

First Supplement to Memorandum 90-115

Subject: Study L - 1991 Urgency Probate Bill

Attached is a letter from William Schmidt, Captain, Study Team No. 1, Estate Planning, Trust and Probate Law Section. He finds that the urgency bill attached to Memorandum 90-115 is satisfactory.

We plan to have the urgency bill introduced in December when the new legislative session begins. We want to get it enacted as soon as possible, since it makes necessary revisions in the new Probate Code, which becomes operative on July 1, 1991.

It is likely that we will discover additional technical corrections needed in the new Probate Code. If time permits, we will add them to the urgency bill. Otherwise, we will add them to our general probate bill which will contain our noncontroversial probate recommendations to the 1991 legislative session.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

~~CONFIDENTIAL~~**SEP 11 1990****REPORT****RECEIVED**

TO: BRUCE S. ROSS
VALERIE J. MERRITT
TERRY ROSS
IRV GOLDRING
JIM QUILLINAN
ROBERT E. TEMMERMAN, JR.
CLARK R. BYAM
THE EXECUTIVE COMMITTEE IN GENERAL

FROM: WILLIAM V. SCHMIDT (Captain)
Study Team No. 1

DATE: September 5, 1990

RE: LRC MEMORANDUM 90-115:
1991 Urgency Probate Bill
Study L

This Memorandum was reviewed by Study Team No. 1 by me without a conference call. I intend to call a few members of the Team for their review and comments. In the absence of any further report, you can assume that there is no objection to this Memorandum.

All ten sections of this new 1991 Urgency Probate Code Cleanup Bill have been reviewed. Chapter 79 of Statutes of 1990 was not available for my review. I did, however, have Assembly Bill 759, the 1990 California Probate Code and Senate Bill 1775 as amended August 13, 1990.

Section 2 of the Cleanup Bill repeals Section 900 of the Probate Code as enacted by Chapter 79 of the Statutes of 1990. However, S.B. 1775 amended in the Assembly on August 13, 1990 contains Section 3.5, which amends said Section 900. It would appear that Section 900 as amended would be appropriately repealed by Urgency legislation effective July 1, 1991. This is a Section which may well be reviewed to make sure that it will no longer serve a purpose.

All other Sections seem to be straightforward and consistent with the retention of the statutory compensation provisions which are being retained for the attorney for the personal representative.

Respectfully submitted,

STUDY TEAM NO. 1

By:


William V. Schmidt,
Captain