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MINUTES OF MEETING  
CALIFORNIA LAW REVISION COMMISSION  
FEBRUARY 23, 2006  
SACRAMENTO

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A meeting of the California Law Revision Commission was held in Sacramento on February 23, 2006.

**Commission:**

*Present:* Edmund L. Regalia, Chairperson  
David Huebner, Vice Chairperson  
Sidney Greathouse  
Frank Kaplan  
Susan Duncan Lee  
William E. Weinberger

*Absent:* Diane F. Boyer-Vine, Legislative Counsel  
Noreen Evans, Assembly Member  
Pamela L. Hemminger  
Bill Morrow, Senate Member

**Staff:** Nathaniel Sterling, Executive Secretary  
Brian P. Hebert, Assistant Executive Secretary  
Steven E. Cohen, Staff Counsel  
Barbara S. Gaal, Staff Counsel  
Debora Larrabee, Administrative Assistant

**Consultants:** None

**Other Persons:**

Oliver Burford, Executive Council of Homeowners, San Jose  
Randall E. Cape, Granite Bay  
Frank Collard, Southern California Rock Products Association, South Pasadena  
Denise Duncan, Mattos & Associates, Sacramento  
Lisa Engel, Assembly Committee on Housing and Community Development,  
Sacramento  
John A. Hartog, Executive Committee, State Bar Trusts and Estates Section, Oakland  
Cora L. Henning, Sacramento County Public Law Library, Sacramento  
Carole Hochstatter, Bakersfield  
Bonnie Laderman, Springfield Homeowners Association, Rocklin  
Stephen F. Lambert, Lambert & Rogers Appliance, El Cajon  
David L. Mandel, Senior Legal Hotline, Sacramento  
Terry M. McGann, Government Strategies, Inc., for ECHO, Sacramento

Marjorie Murray, California Alliance for Retired Americans, Sacramento  
Dick Nash, Building Industry Credit Association, Los Angeles  
Chris Neri, Department of Real Estate, Sacramento  
Karen Raasch, American Association of Retired Persons, Sacramento  
Larry Robinson, Springfield Homeowners Association, Rocklin  
Valerie Rose, Government Strategies, Inc., Sacramento  
Bruce Rudman, Abdulaziz, Grossbart & Rudman, North Hollywood  
Janet Shaban, Sacramento  
Mary Pat Toups, Laguna Woods  
Norma J. Walker, Bakersfield  
Norm Widman, Lumber Association of California and Nevada, San Diego  
Jean Willis, Sacramento County Public Law Library, Sacramento

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MINUTES OF NOVEMBER 18, 2005, COMMISSION MEETING

- 1 The Commission approved the Minutes of the November 18, 2005,
- 2 Commission meeting as submitted by the staff.

ADMINISTRATIVE MATTERS

3 **Report of Executive Secretary**

4 The Executive Secretary reported that the Speaker of the Assembly has  
5 appointed Noreen Evans as Assembly Member of the Commission.

6 The Executive Secretary reported that the Commission has hired Debora  
7 Larrabee as its new administrative assistant. Ms. Larrabee works half time in the  
8 Commission’s Sacramento office. Ms. Larrabee was present at the meeting and  
9 was introduced to the Commission.

1 **Meeting Schedule**

2 The Commission considered Memorandum 2006-1, relating to the  
3 Commission's meeting schedule for 2006. The Commission revised the schedule  
4 proposed by the staff, and adopted the following schedule for the remainder of  
5 2006:

6	<b>April 2006</b>	<b>Sacramento</b>
7	Apr. 27 (Thur.)	9:00 am – 4:30 pm
8	<b>June 2006*</b>	<b>Sacramento</b>
9	June 22-23 (Thur./Fri.)	9:00 am – 4:30 pm
10	<b>August 2006</b>	<b>Burbank</b>
11	Aug. 18 (Fri.)	9:30 am – 5:00 pm
12	<b>October 2006</b>	<b>Burbank</b>
13	Oct. 27 (Fri.)	9:30 am – 5:00 pm
14	<b>December 2006</b>	<b>Burbank</b>
15	Dec. 8 (Fri.)	9:30 am – 5:00 pm
16		

17 **\*The June meeting is tentatively scheduled for two**  
18 **days but may be reduced to one (Thursday only)**  
19 **depending on workload.**

LEGISLATIVE PROGRAM

20 The Commission considered Memorandum 2006-2, relating to the  
21 Commission's 2006 legislative program. The staff orally updated the chart  
22 attached to the memorandum with the information that the recommendation on  
23 enforcement of judgments under the Family Code has been introduced as AB  
24 2126 (Lieu and Leno).

