

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

April 12, 1983

The meeting of the Business and Industry Committee was called to order by Chairman Allen Kolstad on April 12, 1983, at 11:07 a.m., in Room 404, State Capitol.

ROLL CALL: All members of the Committee were present except for Senators Boylan, Dover, and Regan who were excused due to other meetings.

CONSIDERATION OF HOUSE JOINT RESOLUTION 32: A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting an interim study of the problems arising from development, sale, and ownership of condominiums and requiring a report of the findings of the study to the Legislature.

Representative Robert Dozier stated this Resolution follows the bill that was before the committee a few weeks ago regarding condominiums. The first paragraph indicates what areas need to be investigated. He is trying to address the condominiums built in the cities which accommodate senior citizens and others. They work well and are a good land use; however, there are some problems because the laws written in 1965 just have not kept up with the growing trends. He had information from a law firm in Bozeman regarding condominiums and what is happening on major bankruptcies. He does not believe this Resolution will actually be funded but he would like to see it passed because it might be included with another study.

OPPONENTS TO HOUSE JOINT RESOLUTION 32: Dennis Rehberg, representing Realtors, stated he feels the laws on the books right now are enough protection. The Department of Commerce does have regulation over this. They are working with the Department of Commerce to see that they do what they are responsible for. It is good practice to identify the potential problems ahead of time. Their organization has formed a condominium community and is working with realtors at this time. They are trying to get information from other states and are hoping to introduce legislation next session regarding this. He hoped the Committee would not concur in House Joint Resolution 32.

There were no proponents and no further opponents.

QUESTIONS FROM THE COMMITTEE: Senator Christiaens asked since the Department of Commerce has enforcement rights can they currently address specific problems? Mr. Rehberg stated yes they can through the regulation proceedings. They also have the ability to look at other things that this Resolution would address.

Senator Fuller asked what agency in the Department of Commerce deals with this? Mr. Rehberg stated he thinks it would be the Department of Community Affairs. He did not know. Staff Attorney Petesch stated this used to be in the Department of Business Regulations and was transferred last session to the Department of Commerce.

In closing, Representative Dozier stated we do not need a law to tell the Department of Commerce to do their job. As far as funding he does not see that it will be funded but if the bill passes it could be rolled into another study. The point he is trying to make is we are talking about the type of condominiums you have today but there are so many different variations in condominiums. We should see if we can find a smooth way for these to come in because it is a beneficial system.

The hearing was closed on House Joint Resolution 32.

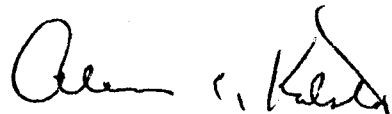
ACTION ON HOUSE JOINT RESOLUTION 32: Senator Christiaens made the motion that House Joint Resolution 32 Be Concurred In. Senator Fuller seconded the motion.

The Committee voted, by Roll Call Vote, 3-4 with Senators Dover, Gage, Goodover and Severson voting no that HOUSE JOINT RESOLUTION 32 BE CONCURRED IN. The motion failed.

Senator Goodover made the motion that House Joint Resolution 32 Be Layed on the Table. Senator Gage seconded the motion.

The Committee voted unanimously, by voice vote, that HOUSE JOINT RESOLUTION 32 BE LAYED ON THE TABLE.

ADJOURN: There being no further business, the meeting was adjourned at 11:35 a.m.



ALLEN C. KOLSTAD, CHAIRMAN

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 4-12-83 HJR Bill No. 32 Time

NAME	YES	NO
PAUL F. BOYLAN		
B. F. CHRIS CHRISTIAENS	✓	
HAROLD L. DOVER		✓
DAVID FULLER	✓	
DELWYN GAGE		✓
PAT M. GOODOVER		✓
GARY P. LEE, VICE CHAIRMAN		
PAT REGAN		
PAT M. SEVERSON		✓
ALLEN C. KOLSTAD, CHAIRMAN	✓	

Mimi Fancher
Secretary

ALLEN C. KOLSTAD
Chairman

Motion: Be Concurred In. The Committee voted 3-4 so the motion failed.

(Include enough information on motion -- put with yellow copy of committee report.)



