

First Supplement to Memorandum 91-63

Subject: Study L-3010 - Notice of Trustees' Fees (Comments of LA County Bar)

Attached to this supplement is a letter from Ronald C. Pearson on behalf of the Executive Committee of the Probate and Trust Law Section of the Los Angeles County Bar Association. The LA bar supports the tentative recommendation as proposed.

Respectfully submitted,

Stan Ulrich
Assistant Executive Secretary

1st Supp. Memo 91-63

EXHIBIT 1

Study L-3010

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VIA FAX

Nathaniel Sterling
Executive Secretary
California Law Revision Commission
4000 Middlefield Road, Suite D-2
Palo Alto, California 94303-4739

Re: Study L-3010 - Notice of Trustees' Fees

Dear Mr. Sterling:

The Executive Committee of the Probate and Trust Law Section of the Los Angeles County Bar Association has reviewed the Tentative Recommendation relating to Study L-3010 and has requested that I convey their comments.

In particular, we agree that the affected interest requirement, set forth in existing Probate Code Section 15686(b), is ambiguous and has placed a significant burden on trust companies to determine which beneficiaries' interests would be affected by an increase in trustees' fees. By amending the above section to provide that notice be given to 1) beneficiaries entitled to an account under Section 16062, 2) beneficiaries actually given the last preceding account, and 3) beneficiaries who make a written request, the burden on trust companies should be significantly reduced. We also agree that Section 15804(a)(1) should be revised to clarify that accounts and reports are included in the "virtual representation" section and that such section applies in nonjudicial proceedings.

Accordingly, we support the Tentative Recommendation relating to Study L-3010 as proposed.

Sincerely,

Ronald C. Pearson
RONALD C. PEARSON

RCP:ms

cc: Executive Committee