separately published.

13. See *Recommendation Relating to Rules of Procedure* (November 1987). This recommendation will be separately published.

14. See *Recommendation Relating to Public Guardians and Administrators* (September 1987). This recommendation will be separately published.

15. See *Recommendation Relating to Miscellaneous Division 3 Provisions* (September 1987). This recommendation will be separately published.

16. See *Recommendation Relating to Fiduciaries Wartime Substitution Law* (November 1987). This recommendation will be separately published.

(13) Attorney Fees.<sup>17</sup>

(14) Personal Representative Fees.<sup>18</sup>

The Commission also plans to submit a recommendation relating to the Uniform Dormant Mineral Interests Act.<sup>19</sup>

Recommendations relating to additional aspects of probate law and procedure will be submitted to the 1988 legislative session if work on them is completed in time.

### THE PROBATE CODE STUDY

During the last few years, the Commission has been devoting its time and resources almost exclusively to the study of probate law and procedure. The Commission is drafting a new Probate Code to replace the existing Probate Code.

The Commission has made substantial progress in preparing the new code. However, there are many areas of existing law that need intensive study, and the Commission finds that it will be unable to recommend the enactment of the new code in 1988.

The Commission will not delay proposing needed probate law reforms until work on the new code is completed. Instead, the Commission plans to submit recommendations covering substantial portions of the Probate Code for enactment in 1988.<sup>20</sup> During 1988, the Commission plans to devote its time and resources almost exclusively to the task of completing the work on the new code.

The Commission is working in close cooperation with the Estate Planning, Trust, and Probate Law Section of the State Bar Association, the Probate and Trust Law Section of the Los Angeles County Bar Association, and the Probate, Trust, and Estate Planning Section of the Beverly Hills Bar Association. These groups review materials prepared for consideration at Commission meetings, and their representatives regularly attend Commission meetings to advise and assist the Commission.

The Commission has sought and obtained the views of members of the public and of lawyers, judges, court commissioners, probate referees, public administrators, public guardians, realtors, newspaper publishers, and others who work

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17. See *Recommendation Relating to Attorney Fees* (January 1988). This recommendation will be separately published.

18. See *Recommendation Relating to Personal Representative Fees* (January 1988). This recommendation will be separately published.

19. See *Recommendation Relating to The Uniform Dormant Mineral Interests Act* (December 1987), published as Appendix 7 to this Report.

20. See "1988 Legislative Program" *supra*.

in the probate law field or are concerned with particular aspects of probate law. A special effort has been made to obtain comments and suggestions from the probate and trust law committees of local bar associations, and a number of these local bar groups have submitted comments on tentative drafts even though they do not have representatives present at Commission meetings.

The Commission has retained the following expert consultants to assist the Commission in the probate law study: Professor Paul E. Basye, Hastings College of the Law, Professor Gail Borman Bird, Hastings College of the Law, Professor Jesse Dukeminier, U.C.L.A. Law School, Professor Susan F. French, U.C. Davis School of Law, Professor Edward C. Halbach, Jr., U.C. Berkeley Law School, and Professor Russell D. Niles, Hastings College of the Law.

## CALENDAR OF TOPICS FOR STUDY

### Topics Authorized for Study

The Commission's calendar of topics is set out in Appendix 1 to this Report. Each of these topics has been authorized for Commission study by the Legislature.<sup>21</sup>

### Topic for Future Consideration

The Commission recommends that it be authorized to study the new topic described below.

[See Second Supplement to Memorandum 87-91]

## FUNCTION AND PROCEDURE OF COMMISSION

The principal duties of the Commission<sup>22</sup> are to:

- (1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.
- (2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws,<sup>23</sup> bar

21. Section 8293 of the Government Code provides that the Commission shall study, in addition to those topics which it recommends and which are approved by the Legislature, any topics which the Legislature by concurrent resolution refers to it for study.

22. Gov't Code §§ 8280-8297 (statute governing California Law Revision Commission).

23. The Legislative Counsel, an ex officio member of the Law Revision Commission, serves as a Commissioner of the Commission on Uniform Laws. See Gov't Code § 8261. The Commission's Executive Secretary serves as an Associate Member of the National Conference of Commissioners on Uniform State Laws.

associations, and other learned bodies, and from judges, public officials, lawyers, and the public generally.

(3) Recommend such changes in law as it deems necessary to bring the law of this state into harmony with modern conditions.<sup>24</sup>

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, listing both studies in progress and topics intended for future consideration. The Commission may study only topics which the Legislature, by concurrent resolution, authorizes it to study.<sup>25</sup>

The Commission's work on a recommendation is commenced after a background study has been prepared. The background study may be prepared by a member of the Commission's staff or by a specialist in the field of law involved who is retained as a research consultant. Using expert consultants provides the Commission with invaluable assistance and is economical because the attorneys and law professors who serve as research consultants have already acquired the considerable background necessary to understand the specific problems under consideration. Expert consultants are also retained to advise the Commission at meetings.

After making its preliminary decisions on a subject, the Commission ordinarily distributes a tentative recommendation to the State Bar and to numerous other interested persons. Comments on the tentative recommendation are considered by the Commission in determining what recommendation, if any, the Commission will make to the Legislature. When the Commission has reached a conclusion on the matter, its recommendation to the Legislature (including a draft of any legislation necessary to effectuate its recommendation) is published.<sup>26</sup> The background study is generally published with the recommendation or in a law review.<sup>27</sup>

24. See Gov't Code § 8289. The Commission is also directed to recommend the express repeal of all statutes repealed by implication or held unconstitutional by the California Supreme Court or the Supreme Court of the United States. Gov't Code § 8290.

25. See Gov't Code § 8293. In addition, Code of Civil Procedure Section 703.120 requires the Commission to review statutes providing for exemptions from enforcement of money judgments each 10 years and to recommend any needed revisions.

26. Occasionally one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission.

27. For a background study recently published in a law review, see French, *Imposing a General Survival Requirement on Beneficiaries of Future Interests: Solving the Problems Caused by the Death of a Beneficiary Before the Time Set for Distribution*, 27 *Ariz. L. Rev.* 801 (1985). For a list of background studies published in law reviews prior to 1986, see 10 Cal. L. Revision Comm'n Reports 1108 n.5 (1971), 11 Cal. L. Revision Comm'n Reports 1008 n.5 & 1108 n.5 (1973), 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976), 16 Cal. L. Revision Comm'n Reports 2021 n.6 (1982), 17 Cal. L. Revision Comm'n Reports 819 n.6 (1984), and 18 Cal. L. Revision Comm'n Reports 212 n.17 (1986), 18 Cal. L. Revision Comm'n Reports 1713 n.20 (1986).

The Commission ordinarily prepares a Comment explaining each section it recommends. These Comments are included in the Commission's report and are frequently revised by legislative committee or Commission reports to reflect amendments made after the recommended legislation has been introduced in the Legislature.<sup>28</sup> These reports, which are printed or noted in the legislative journal, state that the Comments to the various sections of the bill contained in the Commission's recommendation reflect the intent of the committee in approving the bill except to the extent that new or revised Comments are set out in the committee report itself or in a report on file with the committee.<sup>29</sup> The Comment indicates the derivation of the section and often explains its purpose, its relation to other sections, and potential problems in its meaning or application. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions.<sup>30</sup> However, while the Commission endeavors in the Comment to explain any changes in the law made by the section, the Commission does not claim that every inconsistent case is noted in the Comment, nor can it anticipate judicial conclusions as to the significance of existing case authorities.<sup>31</sup> Hence, failure to note a change in prior law or to refer to an inconsistent judicial decision is not intended to, and should not, influence the construction of a clearly stated statutory provision.<sup>32</sup>

The pamphlets are distributed to the Governor, Members of

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28. Many amendments are made on recommendation of the Commission to deal with matters brought to the Commission's attention after its recommendation was printed. In some cases, however, an amendment may be made that the Commission believes is not desirable and does not recommend.

29. For examples of such reports, see Appendix 3 and Appendix 4 to this Report. For a description of the legislative committee reports adopted in connection with the bill that became the Evidence Code, see *Arellano v. Moreno*, 33 Cal. App. 3d 877, 884, 109 Cal. Rptr. 421, 426 (1973).

30. E.g., *Van Arsdale v. Hollinger*, 68 Cal. 2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968). See also *Milligan v. City of Laguna Beach*, 34 Cal. 3d 829, 831, 670 P.2d 1121, 1122, 196 Cal. Rptr. 38, 39 (1983) ("To ascertain the legislative intent, courts have resorted to many rules of construction. However, when the Legislature has stated the purpose of its enactment in unmistakable terms [e.g., in official comments], we must apply the enactment in accordance with the legislative direction, and all other rules of construction must fall by the wayside. Speculation and reasoning as to legislative purpose must give way to expressed legislative purpose."). The Comments are published by the Bancroft-Whitney Company and the West Publishing Company in their editions of the annotated codes.

31. See, e.g., *Arellano v. Moreno*, 33 Cal. App. 3d 877, 109 Cal. Rptr. 421 (1973).

32. The Commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court*, 6 Cal. 3d 150, 158-59, 491 P.2d 1, 5-6, 98 Cal. Rptr. 649, 653-54 (1971). For a reaction to the problem created by the *Kaplan* approach, see *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973). See also 1974 Cal. Stat. ch. 227.

the Legislature, heads of state departments, and a substantial number of judges, district attorneys, lawyers, law professors, and law libraries throughout the state.<sup>33</sup> Thus, a large and representative number of interested persons is given an opportunity to study and comment on the Commission's work before it is considered for enactment by the Legislature.<sup>34</sup> The annual reports and the recommendations and studies of the Commission are republished in a set of hardcover volumes that is both a permanent record of the Commission's work and, it is believed, a valuable contribution to the legal literature of the state. These volumes are available at most county law libraries and at some other libraries. Some hardcover volumes are out of print, but others are available for purchase.<sup>35</sup>

### PERSONNEL OF COMMISSION

As of December 1, 1987, the membership of the Law Revision Commission is:

	<i>Term Expires</i>
Ann E. Stodden, Los Angeles, Chairperson.....	October 1, 1991
Forrest A. Plant, Sacramento, Vice Chairperson.....	October 1, 1989
Roger Arnebergh, Van Nuys, Member.....	October 1, 1991
Bion M. Gregory, Sacramento, ex officio Member.....	†
Elihu M. Harris, Oakland, Assembly Member.....	*
Bill Lockyer, Hayward, Senate Member.....	*
Arthur K. Marshall, Los Angeles, Member.....	October 1, 1991
Edwin K. Marzec, Santa Monica, Member.....	October 1, 1991
Tim Paone, Newport Beach, Member.....	October 1, 1989
Vaughn R. Walker, San Francisco, Member.....	October 1, 1989

\* The legislative members of the Commission serve at the pleasure of the appointing power.

