

**MINUTES**  
**DSBA ESTATES AND TRUSTS SECTION**  
**December 6, 2005**

In accordance with notice duly given, a meeting of the Estates and Trusts Section of the Delaware State Bar Association was held at the offices of Morris, Nichols, Arsht & Tunnell, 17<sup>th</sup> Floor, 1201 North Market Street, Wilmington, Delaware, 19801, on Tuesday, December 6, 2005 commencing at 3:30 p.m.

In attendance were: F. Peter Conaty, Jr., Anne L. Stallman, Bruce W. Tigani, Joanne Tigani, Denise D. Nordheimer, Mary B. Hickok, Richard W. Nenno, David Garrett, Francis Babiarz, Todd A. Flubacher, Dorothy Scarlett, Michael Friedberg, Richard J.A. Popper, Diane Clarke Streett, Joseph Melican, Kalimah White, Miguel D. Pena, Gregory Weinig, Kimberly Gill Hankins, Trisha W. Hall, Sheriden Black, Beverly Wik and Hunt Worth.

F. Peter Conaty, Jr., Chair, called the meeting to order.

1. Minutes. The minutes of the November 1, 2005 meeting were unanimously approved.
2. Legislation and Rule Committees.
  - a. Uniform Principal and Income Act – Report of Committee. No report.
  - b. Section 529 Plans – Report of Committee. No report.
  - c. Chancery Court Rules 117 and 132 – Report of Committee. No report.
  - d. Delaware Elective Share Statute – Report of Committee. No report.
  - e. Estate Administration Committee – Report of Committee. No report.
  - f. DSBA Technology Committee – Report of Committee. No report.
  - g. By-Laws – Report of Committee. No report.
  - h. Last Remains Statute – Report of Committee. No report.
  - i. Uniform Disclaimers of Property Interests Act Committee – Report of Committee. Peter Conaty reported that he and Beverly Wik were to forward information to Tom Sweeney and that a meeting would be held shortly thereafter.

- j. Trust Act 2006 – Report of Committee. Richard Nenno reported that the Committee met on December 6, 2005 and had a productive meeting. The next Committee meeting is scheduled for January, 2006 and the Committee should have a draft available for the February Section meeting.
  - k. Unauthorized Practice of Law – Report of Committee. Peter Conaty reported that any information he receives on the unauthorized practice of law is being forwarded to the Office of Disciplinary Counsel and the Department of Justice.
  - l. Lapsed Distribution – Report of Committee. No report.
3. Old Business.
- a. Estates and Trusts Fundamentals Seminar. Peter Conaty reported that the Fundamentals Seminar will be held on December 8, 2005 and that approximately 70 people were registered to attend.
4. New Business.
- a. Recent Developments.
    - 1. Francis Babiarz reported that bank auditors when examining nondeposit trust companies would be focusing on the Bank Secrecy Act.
    - 2. Peter Conaty noted that the annual exclusion for gifts would increase to \$12,000 per person in 2006.
  - b. Other New Business.
    - 1. Commissioner v. Estate of Bosch. Richard Nenno commented that Massachusetts has a procedure that allows cases of tax controversy to be heard directly by the highest court of the State, bypassing the lower courts. He suggested that Delaware should consider such a procedure. A discussion ensued about the appropriateness of such a procedure and further discussion will be necessary.

There being no further business, the meeting was adjourned at 3:55 p.m.

Respectfully submitted,

Anne L. Stallman, Secretary

**AGENDA**  
**DSBA ESTATES AND TRUSTS SECTION**  
**January 3, 2006**

The January 3, 2006 meeting of the Section will be held at 3:30 p.m. at the offices of Morris, Nichols, Arsht & Tunnell, 17th Floor, 1201 North Market Street, Wilmington, Delaware, 19801.

1. Approval of Minutes.
2. Committees' Reports.
  - a. Uniform Principal and Income Act - Report of Committee.
  - b. Section 529 Plans - Report of Committee.
  - c. Chancery Court Rules 117 and 132 - Report of Committee.
  - d. Delaware Elective Share Statute - Report of Committee.
  - e. Estate Administration Committee - Report of Committee.
  - f. DSBA Technology Committee - Report of Committee.
  - g. By-Laws - Report of Committee.
  - h. Last Remains Statute - Report of Committee.
  - i. Uniform Disclaimers of Property Interests Act Committee.
  - j. Trust Act 2006 - Report of Committee.
  - k. Unauthorized Practice of Law - Report of Committee.
  - l. Lapsed Distribution - Report of Committee.
3. Old Business.
  - a. Fundamentals Seminar.
4. New Business.
  - a. Recent Developments.
  - b. Other New Business.