

MINUTES - Amended
DSBA ESTATES AND TRUSTS SECTION
January 11, 2022

In accordance with notice duly given, a meeting of the Estates and Trusts Section of the Delaware State Bar Association was held on January 11, 2022, at 3:30 p.m. by Zoom conference.

In attendance were: J. Zachary Haupt, Jeffrey C. Wolken, Erin K. Brignola, Christophe Clark Emmert, Jeremy J. Riley, Harold W. T. Purnell, II, Caitlin E. McAndrews, Mary Elizabeth M. Browder, Danielle R. DiTomasso, David A. Diamond, John L. Williams, Kerry M. Porter, Richard W. Nenno, Alex Mili, Elizabeth Vannote, Gregory J. Weinig, Michael Neri, James Gallagher, Alex Lyden-Horn, Valerie M. Carr, Joel W. Collins, Elizabeth Trachtman, Gina Schoenberg, Daniel Ryan Stanek, Caitlin E. McAndrews, Danielle R. Dell, Jocelyn Margolin Borowsky, Michael R. Stein and Lydia E. York.

Vice Chair J. Zachary Haupt called the meeting to order at 3:31 p.m.

1. Quorum. Quorum was met by the number of members of the Section participating by Zoom videoconference.
2. Minutes. Upon motion duly made and seconded, the minutes of the meeting of December 7, 2021 were unanimously approved.
3. Committee Reports and Activity.
 - A. Trust Act Committee – Ms. Borowsky reported that the 2021 Trust Act fix-it bill is in the process of being approved. Ms. Borowsky and Mr. Weinig also discussed the content of the 2022 Trust Act that includes: improvements and updates to Sections 3536, 3596 and 3546 (e); the addition of new Section 3536A; and clarifications and additions to Section 3585. Section members are invited to contact Ms. Borowsky or Mr. Weinig directly with any comments or suggestions.
 - B. Estate Administration Committee – No report.
 - C. Electronic Wills and Trusts Committee – Mr. Haupt reported that the committee met to review revised draft legislation.
 - D. Inactive Committees with no reports:
 - Access to Digital Assets Committee – Trisha W. Hall, Chair
 - “Issue” Definition Committee – Trish Hall
 - Limited Guardianship Committee – Donald Sparks, Chair
 - Revocation Upon Divorce Committee – Denise D. Nordheimer, Chair
 - Notice Committee – Vincent C. Thomas, Chair
 - CLE Committee – Scott E. Swenson, Chair
 - Publications Committee - Daniel F. Hayward, Chair

- Power of Attorney/Health Care Directive Committee – P. Kristen Bennett, Chair
- Trust Accountings Committee – William H. Lunger, Chair
- Guardianship Committee – Harold W.T. Purnell, Chair
- Trust Litigation Committee – William M. Kelleher, Chair.

4. Old Business.

A. None

5. New Business.

A. Mr. Mili discussed the Real Property Section's proposed amendment to 12 Del §1905 that eliminates the condition that letters testamentary are required for estates in which a joint property affidavit is used to remove a deceased joint title holder from the title to real property. Mr. Purnell provided an earlier comment to Mr. Mili suggesting the elimination of the no estate tax affidavit requirement because the Delaware estate tax has been repealed. The Real Property Section believes the proposed amendment should proceed without incorporating the no estate tax affidavit. Mr. Weinig noted typos in the proposed amendment. Mr. Mili will provide feedback from the Section to the Real Property Section. No vote was taken.

B. Mr. Mili discussed the revised New Castle County Register of Wills Inventory Form that was provided earlier to the Section for review and comment. Mr. Mili discussed the revisions to Section B, Section C and the recapitulation page. Mr. Conly provided an earlier suggestion to update language in the oath on the last page. However, the oath cannot be changed because it is taken directly from Section 1905(a). The previous version of the inventory form will still be accepted if used. This discussion was an update and no vote was taken.

6. Next Meeting. The next Section meeting will be held by Zoom conference on February 1, 2022 at 3:30.

There being no further business to come before the Section, the meeting was adjourned at 4:14 p.m.

Respectfully submitted,

Michael Neri