

**MINUTES**  
**DSBA ESTATES AND TRUSTS SECTION**  
**JUNE 1, 2004**

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 Young Conaway Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, Wilmington, Delaware on Tuesday, June 1, 2004 commencing at 12:00 p.m.

In attendance were: Todd A. Flubacher, Francis S. Babiarz, Richard C. Kiger, Richard J. A. Popper, William H. Lunger, David J. Garrett, Beverly J. Wik, Richard W. Nenno, Joanne Marie H. Walter, Gregory J. Weinig, John M. Stull, Dorothy K. Scarlett, Michael R. Stein, Amy C. Hudson, Mary M. Culley, G. Michael Richwine, Mark D. Olson, Leonard S. Togman, Thomas P. Sweeney and Norris P. Wright.

William H. Lunger, Chair, called the meeting to order.

1. Minutes. The minutes of the May 4, 2004 meeting were unanimously approved.

Legislation and Rule Committees.

Uniform Principal and Income Act – Report of Committee. No report.

Section 529 Plans – Report of Committee. Mark Olson reported that the Committee has been drafting proposed statutory amendments and will report to the Section after the summer break.

Real Property Sales by Estates – Report of Committee. William Lunger reported that legislation will be considered by the Delaware State Senate Subcommittee on June 2, 2004 and that he will report back to the Section with an update at a later date.

LLC/LP Statutes – Report of Committee. No report.

Chancery Court Rules 117 and 132 – Report of Committee. No report.

Trust Act 2004 – Report of Committee. William Lunger reported that legislation will be considered by the Delaware State Senate Subcommittee on June 2, 2004 and that he will report back to the Section with an update at a later date.

Total Return Trust Statute – Report of Committee. William Lunger reported that legislation will be considered by the Delaware State Senate Subcommittee on June 2, 2004 and that he will report back to the Section with an update at a later date.

Delaware Elective Share Statute – Report of Committee. No report.

Estate Administration Committee – Report of Committee. Richard Kiger stated that the Committee had no report. Mr. Kiger then initiated a discussion regarding a recent bill concerning the power of the Register of Wills and the Court of Chancery to close dormant open estates.

DSBA Technology Committee – Report of Committee. No report.

UTMA Statute – Report of Committee. William Lunger reported that legislation will be considered by the Delaware State Senate Subcommittee on June 2, 2004 and that he will report back to the Section with an update at a later date.

Advanced Health Care Directive Statute – Report of Committee.  
No report.

By-Laws – Report of Committee. No report.

Old Business.

a. Treas. Reg. §1.643-3/NIMCRUT. No report.

New Business.

Recent Developments. Thomas Sweeney discussed the recent Fifth Circuit Court of Appeals case, Kimbal v. U.S.

Other New Business. Mr. Flubacher announced that all Section meetings during the 2004-2005 term will be held at the office of Morris, Nichols, Arsht & Tunnell.

There being no further business, the meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Todd A. Flubacher, Vice Chairman

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