

**MINUTES**  
**DSBA ESTATES AND TRUSTS SECTION**  
**SEPTEMBER 12, 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, 9<sup>th</sup> Floor, Wilmington, Delaware, on Tuesday, September 12, 2006, commencing at 3:30 p.m.

In attendance were: Gregory J. Weinig, Anne L. Stallman, Michael R. Stein, William H. Lunger, Miguel D. Pena, F. Peter Conaty, Jr., Richard J.A. Popper, Kathleen DeLacy, Denise D. Nordheimer, Mary B. Hickok, Dorothy K. Scarlett, David J. Garrett, Charles J. Durante, George W. Kern, Kim Gill Hankins, David N. Williams, Sheriden T. Black, Joanna Reiver, Michael A. Friedberg, Bruce W. Tigani, Janice R. Tigani, Todd A. Flubacher, Beverly J. Wik, and Joseph K. Koury (by invitation).

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

A motion was made that Mr. Koury be allowed to attend the meeting by invitation. The motion was unanimously approved.

1. Minutes. The minutes of the June 6, 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. No report.
  - c. Chancery Court Rules 117 and 132 - Report of Committee. No report.
  - d. Delaware Elective Share Statute - Report of Committee. The proposed legislation prepared by the Committee was distributed. There were no comments to the legislation. Mr. Garrett stated that at the June 6, 2006, meeting, at least one member who was not in attendance at this meeting indicated that he may have comments to the legislation. It was discussed that comments from him would be solicited prior to the next meeting of the Section, at which a vote would be taken with respect to the proposed legislation.
  - e. Estate Administration Committee - Report of Committee. There was no formal report of the Committee. However, Mr. Weinig reported that he has become aware that the Register of Wills is considering removing the requirement to report joint property on the inventory. Thereafter, there was a general discussion regarding the potential benefits and detriments of removing the joint property schedule from the inventory. As a result of the discussion, it was determined that the Section would ask Richard C. Kiger about the reasoning for the proposal to remove the schedule from the inventory. Mr. Conaty then asked a general question about whether the Section thought it was appropriate to draft proposed legislation relating to the requirement to open a joint account. After a general discussion relating to the

potential benefits and detriments of such legislation, it was decided that the Section would raise this question with the Banking Section.

f. DSBA Technology Committee - Report of Committee. Anthony J. Testa, Jr., filed a written report requesting that if any Section members have any ideas or recommendations for the website that these items be forwarded to him.

g. Last Remains Statute - Report of Committee. A brief review of the statute was discussed. No formal report was given.

h. Uniform Disclaimers of Property Interests Act Committee - Report of Committee. Mr. Conaty reported that the proposed legislation became law on June 27, 2006. It was decided to remove this item from the agenda.

i. Trust Act 2006 - Report of Committee. Ms. Nordheimer reported that the Committee has not yet met. However, it was discussed that the name of the Committee would be changed to Trust Act 2007.

j. Unauthorized Practice of Law - Report of Committee. Mr. Weinig reported that the Delaware Attorney General's Office has filed a complaint against Ralph Estep for actions with regard to his representation of estates. It was discussed that Mr. Estep entered into an agreement with the Office of Disciplinary Counsel not to engage in any further unauthorized practice of law.

k. Lapsed Distribution Committee - Report of Committee. Mr. Conaty reported that the proposed legislation became law in June, 2006. It was decided that this item will be removed from the agenda.

l. Family Law/Estates and Trusts Joint Committee - Report of Committee.  
No report.

3. Old Business. None reported.

4. New Business.

a. Recent Developments. None reported.

b. Other New Business.

1. Fundamentals Seminar. Mr. Weinig reported that the potential dates for the annual Fundamentals Seminar for Wills and Estates were Tuesday, December 12<sup>th</sup>, and Wednesday, December 13<sup>th</sup>. Mr. Weinig requested that all past speakers contact him to confirm if they are willing to speak again this year.

2. Welcoming Reception for New Dean. Mr. Weinig reported that the Welcome Reception for Linda L. Ammons, the new Dean of Widener Law School, would take place on October 4, 2006, at 5:30 p.m. to 7:30 p.m., at the DSBA Building. Mr. Weinig

reported that the Section, along with numerous other Sections of the DSBA contributed \$250 to sponsor the reception. Mr. Weinig encouraged all members to attend.

3. Delaware Bankers Association First Annual Trust Conference.  
Mr. Weinig reported that the Delaware Bankers Association will be holding their first annual Trust Conference on November 29<sup>th</sup> through December 1<sup>st</sup> at the Hotel Dupont. Mr. Weinig encouraged all Section members to attend.

There being no further business, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Michael R. Stein,  
Secretary