

MINUTES
DSBA ESTATES AND TRUSTS SECTION
October 2, 2007

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, October 2, 2007, commencing at 3:30 p.m.

In attendance were: John M. Amalfitano, Francis S. Babiarz, Mary Elizabeth M. Browder, Noel C. Burnham, Steven R. Director, Charles J. Durante, Michael A. Friedberg, Kimberly M. Gill, Mary B. Hickok, Richard W. Nenno, Miguel D. Pena, Richard J.A. Popper, Dorothy K. Scarlett, Anne L. Stallman, Michael R. Stein, Diane Clarke Streett, Gregory J. Weinig, and Kalimah Z. White.

Anne L. Stallman, Chair, called the meeting to order.

1. Approval of Minutes. Upon motion duly made and seconded, the minutes of the September 5, 2007 meeting were unanimously approved.
2. Committee Reports
 - a. Uniform Principal and Income Act – Report of Committee. No report.
 - b. Chancery Court Rules 117 and 132 – Report of Committee. No report.
 - c. Estate Administration Committee – Report of Committee. No report.
 - d. DSBA Technology Committee – Report of Committee. No report.
 - e. Last Remains Statute – Report of Committee. No report.
 - f. Trust Act 2008 – Report of Committee. Mr. Nenno reported that the Committee has scheduled regular meetings for the last Tuesday of each month. Mr. Nenno reminded the Section members to submit all legislation as early as possible this year because 2008 is an election year.
 - g. Unauthorized Practice of Law – Report of Committee. No report.
 - h. Family Law/Estates and Trust Joint Committee – Report of Committee. No report.
 - i. Power of Attorney/Health Care Directive Committee – Report of Committee. No report.

j. Will Formalities Committee – Report of Committee. Mr. Popper reported that the Committee met last week, and based upon the settlement reached in the Palecki (In Re: Last Will and Testament of Palecki, 920 A.2d 413, Del.Ch., April 26, 2007) case, the Committee sees no reason to change current Delaware law requiring that a Will be signed as a formality of execution, and that the Committee does not recommend that the Section take any action in that regard. The purpose of the Committee having been fulfilled, the Committee was decommissioned.

k. Uniform Estate Tax Apportionment Committee – Report of Committee. No report.

3. Old Business.

a. Fundamentals Program. Ms. Stallman reported that the date for the 2007 Fundamentals Program has been tentatively set for December 10, 2007.

b. Letter in Response to IR-2007-127. Ms. Stallman reported that reference to the Chicago Bar Association, the New York Bar Association and the American Bar Association has been removed from the letter, and that following this change, the letter, as discussed in the September 5, 2007 Section meeting, had been signed by Ms. Stallman on behalf of the Trusts and Estate Section of the Delaware State Bar Association and David Bakerian, on behalf of the Delaware Bankers Association, and had been sent to the Internal Revenue Service on October 2, 2007.

4. New Business.

a. Recent Developments. Mr. Popper informed the Section that the Chancery Court has instituted new procedures regarding the submission of petitions to admit copies of lost Wills for probate. The Chancery Court is now requiring the personal representative to appear in Court and offer testimony relating to the copy of the lost Will and the circumstances attendant thereto. Mr. Popper additionally indicated that petitions to admit a copy of a lost Will to probate must now include a preliminary decree so that the Court can set a date for the hearing.

b. Other New Business. Ms. Stallman informed the Section that the Tax Section of the Delaware State Bar Association would be offering a program to discuss the Internal Revenue Service's perspective on IR-2007-127. Presenting the program will be Section members Todd A. Flubacher, Thomas R. Pulsifer and Richard W. Nenno, along with George Masnik of the Internal Revenue Service. The program will be held from 12:00 pm to 2:00 pm, Wednesday, December 5, 2007, at the Delaware State Bar Association Building. Lunch will be served at 11:30 am prior to the program. Section members seeking further information are encouraged to contact Mr. Flubacher directly.

5. Adjournment. There being no further business, the meeting adjourned at approximately 3:47 p.m.

Respectfully submitted,

Miguel D. Pena, Secretary