STUDY A-100 – CONTRACTUAL ARBITRATION IMPROVEMENTS  
FROM OTHER JURISDICTIONS

25 The Commission considered Memorandum 2006-6, reporting on the results of  
26 the meeting of arbitration stakeholders convened by the staff on January 5, 2006.  
27 Consistent with the results of that meeting, the Commission decided to  
28 discontinue its study of contractual arbitration.

STUDY H-821 – MECHANICS LIEN LAW

1 The Commission considered Memorandum 2006-3, relating to mechanics lien  
2 law. The Commission made the following decisions.

3 **Location, Numbering, and Organization of Statute**

4 The Commission approved the concept of relocating the private work portion  
5 of the mechanics lien law to the end of the Civil Code and the public work  
6 portion of the mechanics lien law to the Public Contract Code.

7 **Design Professionals Lien**

8 The Commission directed the staff to continue the process of incorporating  
9 the design professionals lien into the mechanics lien law, making sure that  
10 nothing in the mechanics lien law is inappropriately applied to the design  
11 professionals lien.

12 In reworking the draft, the staff should ensure that the law clearly states that  
13 the design professionals lien ends when construction begins, and at that point  
14 the design professional's remedy is a mechanics lien. In that connection the staff  
15 should consider the possibility that site work may have a different completion  
16 date than construction work for lien commencement and termination purposes.

17 The staff should also consider basing the standard for an exempt project  
18 under the design professionals lien on the value of the project as stated in the  
19 building permit.

20 **Multiple Owners**

21 The Commission revised the co-ownership provision to read:

22 **§ 3082.260. Co-owners**

23 3082.260. (a) An owner may give a notice or execute or file a  
24 document under this title on behalf of a co-owner if the owner acts  
25 on the co-owner's behalf and includes in the notice or document  
26 the name and address of the co-owner on whose behalf the owner  
27 acts.

28 (b) Notice to the owner of an interest in property is effective as  
29 to a co-owner of that interest. Notice to the owner of a leasehold or  
30 other interest in property that is less than a fee is not effective as to  
31 the owner of the fee. Nothing in this subdivision limits the effect of  
32 notice to a reputed owner where that notice is authorized by  
33 statute.

34 **Comment.** Section 3082.260 is new. It generalizes provisions  
35 found in former Sections 3092 (notice of cessation) and 3093 (notice  
36 of completion), and clarifies the effect of giving or receiving notice

1 by co-owners. Under subdivision (b), notice to the owner of a  
2 leasehold may be effective as to the owner of the fee where the  
3 owner of the leasehold is the reputed owner of the fee and notice is  
4 given pursuant to statutory authority to notify the reputed owner.  
5 See, e.g., Section 3089.120 (preliminary notice requirement).

6 See also Sections 3082.100 (“owner” defined), 3082.190 (“work  
7 of improvement” defined).

## 8 **Contract Change**

9 The Commission revised the definition of “contract” along the following  
10 lines, subject to staff review of the statutes in which the term is used to make sure  
11 the statute is appropriately applied to a direct contract or a subcontract.

### 12 **§ 3082.022. Contract**

13 3082.022. “Contract” means an agreement ~~between an owner~~  
14 ~~and a direct contractor~~ that provides for all or part of a work of  
15 improvement ~~and~~ . The term includes a contract change.

16 **Comment.** Section 3082.022 continues former Section 3088 and  
17 adds a reference to a contract change. The term “contract change”  
18 has replaced “written modification of the contract” as used in  
19 former Section 3123. This codifies the effect of *Basic Modular*  
20 *Facilities, Inc. v. Ehsanipour*, 70 Cal. App. 4th 1480, 83 Cal. Rptr. 2d  
21 462 (1990).

22 This definition does not apply if the provision or context  
23 requires otherwise. Section 3082 (application of definitions). See,  
24 e.g., Sections 3082.100 (contract of purchase), ~~3082.310~~  
25 ~~(subcontract).~~

26 See also Sections ~~3082.025 (“direct contractor” defined), 3082.100~~  
27 ~~(“owner” defined), 3082.190 (“work of improvement” defined).~~

28 The staff should do further research on use of the terms “contract price” and  
29 “reasonable value of the work” in the mechanics lien law to determine whether  
30 recovery is limited to the lesser of the two amounts, or whether that rule only  
31 applies in the case of a voidable contract.

