

MINUTES
DSBA ESTATES AND TRUSTS SECTION
September 14, 2021

In accordance with notice duly given, a meeting of the Estates and Trusts Section of the Delaware State Bar Association was held on September 14, 2021, at 3:30 p.m. by Zoom conference and in person at Morris Nichols, 1201 N. Market Street, 16th Floor.

In attendance were: George W. Kern, Beverly J. Wik, Jocelyn Margolin Borowsky, Kerry M. Porter, Daniel R. Stanek, Gregory Weinig, Danielle R. Dell, Harold W.T. Purnell, Trisha W. Hall, Matthew P. D’Emilio, J. Zachary Haupt, Robert A. Glen, Michael Neri, Tanya Sellers, Anthony N. Smedley, Carolina R. Heinle and Alex Mili.

Chair Matthew P. D’Emilio called the meeting to order.

1. Quorum. Quorum was met by the number of members of the Section participating by Zoom videoconference or audioconference located five or more miles away from the meeting or who were not physically present at his or her office premises at the time of the meeting.
2. Minutes. Upon motion duly made and seconded, the minutes of the meeting of June 1, 2021 were unanimously approved.
3. Committee Reports and Activity.
 - A. Trust Act Committee – Report of Committee. Ms. Borowsky reported that there have been two meetings of the Committee and that the process of creating the 2022 Trust Act has started. She encouraged Section members to contact Ms. Borowsky or Mr. Weinig with suggestions for Trust Act 2022.

Gregory Weinig reported that there was a problem with the 2021 Trust Act effective date. There was a proposal to correct the problem by amending the session laws rather than recreating the entire bill. Mr. Weinig will draft a resolution and forward to Mr. D’Emilio for circulation to Section members for consideration at the October 5, 2021 section meeting.
 - B. Estate Administration Committee – No Report
 - C. Electronic Wills and Trusts Committee – Report of Committee. Mr. Haupt reported that he has received 70 responses to the survey regarding potential electronic wills legislation that was circulated to Section members by email earlier this year. He encouraged Section members to complete the survey within the next two weeks.
 - 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. D’Emilio advised the Section that the DSBA is looking for submissions from each section and that volumes 18.1 and 18.2 are currently open. Email Mr. D’Emilio for more information.
- B. Mr. D’Emilio advised the Section that the Real Estate Section is reviewing Register of Wills Joint Property Affidavit requirement. The Real Estate Section is hosting a Zoom meeting on October 14, 2021 at 8:30 am. Section members should contact Mr. D’Emilio for information if interested in attending.
- C. General discussion on how Section members are handling document signatures and if anyone is using the new electronic signature statute in the 2021 Trust Act.

6. Next Meeting. The next Section meeting will be held by Zoom conference on October 5, 2021 at 3:30.

There being no further business to come before the Section, the meeting was adjourned at 3:58 p.m.

Respectfully submitted,

Michael Neri