

## Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 13, 1965

Meeting was called to order at 8:10 A.M.

Present: Close, Delaney, Kean, Jacobsen, Swobe, Knisley

Absent: Parsons, Olsen, Rosaschi

AB 351: Authorizes Real Estate Division to audit and regulate collections and use of maintenance fees for condominiums.

Mr. Kean moved to kill the bill

Mr. Jacobsen seconded

Motion passed unanimously

SB 139: Allows courts to reduce required bond for attachment in individual cases.

Mr. Delaney moved to Deep Six

Mr. Swobe seconded

Motion passed unanimously

SB 141: Provides penalties for violations of regulations of boards of law library trustees.

Mr. Delaney moved to kill the bill

Mr. Swobe seconded

Motion passed unanimously

AB 276: Provides for additional procedure for dissolution of domestic corporations by consent of majority of stockholders.

William Sanford, Attorney, Emerson Wilson and Edward E. Hale, Nevada Title, were present to discuss this and the following bills.

Mr. Sanford stated that AB 276 would permit a corporation to be dissolved without a meeting and without notice.

Mr. Close said why don't we add that notice must be given in the same manner as for any meeting.

Mr. Knisley suggested the Committee strike the new language entirely and require a meeting with due notice.

The bill was deferred for the Knisley amendments.

AB 35: Secures redemption rights of debtor under trust deed against acceleration clause.

Mr. Swobe moved to kill the bill

Mr. Jacobsen seconded

Motion passed unanimously

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✓ AB 422: Clarifies publication requirement for foreclosure of deeds of trust.

Emerson Wilson said he thought "an" office would have been more desirable than "the" office.

Mr. Swobe moved Do Pas with Mr. Wilson's amendment.

Mr. Knisley said he liked it better the way it is, without the amendment.

Mr. Kean moved Do Pass as is

Mr. Knisley seconded

Motion passed unanimously

AB 423: Amends provisions for disposition of property in divorce.

Mr. Hale said this bill would clear up a great many gray areas where all property is not definitely allocated by the court.

Mr. Sanford said he had some objections to the "community" part.

Mr. Wilson asked if he would like to use "joint tenants" instead, "and the property held by the parties in joint tenancy."

Mr. Swobe moved Do Pass with the amendment.

Mr. Delaney seconded

Motion passed unanimously

AB 424: Nullifies restrictions on real property based on race or religion.

Mr. Wilson said that federal laws have pretty well eliminated the restriction but nevertheless the restriction is still there. To simplify legal procedures he asked that the bill be passed.

Mr. Swobe moved Do Pass

Mr. Kean seconded

Motion passed unanimously

Mr. Knisley said he may vote NO on the floor.

AB 425: Clarifies publication requirement for notice of sale under execution.

Mr. Kean moved Do Pass

Mr. Delaney seconded

Motion passed unanimously

AB 426: Provides for extinguishment of lien of deed of trust.

Mr. Knisley said he was afraid of the bill without more language.

Mr. Wilson said we have this now on mortgages.

Mr. Hale said this says ten year and is a basis for clearing a title.

Mr. Wilson said all we need is to add "or any written extension thereof."

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Mr. Knisley moved amend and Do Pass  
Mr. Swobe seconded  
Motion passed unanimously

AB 427: Provides for new adverse claim period for removal of clouds on title to real property.

Mr. Kean moved Do Pass  
Mr. Swobe seconded  
Motion passed unanimously

AB 472: Authorizes encumbrance of estates for years by mortgage or deed of trust.

It was brought out that the purpose of this bill is to make it clear that everything can be included in one transaction.

Mr. Knisley said he would like to add " unless prohibited by the instrument creating the estate."

Mr. Knisley moved amend and Do Pass  
Mr. Delaney seconded  
Motion passed unanimously

✓ AB 473: Provides method for computing grace period under deed of trust.

It was suggested that the word "certified" be inserted before "mail" and that "--being known, otherwise to the address of the trust property" be inserted in the same section.