Uniform Law Memo

Published by the National Conference of Commissioners on Uniform State Laws

Winter 1982-83

ULC creates a single condo, co-op & planned community 'package'

BY NORMAN GEIS

High land costs and the growing use of flexible zoning techniques provide powerful inspiration for real estate developers to try to squeeze more housing on less land. One result is the explosive growth in the number of projects served by community facilities owned or managed by condominium, cooperative and homeowner associations. In recent years, these shared-use projects have become known as common-interest housing communities.

For nearly two decades the predominant form of common-interest housing community has been the condominium. Widespread acceptance of the condominium form of ownership was produced by many causes. But underlying them all was the simple fact that the condominium form is supported by enabling legislation in every state while all other forms are creations of the common law.

Flawed legal structure

The remarkable success of the condominium obscured criticism of a material flaw in its time-honored legal structure. This flaw — which goes to the very essence of the condominium scheme of ownership — is the requirement that every unit owner must hold legal title to a fractional interest in the project common elements as a tenant in common with every other unit owner.

The resulting fragmentation of common element titles is the root cause of myriads of drafting complexities and of innumerable problems of condominium administration. Surprisingly, this cum-

bersome arrangement seems to have resulted from the blind assumption of early condominium legislation that the condominium regime must be operated by the unit owners acting together as an unincorporated association. Since such associations were not separate entities having the legal capacity to hold title to real estate, there simply was no place to lodge the common element titles except in the unit owners themselves.

Straightforward approach

The splintered ownership arrangement for community facilities in a condominium contrasts sharply with the straightforward scheme of ownership for such facilities in homeowner association regimes where common area titles are held in the name of the association rather than being fragmented among its members.

That single difference, more than any other, may explain why homeowner association regimes operate under the common law without benefit of statutory enablement while the condominium form only came into wide use after the first-generation enabling legislation of the 1960s.

In 1980, Uniform Law Commissioners took their first step toward statutory enablement of an alternative to the condominium by adopting the Uniform Planned Community Act (UPCA). UPCA not only codified the law of homeowner associations but also provided statutory enablement for a common-interest housing regime defined as a "planned community." UPCA permits title to all common areas — including hallways and

other interior spaces in a high-rise – to be held in the name of the governing association instead of being fragmented among its members.

In 1981, ULC adopted the Model Real Estate Cooperative Act (MRECA) which codified cooperative law and provided a statutory mechanism for characterizing cooperative apartment units as mortgageable interests in real estate.

Both UPCA and MRECA were closely patterned on the Uniform Condominium Act (UCA). They were drafted in anticipation of their ultimate consolidation into the Uniform Common Interest Ownership Act (UCIOA). That final step was taken during the 1982 ULC annual meeting.

UCIOA makes no substantive changes in UCA, UPCA or MRECA. Like them, it provides developers with the flexible legal tools they need to create common interest communities including the right to expand, contract, or change the function of a development to meet shifting market demands.

In addition, UCIOA provides purchasers of housing in cooperative and planned community developments with some consumer protection benefits that previously were available only to condominium purchasers. But most important of all, UCIOA provides a statutory framework for fair and efficient administration of housing regimes that, until UCIOA, were subject to the vagaries of

Norman Geis served as the American Bar Association's liaison-adviser to the ULC drafting committees that prepared UCA, UPCA, MRECA and UCIOA. He practices law in Chicago with Greenberger, Krauss & Jacobs, Chartered.

