

MINUTES

DSBA ESTATES AND TRUSTS SECTION MEETING

November 13, 2018

In accordance with notice duly given, a meeting of the Estates and Trusts Section of the Delaware State Bar Association was held on November 13, 2018, beginning at 3:30 p.m. at the offices of Young Conaway Stargatt & Taylor, LLP, located in Rodney Square at 1000 North King Street, Wilmington, DE 19801.

In attendance were: Jocelyn Margolin Borowsky, James J. Gallagher, Alex J. Mili, Trisha W. Hall, Jennifer E. Smith, J. Zachary Haupt, and Michael Neri.

In attendance via conference call were: Ciro Poppiti, III, David J. Ferry, Jr., Robert M. Kleiner, Steven E. Kleiner, Richard W. Nenno, Miguel D. Pena, Alexander J. Lyden-Horn, Anthony N. Smedley, Jeffrey Wolken, Robert A. Glen, Beverly J. Wik, David A. Diamond, Harold W. T. Purnell, II, Mary B. Hickok, Matthew P. D'Emilio, and Mark E. Doyle.

James J. Gallagher, Vice Chair, called the meeting to order in the absence of Chair, Elizabeth W. King.

1. Quorum. Between the members of the Section present at the meeting, and those participating by phone located five or more miles away from the meeting, quorum was reached.
2. Minutes. Upon motion duly made and seconded, the minutes of the meeting of October 2, 2018 were unanimously approved.
3. Committee Reports and Activity.
 - a. Estate Administration Committee – Report of Committee. On behalf of the Committee, Mr. Mili presented the safe deposit box legislation as revised per comments from the Section and as circulated previously to the Section by email, for approval. Mr. Mili noted that he had provided a copy to the chair of the Government Affairs Committee of the Delaware Bankers Association. After a motion was made and seconded, the Section unanimously approved the safe deposit box legislation. On behalf of the Office of the Register of Wills, New Castle County, Mr. Poppiti thanked Mr. Mili for his efforts regarding the safe deposit box legislation.
 - b. Trust Act Committee – Report of Committee. On behalf of the Committee, Ms. Borowsky reported that the Committee has met several times to consider Trust Act 2019 with the goal of presenting a draft to the Section for discussion at its January meeting. Section members are encouraged to send suggestions for the new Trust Act to Ms. Borowsky, Gregory J. Weinig, or another member of the Committee as soon as possible.

- c. Notice Committee – Report of Committee. No report.
- d. Limited Guardianship Committee – Report of Committee. On behalf of the Committee, Mr. Ferry reported that the first meeting of the Committee is scheduled to be held Friday, November 16.
- e. CLE Committee – Report of Committee. No report.
- f. Access to Digital Assets Committee – Report of Committee. On behalf of the Committee, Ms. Hall had no report.
- g. Publications Committee – Report of Committee. No report.
- h. Power of Attorney/Health Care Directive Committee – Report of Committee. No report.
- i. Trust Accountings Committee – Report of Committee. No report.
- j. Guardianship Committee – Report of Committee. No report.
- k. Trust Litigation Committee – Report of Committee. No report.
- l. Electronic Wills and Trusts Committee – Report of Committee. On behalf of the Committee, Mr. Haupt reported that the Committee met telephonically in October and primarily focused on what changes may need to be made to 12 *Del. C.* § 1306 as other jurisdictions enact legislation validating electronic wills. The Electronic Wills Committee of the Uniform Law Commission is meeting soon to review responses made to a draft act presented at the Uniform Law Commission’s annual meeting.

4. Old Business

- a. Revocation Upon Divorce Statute. Mr. Ferry reported that there is possible interest in forming a committee to study this issue, but nothing has been scheduled yet.

5. New Business. No new business to report.

There being no further business to come before the meeting, the meeting was adjourned at 3:45 p.m. The next meeting of the Section will be held on December 4, 2018, at 3:30 p.m. at the offices of Young Conaway Stargatt & Taylor, LLP, located in Rodney Square at 1000 North King Street, Wilmington, DE 19801.

Additional details will be circulated on the Section listserv as the meeting date approaches.

Respectfully submitted,

Trisha W. Hall, Secretary