† The Legislative Counsel is an *ex officio* member of the Commission.

In September 1987, the Commission elected Ann E. Stodden as Chairperson (succeeding Arthur K. Marshall) and Forrest A. Plant as Vice Chairperson (succeeding Ann E. Stodden). The terms of the new officers end September 30, 1988.

33. See Gov't Code § 8291.

34. For a step-by-step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouly, *Fact Finding for Legislation: A Case Study*, 50 A.B.A.J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 Cal. L. Revision Comm'n Reports 3 (1965).

35. See "Publications of the California Law Revision Commission" *infra*.

In October 1987, Governor Deukmejian reappointed Roger Arnebergh, Arthur K. Marshall, Edwin K. Marzec, and Ann E. Stodden as members of the Commission. Their terms end on October 1, 1991.

As of December 1, 1987, the staff of the Commission is:

*Legal*

John H. DeMouly <i>Executive Secretary</i>	Robert J. Murphy III <i>Staff Counsel</i>
Nathaniel Sterling <i>Assistant Executive Secretary</i>	Stan G. Ulrich <i>Staff Counsel</i>

*Administrative-Secretarial*  
Stephen F. Zimmerman  
*Administrative Assistant*

Eugenia Ayala <i>Word Processing Technician</i>	Victoria V. Matias <i>Word Processing Technician</i>
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Stephen F. Zimmerman joined the Commission's staff in May of 1987 to replace Dianne H. Dienststein as Administrative Assistant.

During 1987, James A. Kowalski, a student at the University of San Francisco Law School, and Megan A. Smith, a student at the University of Santa Clara Law School were employed as student legal assistants.

## **LEGISLATIVE HISTORY OF RECOMMENDATIONS SUBMITTED TO 1987 LEGISLATIVE SESSION**

The Commission recommended two bills and two concurrent resolutions for enactment at the 1987 legislative session. One of the concurrent resolutions was adopted and both of the bills were enacted.

### **Probate Law and Procedure**

Assembly Bill 708, which became Chapter 923 of the Statutes of 1987, was introduced by Assembly Member Harris to effectuate eight Commission Recommendations. See *Notice in Guardianship and Conservatorship Proceedings*, 18 Cal. L. Revision Comm'n Reports 1793 (1986); *Preliminary Provisions and Definitions of the Probate Code*, 18 Cal. L. Revision Comm'n Reports 1807 (1986); *Supervised Administration of Decedent's Estate*, 19 Cal. L. Revision Comm'n Reports 5 (1988); *Independent Administration of Estates Act*, 19 Cal. L. Revision Comm'n Reports 205 (1988); *Creditor Claims Against*

*Decedent's Estate*, 19 Cal. L. Revision Comm'n Reports 299 (1988); *Notice in Probate Proceedings*, 19 Cal. L. Revision Comm'n Reports 357 (1988); *Marital Deduction Gifts* (March 1987), published as Appendix 5 of this Report; and *Administration of Estates of Missing Persons* (April 1987), published as Appendix 6 of this Report. See also *Communication From California Law Revision Commission Concerning Assembly Bill 708* (Probate Law), reprinted as Appendix 4 of this Report. The bill was enacted after amendments were made.

#### **Trust Law**

Assembly Bill 362, which became Chapter 128 of the Statutes of 1987, was introduced by Assembly Member Harris to implement the California Law Revision Commission's *Recommendation Relating to Technical Revisions in the Trust Law* (December 1986), 18 Cal. L. Revision Comm'n Reports 1823 (1986). The bill made technical and clarifying changes in the new Trust Law, and was enacted as urgency legislation to become operative at the same time as the new Trust Law. See also *Communication From California Law Revision Commission Concerning Assembly Bill 362* (Trust Law), reprinted as Appendix 3 of this Report. The bill was enacted after amendments were made.

#### **Resolutions Regarding Topics for Study**

Senate Concurrent Resolution 12, introduced by Senate Member Lockyer and adopted as Resolution Chapter 47 of the Statutes of 1987, continues the Commission's authority to study topics previously authorized and adds authorization to study administrative law.

Assembly Concurrent Resolution 42, introduced by Assembly Member Harris to authorize the study of administrative law by the Commission, was not adopted. This measure became unnecessary when Senate Concurrent Resolution 12, *supra*, was amended to include authority to study administrative law.

### **REPORT ON STATUTES REPEALED BY IMPLICATION OR HELD UNCONSTITUTIONAL**

Section 8290 of the Government Code provides:

The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.



Pursuant to this directive, the Commission has made a study of the decisions of the United States Supreme Court and the California Supreme Court handed down since the Commission's last Annual Report was prepared<sup>36</sup> and has the following to report:

[See First Supplement to Memorandum 87-91]

### RECOMMENDATIONS

The Law Revision Commission respectfully recommends that the Legislature authorize the Commission to complete its study of the topics previously authorized for study (see "Calendar of Topics Authorized for Study" set out as Appendix 1 to this Report) and to study the new topic the Commission recommends it be authorized to study (see Calendar of Topics for Study, *supra*).

Pursuant to the mandate imposed by Section 8290 of the Government Code, the Commission recommends the repeal of the provisions referred to under "Report on Statutes Repealed by Implication or Held Unconstitutional," *supra*, to the extent that those provisions have been held unconstitutional and have not been amended or repealed.

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<sup>36</sup> This study has been carried through 42 Cal. 3d 666 (Advance Sheet No. 29, October 28, 1986) and 106 S.Ct. 3343 (Advance Sheet No. 18A, July 31, 1986).

## APPENDIX 1

### CALENDAR OF TOPICS AUTHORIZED FOR STUDY

The Commission has on its calendar of topics the topics listed below. Each of these topics has been authorized for Commission study by the Legislature.

**Creditors' remedies.** Whether the law relating to creditors' remedies (including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, and related matters) should be revised. (Authorized by 1983 Cal. Stat. res. ch. 40. See also 1974 Cal. Stat. res. ch. 45; 1972 Cal. Stat. res. ch. 27; 1957 Cal. Stat. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, "1957 Report" at 15 (1957).)

**Probate Code.** Whether the California Probate Code should be revised, including but not limited to, whether California should adopt, in whole or in part, the Uniform Probate Code. (Authorized by 1980 Cal. Stat. res. ch. 37.)

**Real and personal property.** Whether the law relating to real and personal property (including, but not limited to, a Marketable Title Act, covenants, servitudes, conditions, and restrictions on land use or relating to land, possibilities of reverter, powers of termination, Section 1464 of the Civil Code, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon termination or abandonment of a lease, powers of appointment, and related matters) should be revised. (Authorized by 1983 Cal. Stat. res. ch. 40, consolidating various previously authorized aspects of real and personal property law into one comprehensive topic.)

**Family law.** Whether the law relating to family law (including, but not limited to, community property) should be revised. (Authorized by 1983 Cal. Stat. res. ch. 40. See also 1978 Cal. Stat. res. ch. 65; 16 Cal. L. Revision Comm'n Reports 2019 (1982); 14 Cal. L. Revision Comm'n Reports 22 (1978).)

**Prejudgment interest.** Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised. (Authorized by 1971 Cal. Stat. res. ch. 75.)

**Class actions.** Whether the law relating to class actions should be revised. (Authorized by 1975 Cal. Stat. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 524 (1974).)

**Offers of compromise.** Whether the law relating to offers of compromise should be revised. (Authorized by 1975 Cal. Stat. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 525 (1974).)

**Discovery in civil cases.** Whether the law relating to discovery in civil cases should be revised. (Authorized by 1975 Cal. Stat. res. ch. 15. See also 12 Cal. L. Revision Comm'n Reports 526 (1974).)

**Procedure for removal of invalid liens.** Whether a summary procedure should be provided by which property owners can remove doubtful or invalid liens from their property, including a provision for payment of attorney's fees to the prevailing party. (Authorized by 1980 Cal. Stat. res. ch. 37.)

**Special assessment liens for public improvements.** Whether acts governing special assessments for public improvements should be simplified and unified. (Authorized by 1980 Cal. Stat. res. ch. 37.)

**Injunctions.** Whether the law on injunctions and related matters should be revised. (Authorized by 1984 Cal. Stat. res. ch. 42.)

**Involuntary dismissal for lack of prosecution.** Whether the law relating to involuntary dismissal for lack of prosecution should be revised. (Authorized by 1978 Cal. Stat. res. ch. 85. See also 14 Cal. L. Revision Comm'n Reports 23 (1978).)

**Statutes of limitation for felonies.** Whether the law relating to statutes of limitations applicable to felonies should be revised. (Authorized by 1981 Cal. Stat. ch. 909, § 3.)

**Rights and disabilities of minors and incompetent persons.** Whether the law relating to the rights and disabilities of minors and incompetent persons should be revised. (Authorized by 1979 Cal. Stat. res. ch. 19. See also 14 Cal. L. Revision Comm'n Reports 217 (1978).)

**Child custody, adoption, guardianship, and related matters.** Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised. (Authorized by 1972 Cal. Stat. res. ch. 27. See also 10 Cal. L. Revision Comm'n Reports 1122 (1971); 1956 Cal. Stat. res. ch. 42; 1 Cal. L. Revision Comm'n Reports, "1956 Report" at 29 (1957).)

**Evidence.** Whether the Evidence Code should be revised. (Authorized by 1965 Cal. Stat. res. ch. 130.)

**Arbitration.** Whether the law relating to arbitration should be revised. (Authorized by 1968 Cal. Stat. res. ch. 110. See also 8 Cal. L. Revision Comm'n Reports 1325 (1967).)

**Modification of contracts.** Whether the law relating to modification of contracts should be revised. (Authorized by 1974 Cal. Stat. res. ch. 45. See also 1957 Cal. Stat. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, "1957 Report" at 21 (1957).)