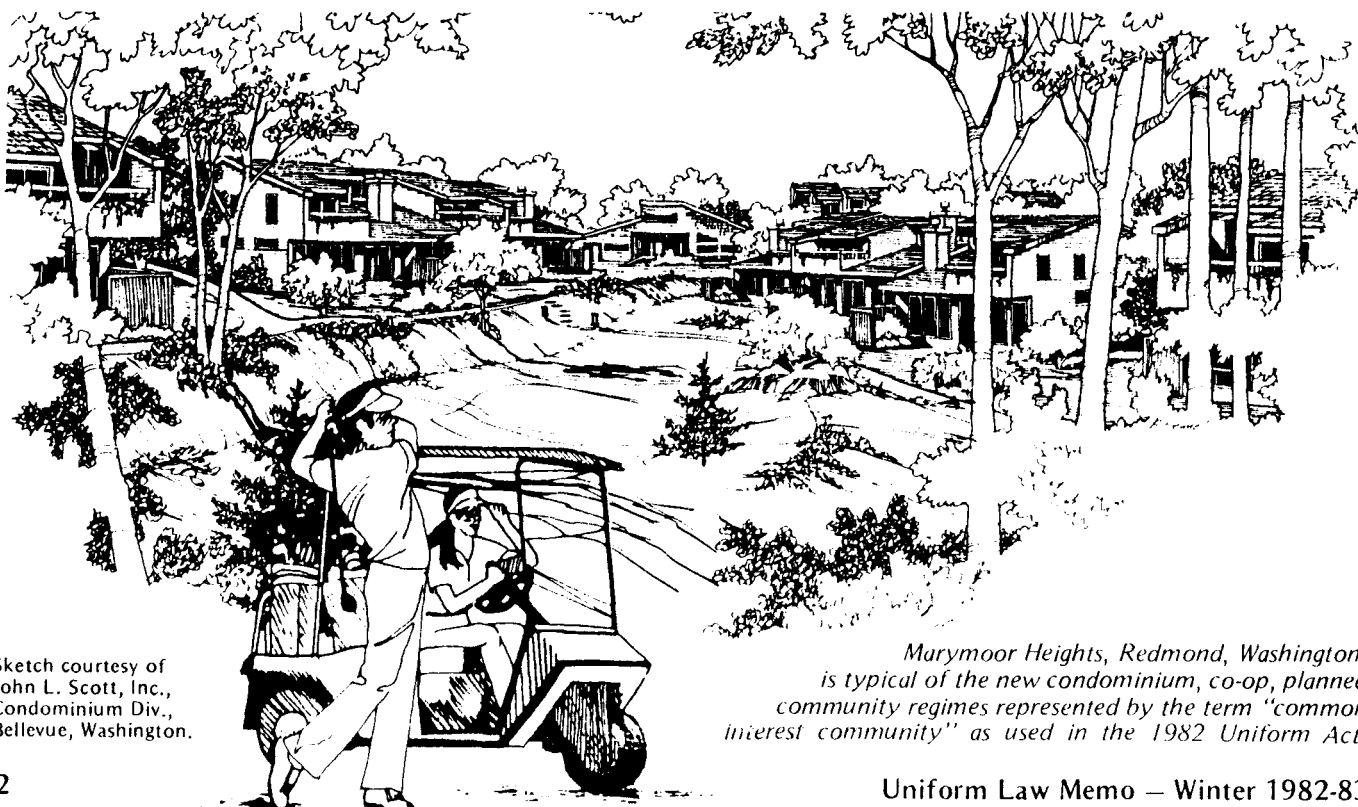
Seven states – four in 1982 – have adopted the Uniform Condominium Act. They are Maine, Minnesota, New Mexico, Pennsylvania, Rhode Island, Virginia and West Virginia. Virginia has also adopted the Model Real Estate Cooperative Act.

the common law and the whims of the draftsman of the project documents.

UCIOA does create a new defined term – the “common interest community” – to collectively describe the condominium, cooperative and homeowner association regimes.

This new definition eliminates the need for repetition in UCIOA of the innumerable provisions of UCA, UPCA and MRECA which are identical in all three acts. The remarkable result is that the length of UCIOA is only slightly greater than the length of UCA alone. States which already have adopted UCA, or are contemplating its adoption, can easily transform UCA into UCIOA by a series of amendments which need only make necessary changes or additions to key UCA definitions and add a handful of special provisions unique to the regimes enabled by UPCA and MRECA.

UCIOA creates a new language that identifies and coheres the basic concepts that make the common-interest ownership community work. A broader understanding of its unifying concepts will encourage development of superior alternative forms of common interest developments drawing their enablement from UCIOA. These should displace the condominium as the reigning species.



Sketch courtesy of John L. Scott, Inc., Condominium Div., Bellevue, Washington.

Marymoor Heights, Redmond, Washington, is typical of the new condominium, co-op, planned community regimes represented by the term “common interest community” as used in the 1982 Uniform Act.

New Drafting Committees

ULC has created six new drafting committees. Two of them will be responsible for preparing preliminary drafts of projected additions to the Uniform Information Practices Code (UIPC).

If the project is completed, health and criminal records also would be governed by UIPC. The first part of UIPC, completed in 1980, deals with records maintained by state and local governments.

The proposed additions could add private health records – including those kept by hospitals and insurance companies – along with law enforcement agency records to UIPC. K. King Burnett, who practices law in Salisbury, Md., was appointed chairman of the Drafting Committee on Health Records. Northwestern University School of Law professor Harry B. Reese chairs the Drafting Committee on Criminal Records.

