

MINUTES
DSBA ESTATES AND TRUSTS SECTION
April 5, 2022

In accordance with notice duly given, a meeting of the Estates and Trusts Section of the Delaware State Bar Association was held on April 5, 2022, at 3:30 p.m. by Zoom conference.

In attendance were: Matthew P. D’Emilio, Michael S. Neri, Kerry M. Porter, Gregory J. Weinig, Jeffrey C. Wolken, John Legare Williams, Caitlin E. McAndrews, Alexander J. Lyden-Horn; J. Zachary Haupt, William C. Wagner, Valerie M. Carr, Jocelyn Margolin Borowsky, Tara S. Hersh, Alex Mili, Jeremy J. Riley, Harold W. T. Purnell, II, Gina Schonberg, Danielle R. DiTomasso, and Samantha Letang.

Chair Matthew P. D’Emilio called the meeting to order at 3:32 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 March 1, 2022 meeting minutes were unanimously approved subject to updating the section reference in the second paragraph of the Trust Act Committee report to proposed new Section 3596.
3. Committee Reports and Activity.
 - A. Trust Act Committee – Mr. Weinig reported that there is no update since the bill was sent to the court and that the bill is up for approval at the next Executive Committee. Mr. D’Emilio reported that he presented the Trust Act 2022 at the last Executive Committee meeting. The Executive Committee did not have any questions. Mr. D’Emilio reported to the Executive Committee that the letter had just gone to the court and that the Act had received CLC approval. Mr. D’Emilio also reported that the Act would be presented to the Executive Committee on April 14th for a vote. Ms. Borowsky asked the Section to send her suggestions for consideration in the Trust Act 2023.
 - B. Estate Administration Committee – No report.
 - C. Electronic Wills and Trusts Committee –Mr. Haupt reported that Mr. Riley provided comments to the proposed legislation that are being considered by the Committee.
 - D. Inactive Committees with no reports:
 - Access to Digital Assets Committee – Trisha W. Hall, Chair
 - “Issue” Definition Committee – Trisha W. Hall
 - CLE Committee – Scott E. Swenson, Chair
 - Limited Guardianship Committee – Donald Sparks, Chair
 - Revocation Upon Divorce Committee – Denise D. Nordheimer, Chair

- Notice Committee – Vincent C. Thomas, 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. Mr. D’Emilio asked if there were any comments on the draft Uniform Real Property Transfer on Death Act. The Section did not have any comments.

5. New Business.

- A. Mr. D’Emilio asked the Section to email him nominations for next year’s Section Secretary at mdemilio@mdsulaw.com.
- B. Ms. Borowsky raised a question on the Title 12 definition of intestate succession for people born as the result of artificial reproductive technology sharing parents with people they do not know or a person who is known, but not part of person’s life. A new Committee was proposed to investigate possible updates to the next of kin for intestate succession and to the Uniform Parentage Act. Mr. Lyden-Horn volunteered to Chair the new committee.
- C. Mr. Purnell noted that the proposed modification to section 3391 circulated by the Elder Law Section adds a thirteenth member to Guardianship Commission. The new member would come from the Elder Law Section of the DSBA. This Section made no objections to adding a member from the Elder Law Section but suggestions were made to also add a member from this Section to the Guardianship Commission. Mr. D’Emilio will respond to the Elder Law Section providing this Section’s support for the modification and the suggestion that a member of the Estates and Trust Section should also be added to the Guardianship Commission.

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

There being no further business to come before the Section, the meeting was adjourned at 3:48 p.m.

Respectfully submitted,

Michael Neri