**Governmental liability.** Whether the law relating to sovereign or governmental immunity in California should be revised. (Authorized by 1977 Cal. Stat. res. ch. 17. See also 1957 Cal. Stat. res. ch. 202.)

**Inverse condemnation.** Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including, but not limited to, liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised. (Authorized by 1971 Cal. Stat. res. ch. 74. See also 1970 Cal. Stat. res. ch. 46; 1965 Cal. Stat. res. ch. 130.)

**Liquidated damages.** Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised. (Authorized by 1973 Cal. Stat. res. ch. 39. See also 1969 Cal. Stat. res. ch. 224.)

**Parol evidence rule.** Whether the parol evidence rule should be revised. (Authorized by 1971 Cal. Stat. res. ch. 75. See also 10 Cal. L. Revision Comm'n Reports 1031 (1971).)

**Pleadings in civil actions.** Whether the law relating to pleadings in civil actions and proceedings should be revised. (Authorized by 1980 Cal. Stat. res. ch. 37.)

**Administrative Law.** Whether there should be changes to administrative law. (Authorized by 1987 Cal. Stat. res. ch. 47.)

## APPENDIX 2

### LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

#### LEGISLATIVE ACTION

Recommendation	Action by Legislature
1. <i>Partial Revision of Education Code</i> , 1 Cal. L. Revision Comm'n Reports, Annual Report for 1954 at 12 (1957)	Enacted. 1955 Cal. Stat. chs. 799, 877
2. <i>Summary Distribution of Small Estates Under Probate Code Sections 640 to 646</i> , 1 Cal. L. Revision Comm'n Reports, Annual Report for 1954 at 50 (1957)	Enacted. 1955 Cal. Stat. ch. 1183
3. <i>Fish and Game Code</i> , 1 Cal. L. Revision Comm'n Reports, Annual Report for 1957 at 13 (1957); 1 Cal. L. Revision Comm'n Reports, Annual Report for 1956 at 13 (1957)	Enacted. 1957 Cal. Stat. ch. 456
4. <i>Maximum Period of Confinement in a County Jail</i> , 1 Cal. L. Revision Comm'n Reports at A-1 (1957)	Enacted. 1957 Cal. Stat. ch. 139
5. <i>Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions</i> , 1 Cal. L. Revision Comm'n Reports at B-1 (1957)	Enacted. 1957 Cal. Stat. ch. 540
6. <i>Taking Instructions to Jury Room</i> , 1 Cal. L. Revision Comm'n Reports at C-1 (1957)	Not enacted. But see Code Civ. Proc. § 612.4, enacting substance of this recommendation.
7. <i>The Dead Man Statute</i> , 1 Cal. L. Revision Comm'n Reports at D-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Comment to Evid. Code § 1261.
8. <i>Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere</i> , 1 Cal. L. Revision Comm'n Reports at E-1 (1957)	Enacted. 1957 Cal. Stat. ch. 490
9. <i>The Marital "For and Against" Testimonial Privilege</i> , 1 Cal. L. Revision Comm'n Reports at F-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Comment to Evid. Code § 970.

Recommendation	Action by Legislature
10. <i>Suspension of the Absolute Power of Alienation</i> , 1 Cal. L. Revision Comm'n Reports at G-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959 at 14 (1959)	Enacted. 1959 Cal. Stat. ch. 470
11. <i>Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378</i> , 1 Cal. L. Revision Comm'n Reports at H-1 (1957)	Enacted. 1957 Cal. Stat. ch. 102
12. <i>Judicial Notice of the Law of Foreign Countries</i> , 1 Cal. L. Revision Comm'n Reports at I-1 (1957)	Enacted. 1957 Cal. Stat. ch. 249
13. <i>Choice of Law Governing Survival of Actions</i> , 1 Cal. L. Revision Comm'n Reports at J-1 (1957)	No legislation recommended.
14. <i>Effective Date of Order Ruling on a Motion for New Trial</i> , 1 Cal. L. Revision Comm'n Reports at K-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959 at 16 (1959)	Enacted. 1959 Cal. Stat. ch. 468
15. <i>Retention of Venue for Convenience of Witnesses</i> , 1 Cal. L. Revision Comm'n Reports at L-1 (1957)	Not enacted.
16. <i>Bringing New Parties Into Civil Actions</i> , 1 Cal. L. Revision Comm'n Reports at M-1 (1957)	Enacted. 1957 Cal. Stat. ch. 1498
17. <i>Grand Juries</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959 at 20 (1959)	Enacted. 1959 Cal. Stat. ch. 501
18. <i>Procedure for Appointing Guardians</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959 at 21 (1959)	Enacted. 1959 Cal. Stat. ch. 500
19. <i>Appointment of Administrator in Quiet Title Action</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959 at 29 (1959)	No legislation recommended.
20. <i>Presentation of Claims Against Public Entities</i> , 2 Cal. L. Revision Comm'n Reports at A-1 (1959)	Enacted. 1959 Cal. Stat. chs. 1715, 1724, 1725, 1726, 1727, 1728; Cal. Const., Art. XI, § 10 (1960)

Recommendation	Action by Legislature
21. <i>Right of Nonresident Aliens to Inherit</i> , 2 Cal. L. Revision Comm'n Reports at B-1 (1959); 11 Cal. L. Revision Comm'n Reports 421 (1973)	Enacted. 1974 Cal. Stat. ch. 425
22. <i>Mortgages to Secure Future Advances</i> , 2 Cal. L. Revision Comm'n Reports at C-1 (1959)	Enacted. 1959 Cal. Stat. ch. 528
23. <i>Doctrine of Worthier Title</i> , 2 Cal. L. Revision Comm'n Reports at D-1 (1959)	Enacted. 1959 Cal. Stat. ch. 122
24. <i>Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving</i> , 2 Cal. L. Revision Comm'n Reports at E-1 (1959)	Not enacted. But see 1972 Cal. Stat. ch. 92, enacting substance of a portion of recommendation relating to drunk driving.
25. <i>Time Within Which Motion for New Trial May Be Made</i> , 2 Cal. L. Revision Comm'n Reports at F-1 (1959)	Enacted. 1959 Cal. Stat. ch. 469
26. <i>Notice to Shareholders of Sale of Corporate Assets</i> , 2 Cal. L. Revision Comm'n Reports at G-1 (1959)	Not enacted. But see Corp. Code §§ 1001, 1002, enacting substance of recommendation.
27. <i>Evidence in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports at A-1 (1961)	Not enacted. But see Evid. Code § 810 <i>et seq.</i> enacting substance of recommendation.
28. <i>Taking Possession and Passage of Title in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports at B-1 (1961)	Enacted. 1961 Cal. Stat. chs. 1612, 1613
29. <i>Reimbursement for Moving Expenses When Property Is Acquired for Public Use</i> , 3 Cal. L. Revision Comm'n Reports at C-1 (1961)	Not enacted. But see Gov't Code § 7260 <i>et seq.</i> enacting substance of recommendation.
30. <i>Rescission of Contracts</i> , 3 Cal. L. Revision Comm'n Reports at D-1 (1961)	Enacted. 1961 Cal. Stat. ch. 589
31. <i>Right to Counsel and Separation of Delinquent From Nondelinquent Minor In Juvenile Court Proceedings</i> , 3 Cal. L. Revision Comm'n Reports at E-1 (1961)	Enacted. 1961 Cal. Stat. ch. 1616

Recommendation	Action by Legislature
32. <i>Survival of Actions</i> , 3 Cal. L. Revision Comm'n Reports at F-1 (1961)	Enacted. 1961 Cal. Stat. ch. 657
33. <i>Arbitration</i> , 3 Cal. L. Revision Comm'n Reports at G-1 (1961)	Enacted. 1961 Cal. Stat. ch. 461
34. <i>Presentation of Claims Against Public Officers and Employees</i> , 3 Cal. L. Revision Comm'n Reports at H-1 (1961)	Not enacted 1961. See recommendation to 1963 session (item 39 <i>infra</i> ) which was enacted.
35. <i>Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere</i> , 3 Cal. L. Revision Comm'n Reports at I-1 (1961)	Enacted. 1961 Cal. Stat. ch. 636
36. <i>Notice of Alibi in Criminal Actions</i> , 3 Cal. L. Revision Comm'n Reports at J-1 (1961)	Not enacted.
37. <i>Discovery in Eminent Domain Proceedings</i> , 4 Cal. L. Revision Comm'n Reports 701 (1963); 8 Cal. L. Revision Comm'n Reports 19 (1967)	Enacted. 1967 Cal. Stat. ch. 1104
38. <i>Tort Liability of Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 801 (1963)	Enacted. 1963 Cal. Stat. ch. 1681
39. <i>Claims, Actions and Judgments Against Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1001 (1963)	Enacted. 1963 Cal. Stat. ch. 1715
40. <i>Insurance Coverage for Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1201 (1963)	Enacted. 1963 Cal. Stat. ch. 1682
41. <i>Defense of Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1301 (1963)	Enacted. 1963 Cal. Stat. ch. 1683
42. <i>Liability of Public Entities for Ownership and Operation of Motor Vehicles</i> , 4 Cal. L. Revision Comm'n Reports 1401 (1963); 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 1527

Recommendation	Action by Legislature
43. <i>Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer</i> , 4 Cal. L. Revision Comm'n Reports 1501 (1963)	Enacted. 1963 Cal. Stat. ch. 1684
44. <i>Sovereign Immunity — Amendments and Repeals of Inconsistent Statutes</i> , 4 Cal. L. Revision Comm'n Reports 1601 (1963)	Enacted. 1963 Cal. Stat. chs. 1685, 1686, 2029
45. <i>Evidence Code</i> , 7 Cal. L. Revision Comm'n Reports 1 (1965)	Enacted. 1965 Cal. Stat. ch. 299
46. <i>Claims and Actions Against Public Entities and Public Employees</i> , 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 653
47. <i>Evidence Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 101 (1967)	Enacted in part. 1967 Cal. Stat. ch. 650. Balance enacted. 1970 Cal. Stat. ch. 69.
48. <i>Evidence — Agricultural Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 201 (1967)	Enacted. 1967 Cal. Stat. ch. 262
49. <i>Evidence — Commercial Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 301 (1967)	Enacted. 1967 Cal. Stat. ch. 703
50. <i>Whether Damage for Personal Injury to a Married Person Should be Separate or Community Property</i> , 8 Cal. L. Revision Comm'n Reports 401 (1967); 8 Cal. L. Revision Comm'n Reports 1385 (1967)	Enacted. 1968 Cal. Stat. chs. 457, 458
51. <i>Vehicle Code Section 17150 and Related Sections</i> , 8 Cal. L. Revision Comm'n Reports 501 (1967)	Enacted. 1967 Cal. Stat. ch. 702
52. <i>Additur</i> , 8 Cal. L. Revision Comm'n Reports 601 (1967)	Enacted. 1967 Cal. Stat. ch. 72
53. <i>Abandonment or Termination of a Lease</i> , 8 Cal. L. Revision Comm'n Reports 701 (1967); 9 Cal. L. Revision Comm'n Reports 401 (1969); 9 Cal. L. Revision Comm'n Reports 153 (1969)	Enacted. 1970 Cal. Stat. ch. 89



