

## Memorandum 84-42

Subject: Study F-640 - Marital Property Presumptions and Transmutations  
(Status of Recommendation to 1984 Session)

Assembly Bill 2274 was introduced by Assembly Member McAlister to effectuate the Commission's recommendation on marital property presumptions and transmutations. A copy of the recommendation is attached.

The bill has been reviewed by a number of interested groups, including the State Bar Family Law Section and the State Bar Probate Section. The Family Law Section agrees with the substance of the bill, except for the general community property presumption. The State Bar Probate Section agrees with the portion of the bill relating to transmutations, but has problems with the presumption portion. The staff also believes the Commission should take another look at the presumptions and their effect, before proceeding with legislation.

For this reason, Mr. McAlister has at our request amended the bill to deal only with transmutations and to delete the presumption provisions. The staff will prepare material for the Commission's consideration at the next meeting relating to presumptions.

Respectfully submitted,

Nathaniel Sterling  
Assistant Executive Secretary