Mr. Knisley moved amend and Do Pass  
Mr. Swobe seconded  
Motion passed unanimously

AB 474: Makes certain changes relating to attachment and garnishment.

Amendments were suggested as follows:

Page 2, line 7, add "may attach".

Page 2, line 17, add "or a renewal thereof".

Mr. Swobe moved amend and Do Pass  
Mr. Jacobsen seconded  
Motion passed unanimously

AB 475: Provides for recording affidavit that joint tenancy has been terminated by death of joint tenant, permits introduction of such affidavit into record of probate proceeding and makes such joint tenancy termination a disputable presumption.

Mr. Wilson pointed out that this is a confirmation of the practice.

The following amendments were suggested:

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Page 2, line 14, after word "attached" add " a certified copy of". After word "or" add "certified copy of".

Page 4, line 4, strike words "surviving joint tenants" and use "person who has knowledge of the hereinafter required facts which set forth the following".

Page 2, strike lines 9 and 10.

Mr. Jacobsen moved amend and Do Pass

Mr. Knisley seconded

Motion passed unanimously

AB 476: Creates disputable presumption of separate property.

Mr. Knisley asked if there were any purpose for having anything here except real property.

Decide to amend on page 3, line 6, by exchanging the word "all" for "real".

Mr. Knisley moved amend and Do Pass

Mr. Jacobsen seconded

Motion passed unanimously

AB 477: Replaces use of notarial seals with notarial statement.

Mr. Kean moved Do Pass if there is no conflict with a Senate bill or a companion bill.

Mr. Jacobsen seconded

Motion passed unanimously

AB 478: Requires husband to join wife in signing wife's inventory for separate property.

Mr. Wilson explained that this changes from filing to recording and adds the husband's signature.

Mr. Knisley asked if the husband shouldn't have the same right.

Mr. Wilson said this could not be done in this bill. Would have to have another bill drafted for that.

Mr. Knisley moved Do Pass

Mr. Jacobsen and Delaney seconded

Motion passed unanimously

AB 479: Broadens provisions for creation of estates in joint tenancy, tenancy in common, and community property.

It was explained that this bill was for the purpose of putting a little flexibility into some of these conveyances.

It was decided to amend by striking lines 3 to 6 on page 2.

Mr. Knisley moved amend and Do Pass

Mr. Jacobsen seconded

Motion passed unanimously

AB 481: Provides presumption of validity for corporate deeds and abolishes requirements of corporate seal.

"Conclusive" presumption was not liked by Mr. Knisley, Mr. Kean, Mr. Sanford, and Mr. Swobe.

Mr. Knisley suggested striking "conclusive" and leaving the rest intact.

Mr. Delaney moved to kill the bill

Mr. Jacobsen seconded

Motion passed unanimously

AB 482: Enlarges definition of condominium, exempts condominiums from certain rules of property, and restricts tax deeds of condominium interests.

Mr. Knisley asked if there was a real need to have this bill passed.

Mr. Wilson replied that there is plenty of need.

Mr. Hale explained the only change from present condominium legislation is taking "apartment" out and putting "residential" in, a very minor change.

Mr. Swobe said he would like to amend to state that it is effective upon passage and approval.

Mr. Kean moved amend and Do Pass

Mr. Jacobsen seconded

Motion passed unanimously

AB 483: Requires county recorders to record instruments without challenging their acknowledgement, execution or legal effect, and permits recording certified copies of recorded instruments from other states.

Mr. Knisley said he did not like b or c, and Mr. Wilson said he was perfectly willing for those two to come out.

It was suggested to amend and take out lines 4 and 5 on page 2.

Mr. Kean moved amend and Do Pass

Mr. Jacobsen seconded

Motion passed unanimously.

AB 484: Amends form of acknowledgments.

Mr. Hale explained that this eliminates verbage in acknowledgements and does away with distinction between individual forms, corporate forms, and partnership forms.

Mr. Knisley stated he did not like it. It was suggested a change be made by adding after "instrument" "known or satisfactorily proved to me to be the person described".

It was decided to hold for a full Committee discussion.

Meeting adjourned at 12:00 Noon.