Recommendation	Action by Legislature
54. <i>Good Faith Improver of Land Owned by Another</i> , 8 Cal. L. Revision Comm'n Reports 801 (1967); 8 Cal. L. Revision Comm'n Reports 1373 (1967)	Enacted. 1968 Cal. Stat. ch. 150
55. <i>Suit By or Against an Unincorporated Association</i> , 8 Cal. L. Revision Comm'n Reports 901 (1967)	Enacted. 1967 Cal. Stat. ch. 1324
56. <i>Escheat</i> , 8 Cal. L. Revision Comm'n Reports 1001 (1967)	Enacted. 1968 Cal. Stat. chs. 247, 356
57. <i>Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding</i> , 8 Cal. L. Revision Comm'n Reports 1361 (1967)	Enacted. 1968 Cal. Stat. ch. 133
58. <i>Service of Process on Unincorporated Associations</i> , 8 Cal. L. Revision Comm'n Reports 1403 (1967)	Enacted. 1968 Cal. Stat. ch. 132
59. <i>Sovereign Immunity — Statute of Limitations</i> , 9 Cal. L. Revision Comm'n Reports 49 (1969); 9 Cal. L. Revision Comm'n Reports 175 (1969)	Enacted. 1970 Cal. Stat. ch. 104
60. <i>Additur and Remittitur</i> , 9 Cal. L. Revision Comm'n Reports 63 (1969)	Enacted. 1969 Cal. Stat. ch. 115
61. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 71 (1969)	Enacted. 1969 Cal. Stat. ch. 114
62. <i>Quasi-Community Property</i> , 9 Cal. L. Revision Comm'n Reports 113 (1969)	Enacted. 1970 Cal. Stat. ch. 312
63. <i>Arbitration of Just Compensation</i> , 9 Cal. L. Revision Comm'n Reports 123 (1969)	Enacted. 1970 Cal. Stat. ch. 417
64. <i>Revisions of Evidence Code</i> , 9 Cal. L. Revision Comm'n Reports 137 (1969)	Enacted in part. 1970 Cal. Stat. ch. 69. See also 1970 Cal. Stat. chs. 1396, 1397
65. <i>Mutuality of Remedies in Suits for Specific Performance</i> , 9 Cal. L. Revision Comm'n Reports 201 (1969)	Enacted. 1969 Cal. Stat. ch. 156

Recommendation	Action by Legislature
66. <i>Powers of Appointment</i> , 9 Cal. L. Revision Comm'n Reports 301 (1969)	Enacted. 1969 Cal. Stat. chs. 113, 155
67. <i>Evidence Code — Revisions of Privileges Article</i> , 9 Cal. L. Revision Comm'n Reports 501 (1969)	Vetoed. But see 1970 Cal. Stat. chs. 1396, 1397
68. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 601 (1969)	Enacted. 1970 Cal. Stat. ch. 618
69. <i>Representation as to the Credit of Third Persons and the Statute of Frauds</i> , 9 Cal. L. Revision Comm'n Reports 701 (1969)	Enacted. 1970 Cal. Stat. ch. 720
70. <i>Revisions of Governmental Liability Act</i> , 9 Cal. L. Revision Comm'n Reports 801 (1969)	Enacted in part. 1970 Cal. Stat. chs. 662, 1099
71. <i>"Vesting" of Interests Under Rule Against Perpetuities</i> , 9 Cal. L. Revision Comm'n Reports 901 (1969)	Enacted. 1970 Cal. Stat. ch. 45
72. <i>Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions</i> , 10 Cal. L. Revision Comm'n Reports 501 (1971)	Enacted. 1971 Cal. Stat. chs. 244, 950. See also 1973 Cal. Stat. ch. 828
73. <i>Wage Garnishment and Related Matters</i> , 10 Cal. L. Revision Comm'n Reports 701 (1971); 11 Cal. L. Revision Comm'n Reports 101 (1973); 12 Cal. L. Revision Comm'n Reports 901 (1974); 13 Cal. L. Revision Comm'n Reports 601 (1976); 13 Cal. L. Revision Comm'n Reports 1703 (1976); 14 Cal. L. Revision Comm'n Reports 261 (1978)	Enacted in part. 1978 Cal. Stat. ch. 1133. See also 1979 Cal. Stat. ch. 66
74. <i>Proof of Foreign Official Records</i> , 10 Cal. L. Revision Comm'n Reports 1022 (1971)	Enacted. 1970 Cal. Stat. ch. 41
75. <i>Inverse Condemnation — Insurance Coverage</i> , 10 Cal. L. Revision Comm'n Reports 1051 (1971)	Enacted. 1971 Cal. Stat. ch. 140

Recommendation	Action by Legislature
76. <i>Discharge From Employment Because of Wage Garnishment</i> , 10 Cal. L. Revision Comm'n Reports 1147 (1971)	Enacted. 1971 Cal. Stat. ch. 1607
77. <i>Civil Arrest</i> , 11 Cal. L. Revision Comm'n Reports 1 (1973)	Enacted. 1973 Cal. Stat. ch. 20
78. <i>Claim and Delivery Statute</i> , 11 Cal. L. Revision Comm'n Reports 301 (1973)	Enacted. 1973 Cal. Stat. ch. 526
79. <i>Unclaimed Property</i> , 11 Cal. L. Revision Comm'n Reports 401 (1973); 12 Cal. L. Revision Comm'n Reports 609 (1974)	Proposed resolution enacted. 1973 Cal. Stat. res. ch. 76. Legislation enacted. 1975 Cal. Stat. ch. 25.
80. <i>Enforcement of Sister State Money Judgments</i> , 11 Cal. L. Revision Comm'n Reports 451 (1973)	Enacted. 1974 Cal. Stat. ch. 211
81. <i>Prejudgment Attachment</i> , 11 Cal. L. Revision Comm'n Reports 701 (1973)	Enacted. 1974 Cal. Stat. ch. 1516. See also 1975 Cal. Stat. ch. 200.
82. <i>Landlord-Tenant Relations</i> , 11 Cal. L. Revision Comm'n Reports 951 (1973)	Enacted. 1974 Cal. Stat. chs. 331, 332
83. <i>Pleading</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1024 (1973)	Enacted. 1972 Cal. Stat. ch. 73
84. <i>Evidence — Judicial Notice</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1025 (1973)	Enacted. 1972 Cal. Stat. ch. 764
85. <i>Evidence — "Criminal Conduct" Exception</i> , 11 Cal. L. Revision Comm'n Reports 1147 (1973)	Not enacted 1974. See recommendation to 1975 session (item 90 <i>infra</i> ) which was enacted.
86. <i>Erroneously Compelled Disclosure of Privileged Information</i> , 11 Cal. L. Revision Comm'n Reports 1163 (1973)	Enacted. 1974 Cal. Stat. ch. 227
87. <i>Liquidated Damages</i> , 11 Cal. L. Revision Comm'n Reports 1201 (1973); 13 Cal. L. Revision Comm'n Reports 2139 (1976); 13 Cal. L. Revision Comm'n Reports 1735 (1976)	Enacted. 1977 Cal. Stat. ch. 198

Recommendation	Action by Legislature
88. <i>Payment of Judgments Against Local Public Entities</i> , 12 Cal. L. Revision Comm'n Reports 575 (1974)	Enacted. 1975 Cal. Stat. ch. 285
89. <i>View by Trier of Fact in a Civil Case</i> , 12 Cal. L. Revision Comm'n Reports 587 (1974)	Enacted. 1975 Cal. Stat. ch. 301
90. <i>Good Cause Exception to the Physician-Patient Privilege</i> , 12 Cal. L. Revision Comm'n Reports 601 (1974)	Enacted. 1975 Cal. Stat. ch. 318
91. <i>Improvement Acts</i> , 12 Cal. L. Revision Comm'n Reports 1001 (1974)	Enacted. 1974 Cal. Stat. ch. 426
92. <i>The Eminent Domain Law</i> , 12 Cal. L. Revision Comm'n Reports 1601 (1974)	Enacted. 1975 Cal. Stat. chs. 1239, 1240, 1275
93. <i>Eminent Domain — Conforming Changes in Special District Statutes</i> , 12 Cal. L. Revision Comm'n Reports 1101 (1974); 12 Cal. L. Revision Comm'n Reports 2004 (1974)	Enacted. 1975 Cal. Stat. chs. 581, 582, 584, 585, 586, 587, 1176, 1276
94. <i>Oral Modification of Written Contracts</i> , 13 Cal. L. Revision Comm'n Reports 301 (1976); 13 Cal. L. Revision Comm'n Reports 2129 (1976)	Enacted. 1975 Cal. Stat. ch. 7; 1976 Cal. Stat. ch. 109
95. <i>Partition of Real and Personal Property</i> , 13 Cal. L. Revision Comm'n Reports 401 (1976)	Enacted. 1976 Cal. Stat. ch. 73
96. <i>Revision of the Attachment Law</i> , 13 Cal. L. Revision Comm'n Reports 801 (1976)	Enacted. 1976 Cal. Stat. ch. 437
97. <i>Undertakings for Costs</i> , 13 Cal. L. Revision Comm'n Reports 901 (1976)	Not enacted 1976. But see recommendation to 1979 session (item 118 <i>infra</i> ) which was enacted.
98. <i>Admissibility of Copies of Business Records in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2051 (1976)	Not enacted.

