

1/25/66

Memorandum 66-12

Subject: Topics for Commission Study

You will recall that Professor Sato raised some questions concerning the statute relating to quasi-community property which was enacted upon Commission recommendation. John McDonough has raised some additional questions about this statute. Justice Regan (former Senator) also raised a question about this legislation.

Since we are no longer authorized to study this topic, we believe that it would not be desirable to do so until we obtain the necessary authority. Accordingly, we suggest that we request Senator Cobey to amend our resolution to continue our authority to include the following additional topic:

Whether the law relating to quasi-community property and property described in Section 201.5 of the Probate Code should be revised.

We also suggest that the following additional topic be added by amendment to our resolution:

Whether the law relating to the division of property on divorce or separate maintenance should be revised.

We believe that authority to study the second topic would be highly desirable if we are to provide a sensible scheme to cover division of quasi-community property in case of divorce or separate maintenance and at the same time avoid treating community property and quasi-community property differently.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary