

February 4, 2003

To: UECA Drafting Committee and Observers

From: Kurt Strasser

Subject: Brief comments on revised draft for discussion February 28.

The previous draft has been substantially revised to reflect changes decided at our last meeting as well as changes by the Style Committee. We have distributed both a clean copy of the new draft and a copy which compares the new draft with the draft for our last meeting; in the latter, additions are underlined and deletions are marked with a strike-out. A few changes are highlighted in this memo.

The sections are now reordered. Former Section 16 has become Section 3, and former Section 12 (Marketable Title Act) has been moved to new subsection 9 (c).

The Agency is not now a holder. Its enforcement and other rights are now specified in the relevant substantive sections. This change facilitates treatment of the whether enforcement rights are ownership interests in real property.

In addition, Section 7 is completely rewritten. It now collects all the guidance for enforcement agencies in agreeing to covenants. Further, the guidance is now in the form of default requirements for a covenant.

Eminent domain and changed circumstances are now dealt with as part of modification in subsection 10(e).

Finally, there are a number of substantial deletions which the Committee decided at our last meeting. These should be clear from the marked version.

Please send comments and criticisms to Bill or me and we will circulate them to the entire group prior to February 28.