Recommendation	Action by Legislature
99. <i>Turnover Orders Under the Claim and Delivery Law</i> , 13 Cal. L. Revision Comm'n Reports 2079 (1976)	Enacted. 1976 Cal. Stat. ch. 145
100. <i>Relocation Assistance by Private Condemnors</i> , 13 Cal. L. Revision Comm'n Reports 2085 (1976)	Enacted. 1976 Cal. Stat. ch. 143
101. <i>Condemnation for Byroads and Utility Easements</i> , 13 Cal. L. Revision Comm'n Reports 2091 (1976)	Enacted in part (utility easements). 1976 Cal. Stat. ch. 994
102. <i>Transfer of Out-of-State Trusts to California</i> , 13 Cal. L. Revision Comm'n Reports 2101 (1976)	Enacted. 1976 Cal. Stat. ch. 144
103. <i>Admissibility of Duplicates in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2115 (1976)	Enacted. 1985 Cal. Stat. ch. 100
104. <i>Service of Process on Unincorporated Associations</i> , 13 Cal. L. Revision Comm'n Reports 1657 (1976)	Enacted. 1976 Cal. Stat. ch. 888
105. <i>Sister State Money Judgments</i> , 13 Cal. L. Revision Comm'n Reports 1669 (1976)	Enacted. 1977 Cal. Stat. ch. 232
106. <i>Damages in Action for Breach of Lease</i> , 13 Cal. L. Revision Comm'n Reports 1679 (1976)	Enacted. 1977 Cal. Stat. ch. 49
107. <i>Nonprofit Corporation Law</i> , 13 Cal. L. Revision Comm'n Reports 2201 (1976)	Not enacted. Legislation on this subject, not recommended by the Commission, was enacted in 1978.
108. <i>Use of Keepers Pursuant to Writs of Execution</i> , 14 Cal. L. Revision Comm'n Reports 49 (1978)	Enacted. 1977 Cal. Stat. ch. 155
109. <i>Attachment Law — Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors</i> , 14 Cal. L. Revision Comm'n Reports 61 (1978)	Enacted. 1977 Cal. Stat. ch. 499
110. <i>Review of Resolution of Necessity by Writ of Mandate</i> , 14 Cal. L. Revision Comm'n Reports 83 (1978)	Enacted. 1978 Cal. Stat. ch. 286

Recommendation	Action by Legislature
111. <i>Use of Court Commissioners Under the Attachment Law</i> , 14 Cal. L. Revision Comm'n Reports 93 (1978)	Enacted. 1978 Cal. Stat. ch. 151
112. <i>Evidence of Market Value of Property</i> , 14 Cal. L. Revision Comm'n Reports 105 (1978)	Enacted in part. 1978 Cal. Stat. ch. 294. Substance of remainder enacted in 1980. See item 127 <i>infra</i> .
113. <i>Psychotherapist-Patient Privilege</i> , 14 Cal. L. Revision Comm'n Reports 127 (1978); 15 Cal. L. Revision Comm'n Reports 1307 (1980)	Enacted in part. 1985 Cal. Stat. chs. 545 (licensed educational psychologist), 1077 (repeal of Evidence Code § 1028).
114. <i>Parole Evidence Rule</i> , 14 Cal. L. Revision Comm'n Reports 143 (1978)	Enacted. 1978 Cal. Stat. ch. 150
115. <i>Attachment Law — Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action,"</i> 14 Cal. L. Revision Comm'n Reports 241 (1978)	Enacted. 1978 Cal. Stat. ch. 273
116. <i>Powers of Appointment</i> (technical changes), 14 Cal. L. Revision Comm'n Reports 257 (1978)	Enacted. 1978 Cal. Stat. ch. 266
117. <i>Ad Valorem Property Taxes in Eminent Domain Proceedings</i> , 14 Cal. L. Revision Comm'n Reports 291 (1978)	Enacted. 1979 Cal. Stat. ch. 31
118. <i>Security for Costs</i> , 14 Cal. L. Revision Comm'n Reports 319 (1978)	Enacted. 1980 Cal. Stat. ch. 114
119. <i>Guardianship-Conservatorship Law</i> , 14 Cal. L. Revision Comm'n Reports 501 (1978); 15 Cal. L. Revision Comm'n Reports 451 (1980)	Enacted. 1979 Cal. Stat. chs. 165, 726, 730
120. <i>Effect of New Bankruptcy Law on The Attachment Law</i> , 15 Cal. L. Revision Comm'n Reports 1043 (1980)	Enacted. 1979 Cal. Stat. ch. 77
121. <i>Confessions of Judgment</i> , 15 Cal. L. Revision Comm'n Reports 1053 (1980)	Enacted. 1979 Cal. Stat. ch. 568

Recommendation	Action by Legislature
122. <i>Special Assessment Liens on Property Taken for Public Use</i> , 15 Cal. L. Revision Comm'n Reports 1101 (1980)	Enacted. 1980 Cal. Stat. ch. 122
123. <i>Assignments for the Benefit of Creditors</i> , 15 Cal. L. Revision Comm'n Reports 1117 (1980)	Enacted. 1980 Cal. Stat. ch. 135
124. <i>Vacation of Public Streets, Highways, and Service Easements</i> , 15 Cal. L. Revision Comm'n Reports 1137 (1980)	Enacted. 1980 Cal. Stat. ch. 1050
125. <i>Quiet Title Actions</i> , 15 Cal. L. Revision Comm'n Reports 1187 (1980)	Enacted. 1980 Cal. Stat. ch. 44
126. <i>Agreements for Entry of Paternity and Support Judgments</i> , 15 Cal. L. Revision Comm'n Reports 1237 (1980)	Enacted. 1980 Cal. Stat. ch. 682
127. <i>Application of Evidence Code Property Valuation Rules in Noncondemnation Cases</i> , 15 Cal. L. Revision Comm'n Reports 301 (1980)	Enacted. 1980 Cal. Stat. ch. 381
128. <i>Probate Homestead</i> , 15 Cal. L. Revision Comm'n Reports 401 (1980)	Enacted. 1980 Cal. Stat. ch. 119
129. <i>Enforcement of Claims and Judgments Against Public Entities</i> , 15 Cal. L. Revision Comm'n Reports 1257 (1980)	Enacted. 1980 Cal. Stat. ch. 215
130. <i>Uniform Veterans Guardianship Act</i> , 15 Cal. L. Revision Comm'n Reports 1289 (1980)	Enacted. 1980 Cal. Stat. ch. 89
131. <i>Enforcement of Obligations After Death</i> , 15 Cal. L. Revision Comm'n Reports 1327 (1980)	Enacted. 1980 Cal. Stat. ch. 124
132. <i>Interest Rate on Judgments</i> , 15 Cal. L. Revision Comm'n Reports 7 (1980)	Enacted. 1982 Cal. Stat. ch. 150
133. <i>Married Women as Sole Traders</i> , 15 Cal. L. Revision Comm'n Reports 21 (1980)	Enacted. 1980 Cal. Stat. ch. 123

Recommendation	Action by Legislature
134. <i>State Tax Liens</i> , 15 Cal. L. Revision Comm'n Reports 29 (1980)	Enacted. 1980 Cal. Stat. ch. 600
135. <i>Guardianship-Conservatorship</i> (technical change), 15 Cal. L. Revision Comm'n Reports 1247 (1980)	Enacted. 1980 Cal. Stat. ch. 246
136. <i>Revision of Guardianship-Conservatorship Law</i> , 15 Cal. L. Revision Comm'n Reports 1463 (1980)	Enacted. 1981 Cal. Stat. ch. 9
137. <i>Enforcement of Judgments Law</i> , 15 Cal. L. Revision Comm'n Reports 2001 (1980)	Enacted. 1982 Cal. Stat. chs. 497, 1364
138. <i>Uniform Durable Power of Attorney Act</i> , 15 Cal. L. Revision Comm'n Reports 351 (1980)	Enacted. 1981 Cal. Stat. ch. 511
139. <i>Non-Probate Transfers</i> , 15 Cal. L. Revision Comm'n Reports 1605 (1980); 16 Cal. L. Revision Comm'n Reports 129 (1982)	Enacted in part (pay-on-death accounts) 1982 Cal. Stat. ch. 269; (credit unions and industrial loan companies) 1983 Cal. Stat. ch. 92.
140. <i>Revision of the Powers of Appointment Statute</i> , 15 Cal. L. Revision Comm'n Reports 1667 (1980)	Enacted. 1981 Cal. Stat. ch. 63
141. <i>State Tax Liens</i> (technical change), 16 Cal. L. Revision Comm'n Reports 24 (1982)	Enacted. 1981 Cal. Stat. ch. 217
142. <i>Assessment Liens on Property Taken for Public Use</i> (technical change), 16 Cal. L. Revision Comm'n Reports 25 (1982)	Enacted. 1981 Cal. Stat. ch. 139
143. <i>Federal Pensions as Community Property</i> , 16 Cal. L. Revision Comm'n Reports 47 (1982)	Proposed resolution adopted. 1982 Cal. Stat. res. ch. 44
144. <i>Holographic and Nuncupative Wills</i> , 16 Cal. L. Revision Comm'n Reports 301 (1982)	Enacted. 1982 Cal. Stat. ch. 187
145. <i>Marketable Title of Real Property</i> , 16 Cal. L. Revision Comm'n Reports 401 (1982)	Enacted. 1982 Cal. Stat. ch. 1268
146. <i>Statutory Bonds and Undertakings</i> , 16 Cal. L. Revision Comm'n Reports 501 (1982)	Enacted. 1982 Cal. Stat. chs. 517, 998



