

3/4/82

Memorandum 82-7

Subject: 1982 Legislative Program

Attached is a report on the status of the 1982 legislative program.

Assembly Bill 707 (providing a comprehensive enforcement of judgments statute) was heard by the Senate Judiciary Committee. The Committee indicated that it was unwilling to approve the bill as drafted because it changes the existing rule that a judgment debtor is not entitled to a homestead exemption when the property subject to a judgment lien is voluntarily sold.

Under AB 707, a creditor may obtain a judgment lien on a dwelling by recording an abstract of judgment in the county where the dwelling is located. Existing law permits a judgment debtor to protect himself or herself from this possibility by recording a homestead declaration before the creditor records the abstract of judgment to create a judgment lien. We had proposed to eliminate the provisions for declaration of a homestead in our recommended legislation. However, representatives of judgment debtors are strongly of the view that the restoration of some type of homestead declaration is necessary in the view of the proposed elimination of the provisions of the bill that protect the homestead exemption in the case of a voluntary sale.

Also, the Commission had streamlined the procedure for the sale of a homestead. The representatives of judgment debtors did not object to the Commission revisions, because they appreciated the benefit of the protection of the homestead exemption in the case of a voluntary sale. However, with the elimination of that protection, the staff is attempting to add the substance of various provisions of existing law that protect the owner of a home from sale on execution.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

1982 LEGISLATIVE PROGRAM
CALIFORNIA LAW REVISION COMMISSION

Sent to Floor in Second House

Assembly Concurrent Resolution 76 (Continues Authority to Study Topics)
(Approved by Senate Judiciary Committee on March 2)

Passed First House

Assembly Bill 707 (Enforcement of Judgments) (Heard by Senate Judiciary Committee on March 2 - substantial amendments being drafted)

Assembly Bill 798 (Conforming Changes - Enforcement of Judgments) (Heard by Senate Judiciary Committee on March 2 - held until AB 707 approved)

Assembly Joint Resolution 63 (Federal Pensions and Benefits Subject to State Marital Property Law) (to be set for hearing in Senate)

Sent to Floor in First House

Assembly Bill 2331 (Holographic Wills) (Approved by Assembly Judiciary Committee on March 3 with amendments)

Assembly Bill 2341 (Escheat) Approved by Assembly Judiciary Committee on March 3)

Assembly Bill 2416 (Marketable Title) (Approved by Assembly Judiciary Committee on February 24 with amendments)

Set for Hearing in First House

Assembly Bill 2332 (Attachment) (Set for hearing by Assembly Judiciary Committee on March 10)

Introduced - To be Set for Hearing

Assembly Bill 2643 (Pay-on-Death Accounts) (Probably will be set for hearing by Assembly Judiciary Committee on March 24)

Assembly Bill 2750 (Conforming Changes to AB 2751) (Probably will be set for hearing by Assembly Judiciary Committee on March 31)

Assembly Bill 2751 (Comprehensive Bonds and Undertakings Statute)
Probably will be set for hearing by Assembly Judiciary Committee on March 31)

Dead

Assembly Bill 325 (Nonprobate Transfers) (But see AB 2643--above--which would effectuate this recommendation in part)