## 32 **Notice Provisions**

### 33 *Terminology*

34 The Commission decided to stick with terminology of giving rather than  
35 serving notice, and making proof of notice rather than proof of service.

### 36 *Contents of Notice*

37 The Commission adopted the staff proposal for a general provision on  
38 contents of notice, along the following lines.

1           **§ 3082.236. Contents of notice**

2           3082.236. (a) Except as otherwise provided by statute, notice  
3 under this title shall include all of the following information, to the  
4 extent known to the person giving the notice:

5           (1) The name and address of the owner or reputed owner, and  
6 the nature of the owner's interest.

7           (2) The name and address of the direct contractor.

8           (3) The name and address of the construction lender, if any.

9           (4) A description of the site sufficient for identification,  
10 including the street address of the site, if any. If a sufficient legal  
11 description of the site is given, the effectiveness of the notice is not  
12 affected by the fact that the street address is erroneous or is  
13 omitted.

14           (5) The name, address, and relationship to the parties of the  
15 person giving the notice.

16           (6) If the person giving the notice is a claimant:

17                   (i) A general statement of the kind of labor, services,  
18 equipment, or material provided.

19                   (ii) The name of the person to or for which the labor,  
20 services, equipment, or material is provided.

21                   (iii) A statement of the claimant's demand, after  
22 deducting all just credits and offsets.

23           (b) Notice is not invalid by reason of any defect in form if the  
24 notice is sufficient to substantially inform the person given notice of  
25 the information required by this section and other information  
26 required in the notice.

27           **Comment.** Section 3082.236 is new. It generalizes and  
28 standardizes provisions found throughout former law. See, e.g.,  
29 former Sections 3092 (notice of cessation), 3093 (notice of  
30 completion), 3097 (preliminary notice), 3103 (stop notice), 3252  
31 (notice to principal and surety).

32           The staff should verify that the only provision under existing law calling for  
33 the nature of the owner's interest (subdivision (a)(1)) is the notice of completion;  
34 in that case, the staff should eliminate that requirement from the draft.

35           The staff should also review the general requirement of a statement of the  
36 claimant's demand (subdivision (a)(6)(iii)). It may be appropriate to limit this  
37 requirement to "if known" or "to the extent known" or a similar standard. Or it  
38 may be appropriate to require the claimant's demand in specified notices only.

39           *Manner of Giving Notice*

40           The Commission approved the general manner of giving notice set out in the  
41 memorandum:

1           **§ 3082.237. Manner of giving notice**

2           3082.237. Except as otherwise provided by statute, notice under  
3 this title may be given by any of the following means:

4           (a) Personal delivery.

5           (b) Mail in the manner provided in Section 3082.240.

6           (c) Leaving the notice and mailing a copy in the manner  
7 provided in Section 415.20 of the Code of Civil Procedure for  
8 service of summons in a civil action.

9           **Comment.** Section 3082.237 is new. It generalizes and  
10 standardizes provisions found throughout former law. See, e.g.,  
11 former Sections 3097 (preliminary notice), 3103 (stop notice), 3144.5  
12 (notice of release bond), 3227 (notice to principal and surety), 3259.5  
13 (notice of recordation of notice of completion), 3260.2 (stop work  
14 notice).

15           This title may prescribe a different or more limited manner of  
16 giving a particular notice. See, e.g., [to be provided].

17           The draft should make clear that, where a manner prescribed in the Code of  
18 Civil Procedure is incorporated by reference, only the manner is incorporated  
19 and not the Code of Civil Procedure time extensions. The staff should consider  
20 spelling out the manner of giving notice under the Code of Civil Procedure,  
21 rather than incorporating it by reference.

22           *Mailed Notice*

23           The Commission approved the following clarification of the mailed notice  
24 provision:

25           **§ 3082.240. Mailed notice**

26           3082.240. The following provisions apply to notice given by mail  
27 under this title:

28           (a) Notice shall be given by (i) first class registered or certified  
29 mail or by (ii) Express Mail or another method of delivery  
30 providing for overnight delivery.

31           ...

32           *Posting*

33           The Commission approved the concept of a general provision on posting  
34 notice:

35           **§ 3082.245. Posting**

36           3082.245. A notice required by this title to be posted shall be  
37 posted in a conspicuous location at the site and at the main office of  
38 the site, if one exists.