Recommendation	Action by Legislature
147. <i>Attachment</i> , 16 Cal. L. Revision Comm'n Reports 701 (1982)	Enacted. 1982 Cal. Stat. ch. 1198
148. <i>Escheat</i> (technical change), 16 Cal. L. Revision Comm'n Reports 124 (1982)	Enacted. 1982 Cal. Stat. ch. 182
149. <i>Missing Persons</i> , 16 Cal. L. Revision Comm'n Reports 105 (1982)	Enacted. 1983 Cal. Stat. ch. 201
150. <i>Emancipated Minors</i> , 16 Cal. L. Revision Comm'n Reports 183 (1982)	Enacted. 1983 Cal. Stat. ch. 6
151. <i>Notice in Limited Conservatorship Proceedings</i> , 16 Cal. L. Revision Comm'n Reports 199 (1982)	Enacted. 1983 Cal. Stat. ch. 72
152. <i>Disclaimer of Testamentary and Other Interests</i> , 16 Cal. L. Revision Comm'n Reports 207 (1982)	Enacted. 1983 Cal. Stat. ch. 17
153. <i>Wills and Intestate Succession</i> , 16 Cal. L. Revision Comm'n Reports 2301 (1982)	Enacted. 1983 Cal. Stat. ch. 842
154. <i>Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage</i> , 16 Cal. L. Revision Comm'n Reports 2165 (1982)	Enacted. 1983 Cal. Stat. ch. 342
155. <i>Creditors' Remedies</i> , 16 Cal. L. Revision Comm'n Reports 2175 (1982)	Enacted. 1983 Cal. Stat. ch. 155
156. <i>Conforming Changes to the Bond and Undertaking Law</i> , 16 Cal. L. Revision Comm'n Reports 2239 (1982)	Enacted. 1983 Cal. Stat. ch. 18
157. <i>Notice of Rejection of Late Claim Against Public Entity</i> , 16 Cal. L. Revision Comm'n Reports 2251 (1982)	Enacted. 1983 Cal. Stat. ch. 107
158. <i>Liability of Marital Property for Debts</i> , 17 Cal. L. Revision Comm'n Reports 1 (1984)	Enacted. 1984 Cal. Stat. ch. 1671
159. <i>Durable Power of Attorney for Health Care Decisions</i> , 16 Cal. L. Revision Comm'n Reports 101 (1984)	Enacted. 1983 Cal. Stat. ch. 1204

Recommendation	Action by Legislature
160. <i>Effect of Death of Support Obligor</i> , 17 Cal. L. Revision Comm'n Reports 897 (1984)	Enacted in part. 1984 Cal. Stat. ch. 19. Balance enacted. 1985 Cal. Stat. ch. 362 (item 186 <i>infra</i> ).
161. <i>Vacation of Streets</i> (technical change), 17 Cal. L. Revision Comm'n Reports 825 (1984)	Enacted. 1983 Cal. Stat. ch. 52
162. <i>Marital Property Presumptions and Transmutations</i> , 17 Cal. L. Revision Comm'n Reports 205 (1984)	Enacted in part (transmutations). 1984 Cal. Stat. ch. 1733
163. <i>Reimbursement of Educational Expenses</i> , 17 Cal. L. Revision Comm'n Reports 229 (1984)	Enacted. 1984 Cal. Stat. ch. 1661
164. <i>Special Appearance in Family Law Proceedings</i> , 17 Cal. L. Revision Comm'n Reports 243 (1984)	Enacted. 1984 Cal. Stat. ch. 156
165. <i>Liability of Stepparent for Child Support</i> , 17 Cal. L. Revision Comm'n Reports 251 (1984)	Enacted. 1984 Cal. Stat. ch. 249
166. <i>Awarding Temporary Use of Family Home</i> , 17 Cal. L. Revision Comm'n Reports 261 (1984)	Enacted. 1984 Cal. Stat. ch. 463
167. <i>Disposition of Community Property</i> , 17 Cal. L. Revision Comm'n Reports 269 (1984)	Not enacted.
168. <i>Statutes of Limitation for Felonies</i> , 17 Cal. L. Revision Comm'n Reports 301 (1984)	Enacted. 1984 Cal. Stat. ch. 1270
169. <i>Independent Administration of Decedent's Estate</i> , 17 Cal. L. Revision Comm'n Reports 405 (1984)	Enacted. 1984 Cal. Stat. ch. 451
170. <i>Distribution of Estates Without Administration</i> , 17 Cal. L. Revision Comm'n Reports 421 (1984)	Enacted. 1984 Cal. Stat. ch. 451
171. <i>Simultaneous Deaths</i> , 17 Cal. L. Revision Comm'n Reports 443 (1984)	Not enacted.
172. <i>Notice of Will</i> , 17 Cal. L. Revision Comm'n Reports 461 (1984)	Not enacted.

Recommendation	Action by Legislature
173. <i>Garnishment of Amounts Payable to Trust Beneficiary</i> , 17 Cal. L. Revision Comm'n Reports 471 (1984)	Enacted. 1984 Cal. Stat. ch. 493
174. <i>Bonds for Personal Representatives</i> , 17 Cal. L. Revision Comm'n Reports 483 (1984)	Enacted. 1984 Cal. Stat. ch. 451
175. <i>Recording Affidavits of Death</i> , 17 Cal. L. Revision Comm'n Reports 493 (1984)	Enacted. 1984 Cal. Stat. ch. 527
176. <i>Execution of Witnessed Will</i> , 17 Cal. L. Revision Comm'n Reports 509 (1984)	Not enacted.
177. <i>Revision of Wills and Intestate Succession Law</i> , 17 Cal. L. Revision Comm'n Reports 537 (1984)	Enacted. 1984 Cal. Stat. ch. 892
178. <i>Uniform Transfers to Minors Act</i> , 17 Cal. L. Revision Comm'n Reports 601 (1984)	Enacted. 1984 Cal. Stat. ch. 243
179. <i>Statutory Forms for Durable Powers of Attorney</i> , 17 Cal. L. Revision Comm'n Reports 701 (1984)	Enacted. 1984 Cal. Stat. chs. 312 (health care) and 602 (general power of attorney).
180. <i>Dismissal for Lack of Prosecution</i> , 17 Cal. L. Revision Comm'n Reports 905 (1984)	Enacted. 1984 Cal. Stat. ch. 1705
181. <i>Severance of Joint Tenancy</i> , 17 Cal. L. Revision Comm'n Reports 941 (1984)	Enacted. 1984 Cal. Stat. ch. 519
182. <i>Quiet Title and Partition Judgments</i> , 17 Cal. L. Revision Comm'n Reports 947 (1984)	Enacted. 1984 Cal. Stat. ch. 20
183. <i>Dormant Mineral Rights</i> , 17 Cal. L. Revision Comm'n Reports 957 (1984)	Enacted. 1984 Cal. Stat. ch. 240
184. <i>Creditors' Remedies</i> , 17 Cal. L. Revision Comm'n Reports 975 (1984)	Enacted. 1984 Cal. Stat. ch. 538
185. <i>Rights Among Cotenants</i> , 17 Cal. L. Revision Comm'n Reports 1023 (1984)	Enacted. 1984 Cal. Stat. ch. 241

Recommendation	Action by Legislature
186. <i>Provision for Support if Support Obligor Dies</i> , 18 Cal. L. Revision Comm'n Reports 119 (1986)	Enacted. 1985 Cal. Stat. ch. 362
187. <i>Transfer of State Registered Property Without Probate</i> , 18 Cal. L. Revision Comm'n Reports 129 (1986)	Enacted. 1985 Cal. Stat. ch. 982
188. <i>Dividing Jointly Owned Property Upon Marriage Dissolution</i> , 18 Cal. L. Revision Comm'n Reports 147 (1986)	Enacted. 1985 Cal. Stat. ch. 362
189. <i>Probate Law</i> (clarifying revisions), 18 Cal. L. Revision Comm'n Reports 216 (1986)	Enacted. 1985 Cal. Stat. ch. 359
190. <i>Creditors' Remedies</i> (technical change), 18 Cal. L. Revision Comm'n Reports 217 (1986)	Enacted. 1985 Cal. Stat. ch. 41
191. <i>Uniform Transfers to Minors Act</i> (technical change), 18 Cal. L. Revision Comm'n Reports 218 (1986)	Enacted. 1985 Cal. Stat. ch. 90
192. <i>Protection of Mediation Communications</i> , 18 Cal. L. Revision Comm'n Reports 241 (1986)	Enacted. 1985 Cal. Stat. ch. 731
193. <i>Recording Severance of Joint Tenancy</i> , 18 Cal. L. Revision Comm'n Reports 249 (1986)	Enacted. 1985 Cal. Stat. ch. 157
194. <i>Abandoned Easements</i> , 18 Cal. L. Revision Comm'n Reports 257 (1986)	Enacted. 1985 Cal. Stat. ch. 157
195. <i>Distribution Under a Will or Trust</i> , 18 Cal. L. Revision Comm'n Reports 269 (1986)	Enacted. 1985 Cal. Stat. ch. 982
196. <i>Effect of Adoption or Out of Wedlock Birth on Rights at Death</i> , 18 Cal. L. Revision Comm'n Reports 289 (1986)	Enacted. 1985 Cal. Stat. ch. 982
197. <i>Durable Powers of Attorney</i> , 18 Cal. L. Revision Comm'n Reports 305 (1986)	Enacted. 1985 Cal. Stat. ch. 403

Recommendation	Action by Legislature
198. <i>Litigation Expenses in Family Law Proceedings</i> , 18 Cal. L. Revision Comm'n Reports 351 (1986)	Enacted. 1985 Cal. Stat. ch. 362
199. <i>Civil Code Sections 4800.1 and 4800.2</i> , 18 Cal. L. Revision Comm'n Reports 383 (1986)	One of two recommended measures enacted (Application of Civil Code Sections 4800.1 and 4800.2). 1986 Cal. Stat. ch. 49
200. <i>Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 501 (1986)	Enacted. 1986 Cal. Stat. ch. 820.
201. <i>Disposition of Estate Without Administration</i> , 18 Cal. L. Revision Comm'n Reports 1005 (1986)	Enacted. 1986 Cal. Stat. ch. 783
202. <i>Small Estate Set-Aside</i> , 18 Cal. L. Revision Comm'n Reports 1101 (1986)	Enacted. 1986 Cal. Stat. ch. 783
203. <i>Proration of Estate Taxes</i> , 18 Cal. L. Revision Comm'n Reports 1127 (1986)	Enacted. 1986 Cal. Stat. ch. 783
204. <i>Notice in Guardianship and Conservatorship</i> , 18 Cal. L. Revision Comm'n Reports 1793 (1986)	Enacted. 1987 Cal. Stat. ch. 923
205. <i>Preliminary Provisions and Definitions</i> , 18 Cal. L. Revision Comm'n Reports 1807 (1986)	Enacted. 1987 Cal. Stat. ch. 923
206. <i>Revisions in Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 1823 (1986)	Enacted. 1987 Cal. Stat. ch. 128
207. <i>Supervised Administration</i> , 19 Cal. L. Revision Comm'n Reports 5 (1988)	Enacted. 1987 Cal. Stat. ch. 923
208. <i>Independent Administration</i> , 19 Cal. L. Revision Comm'n Reports 205 (1988)	Enacted. 1987 Cal. Stat. ch. 923
209. <i>Creditor Claims Against Decedent's Estate</i> , 19 Cal. L. Revision Comm'n Reports 299 (1988)	Enacted. 1987 Cal. Stat. ch. 923
210. <i>Notice in Probate Proceedings</i> , 19 Cal. L. Revision Comm'n Reports 357 (1988)	Enacted. 1987 Cal. Stat. ch. 923
211. <i>Marital Deduction Gifts</i> (March 1987), published as Appendix 5 of this Report.	Enacted. 1987 Cal. Stat. ch. 923
212. <i>Estates of Missing Persons</i> (April 1987), published as Appendix 6 of this Report.	Enacted. 1987 Cal. Stat. ch. 923

## APPENDIX 3

### COMMUNICATION FROM THE CALIFORNIA LAW REVISION COMMISSION CONCERNING ASSEMBLY BILL 362

[Noted in Assembly J. Aug. 18, 1987, and Senate J. Aug. 26, 1987]

Assembly Bill 362 was introduced to effectuate the California Law Revision Commission's *Recommendation Relating to Technical Revisions in the Trust Law*, 18 Cal. L. Revision Comm'n Reports 1823 (1986). The comments in the Commission's recommendation to the sections contained in Assembly Bill 362 remain applicable except to the extent that they are replaced or supplemented by the revised and new comments set out below. This report includes comments revised to reflect amendments made in the Senate.

