



JUDICIAL COUNCIL OF CALIFORNIA

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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

May 18, 2016

Hon. Joel Anderson
Member of the Senate
State Capitol, Room 5052
Sacramento, California 95814

Subject: SB 1158 (Anderson), as amended April 25, 2016 – Support

Dear Senator Anderson:

The Judicial Council is pleased to support SB 1158, which makes a number of clarifying changes to existing law that will give courts more flexibility in modifying and terminating trusts. Among other things, SB 1158 specifies that the court may limit the class of beneficiary whose consent is needed to compel the modification or termination of a trust and clarifies further that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination.

The Judicial Council notes that trusts routinely contain boilerplate spendthrift provisions. Even when the administrative costs may outweigh the benefits of a trust, courts cannot currently terminate a trust where there is a spendthrift provision, which prevents creditors from obtaining the interest of a beneficiary in the trust. SB 1158 eliminates the existing bar against termination, and gives courts the flexibility to consider whether there is a spendthrift provision in the trust as a factor when deciding whether or not to terminate a trust. The clarifying changes in the law that would be enacted through SB 1158 should enhance the court's ability to provide a more efficient delivery of justice in overseeing and administering trusts.

Hon. Joel Anderson

May 18, 2016

Page 2

For these reasons, the Judicial Council is pleased to support SB 1158.

Sincerely,



Daniel Pone

Attorney

DP/ka

cc: Mr. Saul Bercovitch, Trusts and Estates Section, State Bar of California
Ms. Leora Gershenzon, Deputy Chief Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Consultant, Assembly Republican Caucus
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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June 16, 2016

Hon. Mark Stone, Chair
Assembly Judiciary Committee
State Capitol, Room 5155
Sacramento, California 95814

Subject: SB 1158 (Anderson), as amended April 25, 2016 – Support
Hearing: Assembly Judiciary Committee – June 28, 2016

Dear Assembly Member Stone:

The Judicial Council is pleased to support SB 1158, which makes a number of clarifying changes to existing law that will give courts more flexibility in modifying and terminating trusts. Among other things, SB 1158 specifies that the court may limit the class of beneficiary whose consent is needed to compel the modification or termination of a trust and clarifies further that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination.

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Hon. Mark Stone

June 16, 2016

Page 2

For these reasons, the Judicial Council is pleased to support SB 1158.

Sincerely,



Cory T. Jaspersen

Director, Governmental Affairs

CTJ/ka

cc: Members of the Assembly Judiciary Committee
Hon. Joel Anderson, Member of the Senate
Mr. Saul Bercovitch, Trusts and Estates Section, State Bar of California
Ms. Leora Gershenzon, Deputy Chief Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Consultant, Assembly Republican Caucus
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California