

REPORT ON MAPRER SURVEY

The survey subcommittee, consisting of Patricia Fry, chair, Fred Miller, Mark Sandlin, Cheryl Kelly and John Trott, finalized the survey, a copy of which was provided to the Drafting Committee, its observers and advisers in the spring of 2013. Cheryl Kelly provided a list of proposed contacts, including experienced practitioners in every state. In June and August 2013 the revised survey was distributed to those persons on the list provided by Ms. Kelly after screening to eliminate duplicate entries from the same firm and the members of the committee, its observers and advisers.

A total of 38 responses were received, many of them including not only answers to the survey questions but also elaborations and explanations. Twenty-one of the individuals who responded to the survey indicated they wished to and have been added as observers.

The survey results may be accessed at https://www.surveymonkey.com/sr.aspx?sm=Mma0FdtTVldku8llGeVN_2ft6jztqcD3WgHao08m99ZIE_3d. The explanations included in the survey, which are quite interesting, may be accessed there.

To summarize the results of the survey:

Q 2. Are the courts in your jurisdiction familiar with receiverships?

Yes	34 [89.5%]
No	4 [10.5%]

Q 3. How common are real estate receiverships in your jx?

Non-existent	0
Rare	11 [28.9%]
Common in a few counties/districts, non-existent to rare elsewhere	9 [23.7%]
Common in many counties/districts	3 [7.9%]
Common	15 [39.5%]

Q 4. How common are general receiverships in your jx?

Non-existent	3 [7.9%]
Rare	21 [55.3%]
Common in a few counties	4 [10.5%]
Common in many counties	2 [5.3%]
Common	8 [21.1%]

Q 5. How difficult is it to obtain appointment of a receiver?

Virtually impossible	2 [2.7%]
Very difficult in most counties	2 [5.4%]
Difficult in most counties/districts	3 [8.1%]
Readily in some counties/districts	11 [29.7%]
Readily in most counties/districts	20 [54.1%]

Q 6. Does your jx have a business calendar or court?
 Yes 9 [23.7%]
 No 25 [65.8%]
 Don't know 4 [10.5%]

Q 7. Which grounds for appointment are most commonly invoked?
 See survey

Q 8. If receivers may be authorized to sell, describe any issues with obtaining title insurance.
 See survey

Q 9. Are there problems in your jx when receiverships involve property in more than one county or state?
 Yes 9 [23.7%]
 No 16 [42.1%]
 Don't know 13 [34.2%]

Q 10. What are the major issues in your jx?
 See survey

Q 11. Would the existence of a statute governing receiverships be useful in your state?
 Yes 29 [76.3%]
 No 5 [13.2%]
 Don't know 4 [10.5%]

Q 12. Would it be helpful to have uniformity of law?
 Yes 24 [66.7%]
 No 2 [5.6%]
 Don't know 10 [27.8%]

Q 13. If the ULC drafts a uniform or model act, what obstacles do you see to enactment in your jx?
 See survey

Q 14. If the ULC drafts a uniform or model act, what groups or organizations might oppose enactment? Might support enactment?
 See survey

Respectfully submitted, Pat Fry

August 27, 2013