#### **Probate Code § 1201 (technical amendment). Exception to notice involving parent-child relationship**

**Comment.** Subdivision (a) of Section 1201 is revised to apply to the entire code rather than just Division 3. This amendment reflects the removal of provisions from Division 3 to Division 7. For example, see Section 13655 (notice of hearing on petition for determination or confirmation of property passing or belonging to surviving spouse) in Division 7, which replaces the notice provisions of former Sections 653 and 654 which were in Division 3.

#### **Probate Code § 15405 (amended). Guardian ad litem**

**Comment.** Section 15405 is amended to make clear that it applies to a minor and to replace the phrase "legally incapacitated" with "lacks legal capacity" for conformity with guardianship and conservatorship law. See, e.g., Section 2582. This is a nonsubstantive revision.

#### **Probate Code § 15410 (amended). Disposition of property upon termination**

**Comment.** Subdivision (d) of Section 15410 is revised to provide a default rule for disposition of trust property upon termination of a trust worth less than \$20,000.

## APPENDIX 4

### COMMUNICATION FROM CALIFORNIA LAW REVISION COMMISSION CONCERNING ASSEMBLY BILL 708

[Noted in Assembly J. Aug. 18, 1987, and Senate J. Aug. 26, 1987]

Assembly Bill 708 was introduced to effectuate the following recommendations of the California Law Revision Commission: *Recommendation Relating to Supervised Administration of Decedent's Estate*, 19 Cal. L. Revision Comm'n Reports 5 (1988), *Recommendation Relating to Independent Administration of Estates Act*, 19 Cal. L. Revision Comm'n Reports 205 (1988), *Recommendation Relating to Notice in Guardianship and Conservatorship Proceedings*, 18 Cal. L. Revision Comm'n Reports 1793 (1986), *Recommendation Relating to Preliminary Provisions and Definitions of the Probate Code*, 18 Cal. L. Revision Comm'n Reports 1807 (1986), *Recommendation Relating to Notice in Probate Proceedings*, 19 Cal. L. Revision Comm'n Reports 357 (1988), *Recommendation Relating to Creditor Claims Against Decedent's Estate*, 19 Cal. L. Revision Comm'n Reports 299 (1988), *Recommendation Relating to Administration of Estates of Missing Persons* (April 1987), to be included in Annual Report (December 1987), and *Recommendation Relating to Marital Deduction Gifts* (April 1987), to be included in Annual Report (December 1987). See also *Comments to Conforming Revisions and Repeals*, 19 Cal. L. Revision Comm'n Reports 391 (1988).

The Comments contained in the Law Revision Commission recommendations to the various sections of the bill remain applicable except to the extent they are replaced or supplemented by the revised and new Comments set out below. Unless otherwise indicated, all of the Comments are to sections of the Probate Code.

#### **Corporations Code § 5230 (technical amendment). Duties and liabilities of directors of nonprofit public benefit corporation**

**Comment.** Subdivision (b) of Section 5230 is revised to correct a cross-reference.

APPENDIX 5

STATE OF CALIFORNIA

**CALIFORNIA LAW  
REVISION COMMISSION**

RECOMMENDATION

*relating to*

Marital Deduction Gifts

March 1987

CALIFORNIA LAW REVISION COMMISSION  
4000 Middlefield Road, Suite D-2  
Palo Alto, California 94303-4739



APPENDIX 6

STATE OF CALIFORNIA

**CALIFORNIA LAW  
REVISION COMMISSION**

RECOMMENDATION

*relating to*

Administration of Estates of Missing Persons

April 1987

CALIFORNIA LAW REVISION COMMISSION  
4000 Middlefield Road, Suite D-2  
Palo Alto, California 94303-4739

APPENDIX 7

STATE OF CALIFORNIA

# CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

*relating to*

The Uniform Dormant Mineral Interests Act

December 1987

CALIFORNIA LAW REVISION COMMISSION  
4000 Middlefield Road, Suite D-2  
Palo Alto, California 94303-4739

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## VOLUME 1 (1957)

[Out of Print]

1955 Annual Report [out of print]

1956 Annual Report [out of print]

1957 Annual Report [out of print]

Recommendation and Study Relating to:

The Maximum Period of Confinement in a County Jail

Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions  
[out of print]

Taking Instructions to the Jury Room [out of print]

The Dead Man Statute

Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled  
Elsewhere [out of print]

The Marital "For and Against" Testimonial Privilege [out of print]  
Suspension of the Absolute Power of Alienation [out of print]  
Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378  
Judicial Notice of the Law of Foreign Countries [out of print]  
Choice of Law Governing Survival of Actions [out of print]  
The Effective Date of an Order Ruling on a Motion for New Trial [out of print]  
Retention of Venue for Convenience of Witnesses [out of print]  
Bringing New Parties into Civil Actions [out of print]

## **VOLUME 2 (1959)**

[Out of Print]

1958 Annual Report

1959 Annual Report

Recommendation and Study Relating to:

The Presentation of Claims Against Public Entities  
The Right of Nonresident Aliens to Inherit  
Mortgages to Secure Future Advances  
The Doctrine of Worthier Title  
Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles  
and Drunk Driving  
Time Within Which Motion for New Trial May Be Made  
Notice to Shareholders of Sale of Corporate Assets

## **VOLUME 3 (1961)**

[Out of Print]

1960 Annual Report [out of print]

1961 Annual Report [out of print]

Recommendation and Study Relating to:

Evidence in Eminent Domain Proceedings  
Taking Possession and Passage of Title in Eminent Domain Proceedings [out of print]  
The Reimbursement for Moving Expenses When Property is Acquired for Public Use  
[out of print]  
Rescission of Contracts [out of print]  
The Right to Counsel and the Separation of the Delinquent From the Nondelinquent  
Minor in Juvenile Court Proceedings [out of print]  
Survival of Actions  
Arbitration  
The Presentation of Claims Against Public Officers and Employees  
Inter Vivos Marital Property Rights in Property Acquired While Domiciled  
Elsewhere  
Notice of Alibi in Criminal Actions

## **VOLUME 4 (1963)**

[Out of Print]

1962 Annual Report

1963 Annual Report

1964 Annual Report

Recommendation and Study Relating to Condemnation Law and Procedure:

Number 4—Discovery in Eminent Domain Proceedings [The first three pamphlets  
(unnumbered) in Volume 3 also deal with the subject of condemnation  
law and procedure.]

Recommendations Relating to Sovereign Immunity:

Number 1—Tort Liability of Public Entities and Public Employees  
Number 2—Claims, Actions and Judgments Against Public Entities and Public  
Employees

- Number 3—Insurance Coverage for Public Entities and Public Employees
- Number 4—Defense of Public Employees
- Number 5—Liability of Public Entities for Ownership and Operation of Motor Vehicles
- Number 6—Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officers
- Number 7—Amendments and Repeals of Inconsistent Special Statutes [out of print]
- Tentative Recommendation and A Study Relating to the Uniform Rules of Evidence (Article VIII. Hearsay Evidence) [out of print]

### **VOLUME 5 (1963)**

[Out of Print]

A Study Relating to Sovereign Immunity

### **VOLUME 6 (1964)**

[Out of Print]

- Tentative Recommendations and Studies Relating to the Uniform Rules of Evidence:
  - Article I (General Provisions)
  - Article II (Judicial Notice)
  - Burden of Producing Evidence, Burden of Proof, and Presumptions (replacing URE Article III)
  - Article IV (Witnesses)
  - Article V (Privileges)
  - Article VI (Extrinsic Policies Affecting Admissibility)
  - Article VII (Expert and Other Opinion Testimony)
  - Article VIII (Hearsay Evidence) [same as publication in Volume 4] [out of print]
  - Article IX (Authentication and Content of Writings)

### **VOLUME 7 (1965)**

[Out of Print]

- 1965 Annual Report
- 1966 Annual Report
- Evidence Code with Official Comments [out of print]
- Recommendation Proposing an Evidence Code [out of print]
- Recommendation Relating to Sovereign Immunity: Number 8—Revisions of the Governmental Liability Act: Liability of Public Entities for Ownership and Operation of Motor Vehicles; Claims and Actions Against Public Entities and Public Employees

### **VOLUME 8 (1967)**

[Out of Print]

- Annual Report (December 1966) includes the following recommendation:
  - Discovery in Eminent Domain Proceedings
- Annual Report (December 1967) includes the following recommendations:
  - Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding
  - Improvements Made in Good Faith Upon Land Owned by Another
  - Damages for Personal Injuries to a Married Person as Separate or Community Property
  - Service of Process on Unincorporated Associations
- Recommendation and Study Relating to:
  - Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property
  - Vehicle Code Section 17150 and Related Sections
  - Additur

- Abandonment or Termination of a Lease
- The Good Faith Improver of Land Owned by Another
- Suit By or Against An Unincorporated Association
- Recommendation Relating to The Evidence Code:
  - Number 1—Evidence Code Revisions
  - Number 2—Agricultural Code Revisions
  - Number 3—Commercial Code Revisions
- Recommendation Relating to Escheat
- Tentative Recommendation and A Study Relating to Condemnation Law and Procedure:
  - Number 1—Possession Prior to Final Judgment and Related Problems