39           **Comment.** Section 3082.236 is new. It generalizes and  
40 standardizes provisions found in former law. See, e.g., former

1 Sections 3094 (notice of nonresponsibility), 3260.2 (stop work  
2 notice).

3 The Commission directed the staff to make clear either by definition or by an  
4 addition to the statute that posting in this context means displaying in a specific  
5 physical location rather than depositing in the mail.

6 *Recorded Notice*

7 The Commission directed the staff to review the source of the language  
8 relating to an instrument “deemed duly recorded without acknowledgment”  
9 (Section 3082.250(b)).

10 *Electronic Notice*

11 The Commission approved the concept of authorizing electronic notice where  
12 the parties have agreed to it:

13 **§ 3082.235. Written notice**

14 3082.235. (a) Notice under this title shall be in writing.

15 (b) Written notice under this title may be given by electronic  
16 communication to the extent authorized under Section 3082.243.

17 **Comment.** Subdivision (a) of Section 3082.235 generalizes  
18 various provisions of existing law. See, e.g., former Civ. Code §§  
19 3092 (notice of cessation), 3093 (notice of completion), 3094 (notice  
20 of nonresponsibility), 3097 (preliminary notice (private work)), 3098  
21 (preliminary notice (public work)), 3103 (stop notice).

22 Subdivision (b) is new.

23 See also Section 14 (writing includes printing and typewriting).

24 **§ 3082.243. Electronic communication**

25 3082.243. (a) As used in this section, “electronic  
26 communication” includes electronic transmission of written or  
27 graphical material by electronic mail, facsimile, or other means, but  
28 does not include voice communication.

29 (b) A notice under this title may be given to a person by means  
30 of electronic communication if the person has expressly indicated a  
31 willingness to receive the notice by means of electronic  
32 communication.

33 **Comment.** Section 3082.243 is new. It is drawn from  
34 Government Code Section 11340.85 (administrative procedure act).

35 See also Section 14 (writing includes printing and typewriting).

36 See also Section 3082.110 (“person” defined).

37 The Commission considered the question of how the agreement should be  
38 expressed and proved. The staff should review the provisions of the Uniform  
39 Electronic Transactions Act and E-Sign for possible guidance on this issue.

1 *Proof of Notice*

2 The provision on proof of mailed notice was revised along the following  
3 lines:

4 **§ 3082.240. Mailed notice**

5 . . . .

6 (c) Proof that the notice was given in the manner provided in  
7 this section ~~shall be made by (1) a~~ may be made by any of the  
8 following means:

9 (1) A return receipt, delivery confirmation, signature  
10 confirmation, or other proof of delivery or attempted delivery  
11 provided by the United States Postal Service, or a photocopy of the  
12 record of delivery and receipt maintained by the United States  
13 Postal Service, showing the date of delivery and to whom  
14 delivered, or in the event of nondelivery, by the returned envelope  
15 itself ~~(2) proof .~~

16 (2) Proof of mailing certified by the United States Postal Service,  
17 ~~or (3) a .~~

18 (3) A tracking record or other documentation certified by an  
19 express service carrier showing delivery or attempted delivery of  
20 the notice.

21 The Commission will seek comment on whether the United States Postal  
22 Service is sufficiently reliable that subdivision (c)(2), relating to a certificate of  
23 mailing, should be sufficient.

24 *Proof of Personal Delivery*

25 The Commission approved the proof of notice provision as set out in the  
26 memorandum:

27 **§ 3082.239. Proof of notice**

28 3082.239. (a) Proof that notice was given to a person in the  
29 manner required by this title shall be made by the proof of notice  
30 affidavit described in subdivision (b) and, if given by mail, shall be  
31 accompanied by proof in the manner provided in Section 3082.240.

32 (b) A proof of notice affidavit shall show all of the following:

33 (1) The time, place, and manner of notice and facts showing that  
34 notice was given in the manner required by this section.

35 (2) The name and address of the person to which notice was  
36 given, and, if appropriate, the title or capacity in which the person  
37 was given notice.

38 **Comment.** Section 3082.239 is new. It generalizes and  
39 standardizes provisions found throughout former law. See, e.g.,  
40 former Sections 3097 (preliminary notice), 3260.2 (stop work  
41 notice).

1 *Address of Person to be Notified*

2 The Commission approved the general address provision set out in the  
3 statute:

4 **§ 3082.238. Address at which notice is given**

5 3082.238. (a) Notice under this title shall be given to the person  
6 to be notified at an address prescribed in this section. If the person  
7 giving notice knows of more than one address for the person to be  
8 notified, notice shall be given at the last known address of the  
9 person to be notified.

