

15/349

#86

11/15/76

Memorandum 76-105

Subject: Study 86 - Marketable Title Act and Related Matters

You will recall that the Commission indicated that the views of the California Land Title Association should be solicited on the marketable title provisions of the Uniform Simplification of Land Transfers Act before the Commission commences work on this project. Attached as Exhibit 1 is a letter reporting that the California Land Title Association has appointed a special committee to review these provisions of the Uniform Act and to report to the Commission the views of the association.

Also attached (Exhibit 2) is a letter I wrote to the Chairman of the California State Uniform Laws Commission advising that commission that the Law Revision Commission will be reviewing the marketable title provisions of the Uniform Act and requesting that commission's suggestions and cooperation in the project.

Clarence B. Taylor has written indicating that time does not permit him to serve as a consultant on this project. When we have the report from the California Land Title Association, I will write him again, indicating we would like him merely to attend meetings to provide expert assistance and that he would not be required to do extensive background work. He might be willing to participate in this study on this limited basis.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

CALIFORNIA LAND TITLE ASSOCIATION

P.O. BOX 13968 • SACRAMENTO, CALIFORNIA 95813 • (916) 444-2647

November 10, 1976

Mr. John H. DeMouilly
Executive Secretary
California Law Revision Commission
Stanford Law School
Stanford, California 94305

Dear John,


As a follow-up to our telephone conversation of Friday, November 5, 1976, I wish to confirm the appointment by the California Land Title Association of a special committee to analyze and comment upon the Marketable Title provisions of the "Uniform Simplification of Land Transfers Act". A list of committee members is referenced below.

It is anticipated that the work of the committee will be completed prior to November, 1977, the date set forth in your communication of September 27, 1976. Please be assured that every effort will be expended to develop a comprehensive and reasoned analysis of this proposal with particular attention devoted to the difficulties and/or advantages of adopting such a law in California. Where difficulties are encountered, an effort will be made to recommend alternative language which will eliminate or reduce their impact.

During the pendency of our completed report to the Commission, it would be appreciated if all materials or questions on this subject, which you may have, be directed to the committee members in addition to this office.

On behalf of the California Land Title Association, allow me to express our appreciation for the opportunity to comment on this proposal in advance of its introduction in the Legislature.

Sincerely yours,



Sean E. McCarthy
Vice President -
Legislative Counsel

SEM/kh

cc: Committee Members: Jerrel Guerino
Transamerica Title Insurance Company
600 Montgomery Street - 28th Floor
San Francisco, CA 94111

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John H. DeMouilly
November 10, 1976

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Joseph C. Maseari, Chairman - Forms and Practices Committee
William J. McDonough, Vice Chairman - Forms and Practices
Committee
Robert H. Horton, Chairman - Legislative Committee
Floyd S. Cerini, Vice Chairman - Legislative Committee

CALIFORNIA LAW REVISION COMMISSION

STANFORD LAW SCHOOL

STANFORD, CALIFORNIA 94305

(415) 497-1731



November 15, 1976

Mr. Robert H. Cornell, Chairman
California Uniform State Laws Commission
2160 Aetna Building
Crocker Plaza
San Francisco, California 94104

Dear Mr. Cornell:

The California Law Revision Commission has been directed by the California Legislature to study whether a marketable title act should be enacted in California and other related matters. In this connection, we have noted that the National Conference of Commissioners on Uniform State Laws has approved the Uniform Simplification of Land Transfers Act. This Uniform Act includes provisions designed to serve the purposes of a marketable title act. I am writing this letter so that the California Uniform State Laws Commission will be aware that the Law Revision Commission will be considering the provisions of the Uniform Simplification of Land Transfers Act insofar as the provisions of that act are relevant to the topic described in our directive from the Legislature.

At the Commission's request, the California Land Title Association has appointed a special committee to analyze and comment upon the marketable title provisions of the Uniform Simplification of Land Transfers Act. The Commission has requested that this committee prepare a report for the Commission which will contain a comprehensive and well-reasoned analysis of the Uniform Act, with particular attention devoted to the difficulties and advantages of adopting such a law in California. With respect to provisions of the Uniform Act that would create difficulties in California, the Commission has requested that the committee make an effort to draft alternate language to eliminate or reduce such difficulties.

When the committee of the California Land Title Association has completed its analysis of the marketable title provisions of the Uniform Act, the Law Revision Commission will then commence its consideration of this matter. The committee has tentatively scheduled November 1977 as the date for completion of its report to the Commission.

The Commission would appreciate any comments the California Uniform State Laws Commission has on the procedures outlined above, and we solicit your cooperation and suggestions concerning this project.

Sincerely,

John H. DeMouilly
Executive Secretary