

MINUTES
DSBA ESTATES AND TRUSTS SECTION
October 5, 2021

In accordance with notice duly given, a meeting of the Estates and Trusts Section of the Delaware State Bar Association was held on October 5, 2021, at 3:30 p.m. by Zoom conference.

In attendance were: Beverly J. Wik, Jocelyn Margolin Borowsky, Kerry M. Porter, Gregory Weinig, Harold W.T. Purnell, Matthew P. D'Emilio, J. Zachary Haupt, Robert A. Glen, Michael Neri, Carolina R. Heinle, Tara S. Hersh, Elizabeth Trachtman, Timothy Ferry, Cynthia D. M. Brown, James Gallagher, Valerie Carr, Mary Browder and Caitlin McAndrews.

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 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 September 14, 2021 were unanimously approved.
3. Committee Reports and Activity.
 - A. Trust Act Committee – Report of Committee. Ms. Borowsky reported that the Committee is in the process of creating the 2022 Trust Act. She encouraged Section members to contact Ms. Borowsky or Mr. Weinig with suggestions for Trust Act 2022.

Mr. Weinig reported that there was a proposed resolution drafted to correct the problems with the 2021 Trust Act effective date. Mr. D'Emilio had circulated the proposed resolution by email to section members on September 15, 2021. Mr. Weinig asked if there were any questions or comments from the section. Upon motion duly made and seconded, the proposed resolution was approved by the section.
 - B. Estate Administration Committee – No Report
 - C. Electronic Wills and Trusts Committee – Report of Committee. Mr. Haupt reported that the committee will be meeting the following week to review the survey responses regarding potential electronic wills legislation that was circulated to Section members by email earlier this year.
 - 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 Mr. Mili provided an email update on the history of the Register of Wills joint property affidavit requirement. Mr. Mili concluded that the joint property affidavit in 12 Del §1905(e) was created when there was a Delaware estate tax and that the affidavit is now no longer needed. Mr. Mili will advise the Real & Personal Property Section that the statute can be revised to remove the affidavit requirement. Mr. D’Emilio further advised the Section that the Real & Personal Property 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.
- B. Mr. D’Emilio advised the Section that Mr. Neri amended the Section bylaws and that they were circulated by email to the Section on October 2, 2021. Mr. Neri stated that the amendment removed the presence requirement to establish a quorum for Section Meetings. There being no questions or comments. Upon motion duly made and seconded, the proposed bylaws were approved by the section. The amended bylaws will be presented to the DSBA Executive Committee for ratification.
- C. Mr. Haupt raised a question on the effectiveness of the 2021 Trust Act. Mr. Weinig mentioned there are three issues being corrected – 1) No effective date for the Bill; 2) No effective date for section 3331; and 3) There was a section missing language making it effective upon enactment.

6. Next Meeting. The next Section meeting will be held by Zoom conference on November 2, 2021 at 3:30.

There being no further business to come before the Section, the meeting was adjourned at 3:51 p.m.

Respectfully submitted,

Michael Neri

