

MINUTES
DSBA ESTATES AND TRUSTS SECTION
DECEMBER 5, 2006

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 Connolly, Bove, Lodge & Hutz, LLP, 1007 N. Orange Street, Nemours Building, 9th Floor, Wilmington, Delaware, on Tuesday, December 5, 2006, commencing at 3:30 p.m.

In attendance were: Gregory J. Weinig, Anne L. Stallman, Michael R. Stein, John M. Amalfitano, Francis S. Babiarz, Sheriden T. Black, F. Peter Conaty, Michael A. Friedberg, Mary B. Hickok, Richard C. Kiger, George W. Kern, William H. Lunger, Richard W. Nenno, Miguel D. Pena, Richard J. A. Popper, Diane Clarke Streett, Thomas P. Sweeney, Chad Williams and T. Hunting Worth.

Gregory J. Weinig, Chair, called the meeting to order.

1. Minutes. The minutes of the November 7, 2006, 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. Mr. Weinig reported that proposed legislation may soon be circulated among the Section for review and comment.
 - c. Chancery Court Rules 117 and 132 - Report of Committee. No report.
 - d. Delaware Elective Share Statute - Report of Committee. Mr. Weinig reported that revised draft legislation has been circulated among the members of the Committee and will soon be circulated among the Section for review and comment.
 - e. Estate Administration Committee - Report of Committee. No report.
 - f. 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. Trust Act 2007 - Report of Committee. Mr. Nenno reported that the Committee met on November 10, 2006 and was planning to meet again in early January.
 - j. Unauthorized Practice of Law - Report of Committee. Mr. Weinig reported that Peter Gordon has expressed his gratitude to the Section for the many offers of assistance received from Section members with respect to the matters previously handled by

Ralph Estep. There was a brief discussion about the suspected use of improper notarization on some of the documents prepared by Mr. Estep and his refusal to resign as a fiduciary in certain matters.

k. Family Law/Estates and Trusts Joint Committee - Report of Committee.

No report.

3. Old Business.

a. Fundamentals Seminar. Mr. Weinig reminded the Section that the seminar would be held on Wednesday, December 13, 2006.

b. Delaware Bankers Association First Annual Trust Conference. Mr. Weinig reported that the conference, which was held on November 29th through December 1st at the Hotel Dupont, was a success. Ms. Stallman reported that it was her understanding that consideration is being given to hold the conference on a bi-annual basis, with a "Trust School" to be offered in the years in which the conference does not take place.

c. Accountings Filed with Register in Chancery. Mr. Kiger reported that he has spoken with the Chancellor who has indicated that any problems relating to the delay in receiving approval for accountings should be brought to the attention of Pat Randolph.

d. Memorial for David Garrett. Mr. Weinig reported that he has received several suggestions to honor the late David Garrett. It was discussed that one suggestion would be to name the Fundamentals Seminar after Mr. Garrett. It was decided that the Section would continue to consider the ideas received to date and to welcome others.

4. New Business.

a. Recent Developments.

1. Mr. Kiger and Ms. Streett briefly discussed that there is a new policy limiting the parties who may receive death certificates. This policy will not affect the ability of family members, attorneys or title companies to obtain death certificates.

2. Mr. Lunger reported that petitions for instructions are no longer forwarded to the Vice-Chancellor, but are now sent to the new Master in Chancery, Master Kim E. Ayvazian. Mr. Lunger also noted that notarization was required for the waivers of notice/consents with respect to such petitions (and presumably waivers of notice/consents for all Court of Chancery petitions).

b. Other New Business.

1. Mr. Sweeney reported about an estate that was being audited by an IRS Agent from the IRS office in New York City. Mr. Sweeney commented that the agent was spending a lot of time inquiring about expenses of insubstantial amounts and other matters of minor consequence.

2. Mr. Friedberg reported that he was handling an intestate matter in which one-half of the beneficiaries were being represented by a genealogy company. Mr. Friedberg inquired if any other Section members had been involved in any similar matters involving a genealogy company.

There being no further business, the meeting was adjourned at approximately 4:40 p.m.

Respectfully submitted,

Michael R. Stein,
Secretary