10 (b) Notice under this title shall be given to the person to be  
11 notified at the address of the person's residence or place of  
12 business, or at any of the following addresses:

13 (1) If the person to be notified is an owner, at the address shown  
14 on the contract, the building permit, or a construction trust deed.

15 (2) If the person to be notified is a construction lender, at the  
16 address shown on the construction loan agreement or construction  
17 trust deed.

18 (3) If the person to be notified is a direct contractor, at the  
19 address shown on the contract or building permit, or on the records  
20 of the Contractors' State License Board.

21 (4) If the person to be notified is a claimant, at the address  
22 shown on the contract, preliminary notice, claim of lien, stop  
23 payment notice, or claim against a payment bond, or on the records  
24 of the Contractors' State License Board.

25 (5) If the person to be notified is the principal or surety on a  
26 bond, at the address provided in the bond for service of notices,  
27 papers, and other documents.

28 *Public Entity*

29 The Commission approved the general provision on notice to a public entity  
30 as set out in the memorandum:

31 **§ 42065. Notice to public entity**

32 42065. Notice to a public entity shall be addressed to the public  
33 entity at the office of the disbursing officer of the public entity or at  
34 another address specified in the contract.

35 **Comment.** Section 42065 supersedes former Section 3098  
36 (preliminary notice of public work). Notice under this part may be  
37 given by mail or personal delivery as provided in Section [3082.237  
38 (manner of giving notice)].

39 *When Notice is Complete*

40 The Commission approved the general provision in the memorandum on  
41 when notice is complete:

1           **§ 3082.255. When notice complete**

2           3082.255. Notice under this title is complete at the following  
3 time:

4           (a) If given by personal delivery, when delivered.

5           (b) If given by mail, when deposited in the mail or with an  
6 express service carrier in the manner provided in Section 1013 of  
7 the Code of Civil Procedure.

8           (c) If given by leaving the notice and mailing a copy in the  
9 manner provided in Section 415.20 of the Code of Civil Procedure  
10 for service of summons in a civil action, five days after leaving the  
11 notice.

12           (d) If given by posting, when posted.

13           (e) If given by recording, when filed for record in the office of  
14 the county recorder.

15           The staff should review the various draft provisions to ensure that the  
16 reference to “mailing” is used consistently to refer to the type of mailing —  
17 registered, certified, or first class. In this connection it may be clearer to set out  
18 the effect of Code of Civil Procedure provisions, rather than incorporating them  
19 by reference.

20           **Preliminary Notice**

21           In response to issues raised in the memorandum, the Commission declined to  
22 propose any changes in the basic operation of the preliminary notice system.

23           **Notice of Filing Claim of Lien for Record**

24           The Commission decided to proceed with its proposal to require notice to the  
25 owner at the time the claim of lien is recorded. The staff should double check that  
26 the mechanics of the notice requirement will work.

27           **Penalty for Recording False Claim of Lien**

28           The Commission declined to make any revisions in its current proposal to  
29 allow liability for a false claim of lien. The Commission agreed to review a  
30 suggestion by Gordon Hunt to develop a provision parallel to the system used to  
31 determine the validity of a stop notice in a public work contract.

32           **Time for Commencement of Enforcement Action**

33           The Commission approved the revision to the time for commencement of a  
34 lien enforcement action as set out in the memorandum:

35           **§ 3083.710. Time for commencement of enforcement action**

36           3083.710. (a) The claimant shall commence an action to enforce a  
37 lien ~~and record either a notice of the pendency of the action or of an~~



STUDY J-1402 – STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING:  
PART 3

1 The Commission considered Memorandum 2006-9, relating to trial court  
2 restructuring. The Commission directed the staff to proceed with the remaining  
3 work on trial court restructuring as outlined in the memorandum.

STUDY L-3032 – BENEFICIARY DEEDS

4 The Commission considered Memorandum 2006-5, together with the First  
5 Supplement to Memorandum 2006-5, relating to beneficiary deeds. The  
6 Commission made the following decisions.

7 **Capacity**

8 The Commission deferred decision on whether the decedent should have  
9 testamentary or contractual capacity to execute a beneficiary deed. The staff  
10 should research the effect of Probate Code Section 812, relating to legal mental  
11 capacity.

12 **Execution of Deed**

13 A beneficiary deed should be signed, dated, and acknowledged by the  
14 decedent. Witnessing, in the manner of a will, should not be required.

