

**MINUTES**  
**DSBA ESTATES AND TRUSTS SECTION**  
**November 1, 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, November 1, 2005 commencing at 3:30 p.m.

In attendance were: F. Peter Conaty, Jr., Anne L. Stallman, Thomas P. Sweeney, Donald Sparks, Bruce W. Tigani, G. Michael Richwine (by invitation), Denise D. Nordheimer, Mary B. Hickok, Richard W. Nenno, Neal Howard, David Garrett, Francis Babiarz, Todd A. Flubacher, Joanna Reiver, Richard Kiger, Dorothy Scarlett, Jeff Wolken, John Stull, Michael Friedberg, Michael Stein, Will Lunger, Richard Popper, Diane Clarke Streett, Norris Wright, Edward McNamara (by telephone).

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

1. Minutes. The minutes of the October 4, 2005 meeting were unanimously approved.
2. Legislation and Rule Committees.
  - a. Uniform Principal and Income Act – Report of Committee. Norris Wright reported that the Committee met, discussed changes and would prepare an analysis of the revisions needed.
  - 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. Todd Flubacher commented that this Committee was formed to do a comprehensive review of the Section's By-laws to see if they conflicted with the Bar Association's By-laws and was unsure whether that review was completed. Peter Conaty and Will Lunger agreed to determine whether a review was necessary.

- h. Last Remains Statute – Report of Committee. No report.
  - i. Uniform Disclaimers of Property Interests Act Committee – Report of Committee. No report.
  - j. Trust Act 2006 – Report of Committee. Richard Nenno reported that the Committee met on October 25, 2006 and had a productive meeting. The next Committee meeting is scheduled for December 6, 2005.
  - k. Unauthorized Practice of Law – Report of Committee. Peter Conaty reported that any information he has received on the unauthorized practice of law is being forwarded to the Office of Disciplinary Counsel.
  - l. Lapsed Distribution – Report of Committee. Peter Conaty reported that the Committee would meet next month.
3. Old Business.
- a. Estates and Trusts Fundamentals Seminar. Peter Conaty reported that the Fundamentals Seminar will be held on December 8, 2005.
4. New Business.
- a. Recent Developments. No report.
  - b. Other New Business.
    - 1. Register of Wills. Diane Clarke Streett reported that she has requested the Deputies in her office to remind newly appointed executors that late filings of inventories could incur late fees. This is not a new policy, just a reminder at the beginning of an estate administration that if the administration becomes too difficult the executor should seek legal assistance.

There being no further business, the meeting was adjourned at 3:50 p.m.

Respectfully submitted,

Anne L. Stallman, Secretary