

April 25, 2016

To: Executive Committee

From: Commissioner Joan Zeldon

From: Technical Correction of Wording of Section 1001 (i) of URRLTA

With the approval of both reporters and our Style Liaison Jerry Bassett, I am writing to propose a change to the second sentence of Section 1001(i) of URRLTA to accurately capture what it is supposed to say.

At present the second sentence reads: "If a landlord complies with this section, the landlord is not liable to the tenant or another person for a claim arising from removal of personal property from the premises."

The problem with this wording is that section 1001(a) through (h) does not cover landlords who recover possession under a court order. Coverage of such landlords was removed toward the end of the Committee's deliberations to gain support for the Act by the landlords (much to the annoyance of the tenant advocates). Section 1001 (i) is the safe harbor for a landlord who recovers possession under a court order and elect to follow the property disposition provisions applicable to landlords whose tenants vacate the unit at the end of the tenancy or abandon it.

The new wording for the second sentence suggested by Jerry Bassett, which the reporters and I support, is: "If a landlord that recovers possession under a court order complies with this section, that landlord is not liable to the tenant or another person for a claim arising from removal of personal property from the premises."

This change is important. Without it one could construe section (i) to exclude the very group it is supposed to cover – landlords who recover possession under a court order

**Note: the excerpt below pertains to requests for technical amendments. The full memorandum will be distributed at the 2016 Executive Committee meeting.**

To: Liza Karsai, ULC Executive Director  
Richard Cassidy, ULC President  
Anita Ramasastry, Chair, ULC Executive Committee  
Carl Lisman, Chair, Scope and Program Committee

From: Thomas Gallanis, Executive Director, JEB-UTEA

Date: May 5, 2016

Re: JEB-UTEA Meeting in Chicago, April 29-30, 2016: Report and Action Items  
The Joint Editorial Board for Uniform Trust and Estate Acts met on April 29-30, 2016. We reviewed each of the following draft acts and provided feedback to the chair or reporter of the drafting committee:

- Divided Trusteeship / Directed Trust
- Guardianship and Protective Proceedings (revision)
- Parentage (amendments)
- Model Tribal Probate
- Principal and Income (revision)

In addition, we have the following items to report, some of which contain recommendations for action:

1. *Conforming UPC § 2-213 and UPMAA § 9.* Uniform Probate Code Section 2-213 sets forth the requirements for an enforceable waiver of a surviving spouse's right to an elective share or to homestead allowance, exempt property, or family allowance. We discussed and approved a draft of technical amendments to this section in order to require the same protections for an enforceable waiver of these rights as for an enforceable premarital or marital agreement under Section 9 of the Uniform Premarital and Marital Agreements Act (the UPMAA). The draft technical amendments are attached in Appendix A. We recommend their approval under Section 4.3(b)(3) of the ULC Constitution.

During our discussion, we observed a gap in the UPMAA. The protections of UPMAA Section 9 apply to a premarital or marital agreement signed by both spouses, but the act is silent about what protections, if any, are required for an enforceable unilateral waiver by a surviving spouse of the succession rights mentioned above (elective share, homestead allowance, exempt property, or family allowance). An amendment to the UPMAA may be needed. We recommend that the Executive Committee ask the JEB for Uniform Family Law to consider the question. 2

2. *Conforming amendments in light of RUFADAA.* We discussed and approved technical amendments to Uniform Power of Attorney Act Section 201 and Uniform Probate Code Section 3-711 to conform them to the Revised Uniform Fiduciary Access to Digital Assets Act. The amendments are attached in Appendix B. We recommend their approval under Section 4.3(b)(3) of the ULC Constitution.

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5. *Voidable Transactions Act*. We discussed the concerns raised by estate planning lawyers about the Comments to the Uniform Voidable Transactions Act (the UVTA), especially the Comments to Sections 4 and 10. These concerns have been raised within the estate planning bar generally, not only by lawyers who specialize in asset protection. We recommend that the Executive Committee ask the standby committee for the UVTA to take a second look at the Comments, to see if changes might be made to alleviate concerns and thereby to facilitate enactment.