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8/29/69

First Supplement to Memorandum 69-92

Subject: Study 74 - Civil Code Section 715.8

Attached are four letters received after Memorandum 69-92 was prepared:

(1) Another letter from Harold I. Boucher, who you will recall stated in several letters that he objected to the repeal of the section. Apparently, Professor Dukeminier has persuaded Mr. Boucher of the need to repeal the section, for Mr. Boucher states: "I now vote for the repeal of Civil Code Section 715.8." He also states that he is strongly of the view that there is a need to review Probate Code Section 40 et seq.

(2) A letter from William S. Johnstone, Jr., stating that he believes Probate Code Section 715.8 should be repealed.

(3) A letter from Edward D. Landels (who served on the State Bar Committee and is the "father" of this section) stating that the section should be retained and that he sees no problems with it.

(4) A letter from Luther J. Avery, stating that the section should be retained as is.

It is clear that the vast majority of legal scholars and lawyers engaged primarily in probate work believe that the section should be repealed.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

no copies of letters available