15 **Delivery**

16 Delivery of the deed to the beneficiary during the decedent's lifetime should  
17 not be required.

18 **Acceptance**

19 Acceptance by the beneficiary during the decedent's lifetime should not be  
20 necessary. Standard disclaimer procedures should be made available to the  
21 beneficiary after the decedent's death.

22 **Recordation**

23 A beneficiary deed should be ineffective unless recorded before the  
24 decedent's death. The deed should be recordable either by the decedent or by the  
25 decedent's agent.

26 The tentative recommendation should solicit comment on the possibility of  
27 requiring prompt recording, such as within 30 or 60 days after execution. The

1 tentative recommendation should point out advantages and disadvantages,  
2 including:

3 • Prompt recordation would operate as evidence of the decedent's intent. But  
4 it could also frustrate the intent of a decedent that desires to pass the property to  
5 the named beneficiary but is physically unable to record the instrument within  
6 the prescribed period or there is a failure of prompt recordation for another  
7 reason.

8 • Prompt recordation could help expose fraud or undue influence before the  
9 decedent dies. But it could also frustrate the decedent's desire to maintain the  
10 privacy of the disposition.

### 11 **Battle of Recorded Deeds**

12 If more than one beneficiary deed is recorded for the same property, the last  
13 executed of the recorded instruments should prevail.

### 14 **Effect of Other Instruments**

#### 15 *Will*

16 A will should not override a previously recorded beneficiary deed, but a  
17 beneficiary deed should override a previously executed will.

#### 18 *Trust*

19 A beneficiary deed would be revoked by a subsequent recorded transfer of  
20 the property into trust. Whether a beneficiary deed would revoke an earlier  
21 transfer of the property into a trust would depend on whether the trust is  
22 revocable. In either event, a recorded instrument should prevail over an  
23 unrecorded instrument.

#### 24 *Joint Tenancy*

25 Recordation of a beneficiary deed should have the effect of severing a joint  
26 tenancy in the property. The net result is that the severing joint tenant's interest  
27 would pass to the named beneficiary on the decedent's death, rather than to the  
28 surviving joint tenant.

29 Recordation of a joint tenancy by the owner of property should have the  
30 effect of revoking a previously recorded beneficiary deed for the same property.

1 *Community Property*

2 Either spouse should be able to make a beneficiary deed affecting that  
3 spouse's one half interest in community property. That would not affect the  
4 other spouse's one half interest, unless the other spouse joined in the deed.

5 The statute creating the new title form of community property with right of  
6 survivorship indicates that termination of the right of survivorship may be  
7 accomplished pursuant to the same procedures by which a joint tenancy may be  
8 severed. The commentary to any beneficiary deed legislation should note that,  
9 because recordation of a beneficiary deed severs a joint tenancy it would also  
10 terminate the survivorship right in community property with right of  
11 survivorship.

12 **Effectuation of Transfer**

13 The statute should make use of the affidavit of death/certified copy of death  
14 certificate procedure used to effectuate passage of title by joint tenancy. See Prob.  
15 Code §§ 210-212; cf. Civ. Code § 682.1(a) (community property with right of  
16 survivorship passes to survivor "subject to the same procedures, as property  
17 held in joint tenancy").

18 **Failure to Effectuate Transfer**

19 The Commission declined to adopt a requirement that the beneficiary accept  
20 the property transfer within a limited time (for example, one year). The  
21 Commission also declined to require that the county recorder notify the  
22 beneficiary on recordation of a beneficiary deed.

23 **Contest**

24 The staff should look into possible use of the Probate Code Section 850  
25 procedure (conveyance or transfer of property claimed to belong to decedent or  
26 other person) for a person wishing to contest a named beneficiary's right under a  
27 beneficiary deed. The procedure might also incorporate a delay (for example, 40  
28 days after the decedent's death).

29 **STUDY T-100 – TECHNICAL AND MINOR SUBSTANTIVE STATUTORY CORRECTIONS**

30 The Commission considered Memorandum 2006-10 and the First Supplement  
31 to Memorandum 2006-10, which propose technical and minor substantive  
32 statutory corrections for inclusion in a future tentative recommendation. The

- 1 Commission adopted the staff recommendations relating to the proposed
- 2 corrections.

APPROVED AS SUBMITTED

\_\_\_\_\_  
Date

APPROVED AS CORRECTED  
(for corrections, see Minutes of next meeting)

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Executive Secretary