

First Supplement to Memorandum 88-76

Subject: Study L-1025 - Probate Law and Procedure (Notice to
Creditors--comments of Commissioner Marshall)

Attached to Memorandum 88-76 is a letter from Commissioner Walker suggesting that the personal representative and attorney should have a duty to search for and notify creditors. We have received a letter from Commissioner Marshall in support of this position. See Exhibit 1 to this supplementary memorandum. "I am inclined to agree that the attorney should at least make a reasonable search. Anything less would cause the public to be cynical about the good intentions of the representative."

Respectfully submitted,

Nathaniel Sterling
Assistant Executive Secretary

ARTHUR K. MARSHALL
JUDGE OF THE SUPERIOR COURT
(RETIRED)

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CA LAW REV. COMM'N

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RECEIVED

September 28, 1988

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California Law Revision Commission
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Re: Letter of Mr. Walker Dated 9-20-88

Dear Nat:

In response to Vaughn Walker's letter of 9-20-88 re punitive damages, may I say this: while limiting punitive damages (for trustees) is a new concept applying only to one field of law, why refuse a good idea simply because it has not as yet percolated into other areas of law? How else would a good idea get started?

As to notice to creditors, I am inclined to agree that the attorney should at least make a reasonable search. Anything less would cause the public to be cynical about the good intentions of the representative.

Sincerely,


Arthur K. Marshall

AKM:nvl