

#67

2/9/67

First Supplement to Memorandum 68-15

Subject: Study 67 - Unincorporated Associations

The attached letter from the State Bar suggests a revision of the unincorporated associations bill (Assembly Bill No. 39) that would adopt the substance of the bill as recommended in 1967 by the Commission but changed by the Assembly Judiciary Committee. See the attached Recommendation and Study Relating to Unincorporated Associations.

Respectfully submitted,

John H. DeMouly
Executive Secretary

February 7, 1968

Herbert Ellingwood

Garrett H. Elmore

A.B. 39

Dear Herb:

The North on February 1, and the South on February 5, considered A.B. 39, the L.R.C. bill on Service on Unincorporated Associations.

Both sections now object to permitting service on any member of the association unless an attempt is first made to serve an officer. They recommend section 2.1 be amended (Bill, p. 2, l. 16) to add "and if the president or other head of the association, a vice-president, a secretary, general manager or a general partner cannot after diligent search be found" immediately after the phrase "corporations code".

Without this amendment, service could be made on any member of the association even if an officer was immediately available. It is felt that an attempt should be made to serve a responsible person of the association before service be permitted on an individual member.

I am sending this to you at this time, thinking you may wish to discuss the proposed amendment with John DeMouilly. In the interest of time, a copy is being sent to Mr. DeMouilly.

Garrett H. Elmore

cc: John DeMouilly