

REPORT AND RECOMMENDATIONS

A subcommittee was appointed to consider and make recommendations to the Drafting Committee for the Model Appointment and Powers of Real Estate Receivers concerning distribution of a questionnaire. The subcommittee met by conference call on Monday, March 11. Participating in the call were subcommittee chair Patricia B. Fry and members Fred Miller, Mark Sandlin, Cheryl Kelly and John Trott.

The participants discussed the history of the proposed questionnaire, the December draft of the questionnaire, its style and contents. In addition, the subcommittee discussed possible methods of distributing the questionnaire, appropriate persons who might be willing to complete and return it, and methods of reaching those persons. It was agreed that there was merit in soliciting responses to the questionnaire from knowledgeable persons in each state and that those responses would be helpful to the members of the Drafting Committee as they proceeded with their task. It also was agreed that to be of the most use, responses should be sought before the Fall 2013 meeting of the Drafting Committee.

After discussing various possibilities for obtaining responses to the questionnaire, and the desirability of seeking responses from experienced practitioners in each jurisdiction, the subcommittee agreed that it would be best to ask the ULC staff to forward the questionnaire to selected commissioners in each jurisdiction. Ms. Kelly agreed to put together a list of experienced practitioners in each state. The subcommittee agreed it would be best to provide to each commissioner a list of practitioners in his/her state who might be contacted for responses. In addition, it was agreed the members of the subcommittee would take responsibility for insuring that responses were received.

Accordingly, the subcommittee makes the following recommendations:

- 1) The questionnaire should be distributed in essentially the format and style of the December draft.
 - a) The subcommittee recommends adding questions as follows:
 - i) Seeking the respondent's personal opinion about major issue[s] in the respondent's jurisdiction.
 - ii) Asking whether the respondent believes his/her state would be responsive to a uniform law.
 - iii) Asking whether the respondent would like to become an observer.
 - b) The subcommittee recommends that some time, perhaps an hour, be devoted to discussing whether additional questions should be added to the questionnaire at the April meeting of the Drafting Committee.

- 2) Responses to the questionnaire should be solicited so that they will be available prior to the Fall 2013 meeting of the Drafting Committee.
 - a) The staff of the ULC would be asked to forward the questionnaire to a commissioner in each jurisdiction, with our request that responses be sought from experienced practitioners in that jurisdiction. The staff will be provided with a list of potential respondents to be forwarded to the commissioners.
 - b) The members of the subcommittee will assume responsibility for seeing that responses are received, answering any questions that might arise concerning the questionnaire and following through with the responses to the questionnaire as needed.