

7/15/82

Memorandum 82-74

Subject: Correction of Minutes of May 13-15, 1982, Meeting

Rick Schwartz has sent us the attached letter (Exhibit 1) in which he states that the Minutes of the May meeting do not accurately reflect what he stated at the meeting. The staff suggests that the Minutes of the May meeting be corrected by including the following statement:

Pages 5 and 6 of the Minutes of the May 13-15, 1982, Meeting were corrected to reflect that the California Bankers Association took no position at the meeting and that Mr. Rick Schwartz, who spoke only for himself, supported only amendments to AB 707 delete the article on release of judgment liens on homesteads and did not support the other amendments (which would restore protections afforded the judgment debtor under existing law). See the letter from Mr. Schwartz attached to these Minutes.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

EXHIBIT 1



SOUTHERN CALIFORNIA HEADQUARTERS

June 10, 1982

RICK SCHWARTZ
Senior Counsel

(213) 228-2522

Mr. John H. DeMouilly
Executive Secretary
California Law Revision Commission
4000 Middlefield Road, Room D-2
Palo Alto, California 94306

RE: Minutes of California Law Revision Commission
Evening Meeting of May 13th

Dear John:

Thank you for your letter of June 4, and enclosures.

Unfortunately, Page 6 of the minutes of the May 13th evening meeting does not correctly reflect the position of the California Bankers Association, which in fact took no position at that meeting. I announced at the beginning of the meeting that the views expressed were only my views and probably the views of Bank of America and were not necessarily the views of the California Bankers Association. This was because I have not had any communications from any representative of the California Bankers Association in several months on AB 707.

I indicated that I expected the California Bankers Association ("CBA") would support the amendment urged by the California Association of Collectors if it merely deleted the release of judgment liens on homestead provisions which begin on Page 129, Line 25 of AB 707, as amended in the Senate on May 28, 1982, through Line 13, of Page 134, but, that, the CBA would probably oppose the package of amendments proposed by the staff at the California Law Revision Commission meeting of May 13th. Those amendments do much more than merely delete the relief the release of judgment lien provisions and add back undesirable elements of existing law for no logical reason.

John H. DeMouilly
June 10, 1982
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I have attempted, on numerous occasions, to contact representatives of the CBA without success and hope to have an opportunity to chat with someone such as R. Blair Reynolds, Senior Legislative Counsel, of the the CBA prior to the hearing before the Senate Judiciary Committee on June 15, at 1:30 p.m. in Sacramento.

I will look forward to receiving the package of amendments referred to in your letter of June 4th.

Very truly yours,

Rick Schwartz
Rick Schwartz
Senior Counsel

RS:pa

cc: K. V. Larkin
Executive Vice President #3001

R. Blair Reynolds
Senior Legislative Counsel
California Bankers Association
1127 11th Street, Suite 706
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Thomas Montgomery
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Sacramento Representative #3217

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Senior Vice President
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K. M. Cologne #4017
R. C. Herr #4017