### **VOLUME 9 (1969)**

[Out of Print]

- Annual Report (December 1968) includes the following recommendations:
  - Sovereign Immunity: Number 9—Statute of Limitations in Actions Against Public Entities and Public Employees
  - Additur and Remittitur
  - Fictitious Business Names
- Annual Report (December 1969) includes the following recommendations:
  - Quasi-Community Property
  - Arbitration of Just Compensation
  - The Evidence Code: Number 5—Revisions of the Evidence Code
  - Real Property Leases
  - Statute of Limitations in Actions Against Public Entities and Public Employees
- Recommendation and Study Relating to:
  - Mutuality of Remedies in Suits for Specific Performance
  - Powers of Appointment
  - Fictitious Business Names
  - Representations as to the Credit of Third Persons and the Statute of Frauds
  - The "Vesting" of Interests Under the Rule Against Perpetuities
- Recommendation Relating to:
  - Real Property Leases
  - The Evidence Code: Number 4—Revision of the Privileges Article
  - Sovereign Immunity: Number 10—Revisions of the Governmental Liability Act

### **VOLUME 10 (1971)**

[Out of Print]

- Annual Report (December 1970) includes the following recommendation:
  - Inverse Condemnation: Insurance Coverage
- Annual Report (December 1971) includes the following recommendation:
  - Attachment, Garnishment, and Exemptions From Execution: Discharge From Employment
- California Inverse Condemnation Law [out of print]
- Recommendation and Study Relating to Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions
- Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution: Employees' Earnings Protection Law [out of print]

### **VOLUME 11 (1973)**

[Out of Print]

- Annual Report (December 1972)
- Annual Report (December 1973) includes the following recommendations:
  - Evidence Code Section 999—The "Criminal Conduct" Exception to the Physician-Patient Privilege
  - Erroneously Ordered Disclosure of Privileged Information

Recommendation and Study Relating to:  
Civil Arrest  
Inheritance Rights of Nonresident Aliens  
Liquidated Damages

Recommendation Relating to:  
Wage Garnishment and Related Matters  
The Claim and Delivery Statute  
Unclaimed Property  
Enforcement of Sister State Money Judgments  
Prejudgment Attachment  
Landlord-Tenant Relations

Tentative Recommendation Relating to Prejudgment Attachment

## **VOLUME 12 (1974)**

[Out of Print]

Annual Report (December 1974) includes the following recommendations:

Payment of Judgments Against Local Public Entities  
View by Trier of Fact in a Civil Case  
The Good Cause Exception to the Physician-Patient Privilege  
Escheat of Amounts Payable on Travelers Checks, Money Orders and Similar Instruments

Recommendation Proposing the Eminent Domain Law

Recommendation Relating to Condemnation Law and Procedure: Conforming Changes in Improvement Acts

Recommendation Relating to Wage Garnishment Exemptions

Tentative Recommendations Relating to Condemnation Law and Procedure:

The Eminent Domain Law  
Condemnation Authority of State Agencies  
Conforming Changes in Special District Statutes

## **VOLUME 13 (1976)**

[Out of Print]

Annual Report (December 1975) includes the following recommendations:

Admissibility of Copies of Business Records in Evidence  
Turnover Orders Under the Claim and Delivery Law  
Relocation Assistance by Private Condemnors  
Condemnation for Byroads and Utility Easements  
Transfer of Out-of-State Trusts to California  
Admissibility of Duplicates in Evidence  
Oral Modification of Contracts  
Liquidated Damages

Annual Report (December 1976) includes the following recommendations:

Service of Process on Unincorporated Associations  
Sister State Money Judgments  
Damages in Action for Breach of Lease  
Wage Garnishment  
Liquidated Damages

Selected Legislation Relating to Creditors' Remedies [out of print]

Eminent Domain Law with Conforming Changes in Codified Sections and Official Comments [out of print]

Recommendation and Study Relating to Oral Modification of Written Contracts

Recommendation Relating to:  
Partition of Real and Personal Property  
Wage Garnishment Procedure  
Revision of the Attachment Law  
Undertakings for Costs  
Nonprofit Corporation Law

## **VOLUME 14 (1978)**

[Out of Print]

**Annual Report (December 1977)** includes the following recommendations:

- Use of Keepers Pursuant to Writs of Execution
- Attachment Law: Effect of Bankruptcy Proceedings; Effect of General Assignments for Benefit of Creditors
- Review of Resolution of Necessity by Writ of Mandate
- Use of Court Commissioners Under the Attachment Law
- Evidence of Market Value of Property
- Psychotherapist-Patient Privilege
- Parol Evidence Rule

**Annual Report (December 1978)** includes the following recommendations:

- Technical Revisions in the Attachment Law: Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action"

- Ad Valorem Property Taxes in Eminent Domain Proceedings
- Security for Costs

Recommendation Relating to Guardianship-Conservatorship Law

## **VOLUME 15 (1980)**

[Out of Print]

### **Part I**

**Annual Report (December 1979)** includes the following recommendations:

- Effect of New Bankruptcy Law on the Attachment Law
- Confessions of Judgment
- Special Assessment Liens on Property Taken for Public Use
- Assignments for the Benefit of Creditors
- Vacation of Public Streets, Highways, and Service Easements
- Quiet Title Actions
- Agreements for Entry of Paternity and Support Judgments
- Enforcement of Claims and Judgments Against Public Entities
- Uniform Veterans Guardianship Act
- Psychotherapist-Patient Privilege
- Enforcement of Obligations After Death

Guardianship-Conservatorship Law with Official Comments [out of print]

Recommendation Relating to:

- Enforcement of Judgments: Interest Rate on Judgments; Married Women as Sole Traders; State Tax Liens
- Application of Evidence Code Property Valuation Rules in Noncondemnation Cases
- Uniform Durable Power of Attorney Act
- Probate Homestead

### **Part II**

**Annual Report (December 1980)** includes the following recommendation:

- Revision of the Guardianship-Conservatorship Law: Appointment of Successor Guardian or Conservator; Support of Conservatee Spouse from Community Property; Appealable Orders

Recommendations Relating to Probate and Estate Planning:

- Non-Probate Transfers; Revision of the Powers of Appointment Statute

Tentative Recommendation Proposing the Enforcement of Judgments Law



## VOLUME 16 (1982)

- Annual Report (December 1981) includes the following recommendation:  
Federal Military and Other Federal Pensions as Community Property
- Annual Report (December 1982) includes the following recommendations:  
Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage  
Creditors' Remedies: Amount Secured by Attachment; Execution of Writs by Registered Process Servers; Technical Amendments  
Dismissal for Lack of Prosecution  
Conforming Changes to the Bond and Undertaking Law  
Notice of Rejection of Late Claim Against Public Entity
- Recommendation Relating to:  
Holographic and Nuncupative Wills  
Marketable Title of Real Property  
Statutory Bonds and Undertakings  
Attachment  
Probate Law and Procedure: Missing Persons; Nonprobate Transfers; Emancipated Minors; Notice in Limited Conservatorship Proceedings; Disclaimer of Testamentary and Other Interests
- 1982 Creditors' Remedies Legislation [out of print]  
Tentative Recommendation Relating to Wills and Intestate Succession

## VOLUME 17 (1984)

- Annual Report (December 1983) includes the following recommendations:  
Effect of Death of Support Obligor  
Dismissal for Lack of Prosecution  
Severance of Joint Tenancy  
Effect of Quiet Title and Partition Judgments  
Dormant Mineral Rights  
Creditors' Remedies: Levy on Joint Deposit Accounts; Issuance of Earnings Withholding Orders by Registered Process Servers; Protection of Declared Homestead After Owner's Death; Jurisdiction of Condominium Assessment Lien Enforcement; Technical Amendments  
Rights Among Cotenants in Possession and Out of Possession of Real Property
- Recommendation Relating to:  
Liability of Marital Property for Debts  
Durable Power of Attorney for Health Care Decisions  
Statutory Forms For Durable Powers of Attorney  
Family Law: Marital Property Presumptions and Transmutations; Disposition of Community Property; Reimbursement of Educational Expenses; Special Appearance in Family Law Proceedings; Liability of Stepparent for Child Support; Awarding Temporary Use of Family Home  
Probate Law: Independent Administration of Decedent's Estates; Distribution of Estates Without Administration; Execution of Witnessed Wills; Simultaneous Deaths; Notice of Will; Garnishment of Amounts Payable to Trust Beneficiary; Bonds for Personal Representatives; Revision of Wills and Intestate Succession Law; Recording Affidavit of Death  
Statutes of Limitation for Felonies  
Uniform Transfers to Minors Act

## **VOLUME 18 (1986)**

**Annual Report (March 1985) includes the following recommendations:**

Provision for Support if Support Obligor Dies  
Transfer Without Probate of Certain Property Registered by the State  
Dividing Jointly Owned Property Upon Marriage Dissolution

**Annual Report (December 1985) includes the following recommendations:**

Protection of Mediation Communications  
Recording Severance of Joint Tenancy  
Abandoned Easements  
Distribution Under a Will or Trust  
Effect of Adoption or Out of Wedlock Birth on Rights at Death  
Durable Powers of Attorney  
Litigation Expenses in Family Law Proceedings  
Civil Code Sections 4800.1 and 4800.2

**Annual Report (December 1986) includes the following recommendations:**

Notice in Guardianship and Conservatorship Proceedings  
Preliminary Provisions and Definitions of the Probate Code  
Technical Revisions in the Trust Law

**Recommendation Proposing the Trust Law**

**Recommendations Relating to Probate Law: Disposition of Estates Without Administration; Small Estate Set-Aside; Proration of Estate Taxes**

**Selected 1986 Trust and Probate Legislation With Official Comments [out of print]**

## **VOLUME 19 (1988)**

**[Volume expected to be available in September 1989]**

**Recommendations Relating to Probate Law: Supervised Administration of Decedent's Estate; Independent Administration of Estates Act; Creditor Claims Against Decedent's Estate; Notice in Probate Proceedings**

**Annual Report (December 1987) includes the following recommendations:**

Marital Deduction Gifts  
Estates of Missing Persons  
The Uniform Dormant Mineral Interests Act