

1/8/73

Memorandum 73-14

Subject: Topics on Agenda

The staff recommended (and the Commission adopted the recommendation) that four topics be dropped from our agenda. The topics to be dropped include "powers of appointment" and "liability of [unincorporated] associations and their members."

Articles appear in the Spring 1972 issue of the California Western Law Review that suggest legislation is needed in both of these areas. In one article, the revocability of a power of appointment is discussed, and it is concluded that legislation is needed to clarify the California statute on this point. Whether the article makes a good case that legislation is needed is a matter that would require some study, and the staff has not made such a study.

The other article deals with tort actions against a condominium association and the liability of the members of the association for the negligence of the association. The article includes recommendations for legislation.

If the Commission believes that it might desire to study either or both of these matters at some future time, we could amend the resolution introduced to continue our authority to study previously authorized topics to permit future study of either or both of the two topics we have proposed to drop.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary