

Third Supplement to Memorandum 91-10

Subject: Study L-3041 - Procedure for Creditor to Reach Nonprobate Assets (Policy Issues—comments of Beverly Hills Bar Association)

Attached to this supplementary memorandum is a letter from the Legislative Committee of the Beverly Hills Bar Association's Probate, Trust & Estate Planning Section in support of the staff proposal to deal comprehensively with the rights of creditors against nonprobate assets.

Respectfully submitted,

Nathaniel Sterling
Assistant Executive Secretary

JUN 07 1991

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CALIFORNIA LAW REVISION COMMISSION
4000 Middlefield Road, Suite D-2
Palo Alto, CA 94303-4739

Attn: Nathaniel Sterling, Esq.
Assistant Executive Secretary

**Re: Study L-3041, Procedure for Creditor to Reach Nonprobate Assets
Memo 90-10 and supplements**

Ladies and Gentlemen:

The Legislative Committee of the Probate, Trust & Estate Planning Section of the Beverly Hills Bar Association has reviewed and discussed Memo 90-10 and the First and Second Supplements.

We agree with your staff that bringing under one scheme a plan for payment of all the debts of a decedent would solve the three problems (among others) discussed in the 4-9-91 letter from individuals of the State Bar Estate Planning Section.

All beneficiaries should be equitably liable for the decedent's debts, unless the testator allocates the burden otherwise. Therefore, this Committee supports the idea of a comprehensive approach to claims against all decedents' assets, probate and non-probate, and we recommend that the Commission proceed with this project.

While we realize that change is difficult, piecemeal efforts will only prolong the agony. This big subject must be addressed, and the Law Revision Commission is the place to do it!

Very truly yours,



PHYLLIS CARDOZA
Administrative Vice Chair
Legislative Committee
Probate, Trust & Estate Planning Section
Beverly Hills Bar Association

PC:pk

cc: Lisa C. Alexander, Esq., Chair of Committee
Joni Ackerman, Esq., attendee at 6-13-91 LRC meeting
Kenneth G. Petrulis, Esq., Chair of PTEP Section