Other new ULC drafting committees are responsible for preparing preliminary drafts of the proposed:

Personal Property Leasing Act to provide a legal structure for the \$100 billion-plus-a-year leasing industry which “rents” everything from

television sets to oil rigs. The committee chairman is Edward I. Cutler who practices in Tampa, Fla.

Defense of Insanity Act to help states deal with a problem dramatized by the trial following the assassination attempt on President Reagan. Chairman of the committee is University of Pennsylvania School of Law professor Curtis R. Reitz.

Statutory Wills Act to design a low-cost solution to the problem of delivering high-quality legal work in will preparation. Committee chairman is Thomas L. Jones, a professor at the University of Alabama School of Law.

Revision of the Uniform Fraudulent Conveyance Act to conform the 1918 act – adopted by 26 states – to the Uniform Commercial Code, the Bankruptcy Code and the Model Business Corporation Act. Committee chairman is Morris W. Macey, who practices law in Atlanta.

Some of these committees are expected to have drafts ready for preliminary consideration during the 1983 annual meeting. That would make them eligible for completion during a subsequent annual meeting.

Court extends habitability warranty

The Illinois Supreme Court has extended the state’s “implied warranty of habitability” for subsequent purchasers of new homes.

Allan Ashman said in the “What’s New in the Law” section of the November, 1982, *American Bar Association Journal* that the court noted that “extending the implied warranty to subsequent buyers also was consistent with the Uniform Land Transactions Act.”

Ashman wrote: “Section 1-312 of the act provides that a subsequent purchase carries with it an assignment of the seller’s warranty of quality rights to the buyer.”

The Illinois court said home buyers “traditionally assumed the burden of inequitable transactions, as the doctrine of *caveat emptor* dominated sales of real property well into the 20th Century.” Therefore home buyers were forced to make claims for defects based on breach of contract by a builder for failing to perform in a workmanlike manner.

That view has changed. The Illinois court said that by 1980 at least 35 states had given home

buyers some protection by implying a warranty of habitability. The Illinois court said this warranty was a “creature of public policy” – a “judicial innovation that has evolved to protect purchasers of new houses upon discovery of latent defects in their homes. While the warranty has roots in the execution of the contract for sale, we emphasize that it exists independently. Privity of contract is not required.”

That was the policy followed by ULC in drafting the Uniform Land Transactions Act. ULTA, like the Illinois court, also extended this warranty to subsequent purchasers of a home.

The Illinois court said that “the subsequent purchaser should not be denied the protection of the warranty of habitability because he happened to purchase the home about one year after the original buyer.... The purpose of the warranty is to protect purchasers’ expectations by holding building-vendors accountable. We do not believe it is logical to arbitrarily limit that protection to the first purchaser of a new house.”



Illustration courtesy
of National Center
for State Courts,
Williamsburg, Va.

Selecting Juries That Work

"It is the policy of this state that all persons selected for jury service be selected at random from a fair cross section of the population of the area served by the court, and that all qualified citizens have the opportunity in accordance with this act to be considered for jury service in this state, and an obligation to serve as jurors when summoned for that purpose." — *Uniform Jury Selection and Service Act Declaration of Policy.*

Americans have a constitutional right to jury trials. The right is based upon the ideal that a group of citizens with a wide variety of educational, vocational and cultural backgrounds will produce a jury whose combined experience and wisdom will make fair decisions.

This ideal too often is not realized because many states rely on outmoded methods of selecting jurors. They build in "exemptions" for large portions of their populations by using lists that are biased against the poor, women, non-voters and others. Then they further dilute the talent available for juries by exempting lawyers, physi-

cians, dentists, funeral directors, government officials, school teachers, mothers, newsmen, farmers, etc. And when called, too many Americans look for ways to "get out of jury duty."

This can result in a jury drawn from a "juror class" that excludes large segments of the population. In the 1960s, courts found this result conflicted with the ideal of "fair trials" and they questioned the validity of selection procedures at the state and federal level. This attack on the validity of juries centered on whether all citizens had an opportunity to be considered for service.

In 1968, Congress enacted the Federal Jury Selection and Service Act in an attempt to deal with the problem in the federal courts. In 1970, ULC completed its Uniform Jury Selection and Service Act and urged all states enact it.

The Uniform Act creates a system for insuring random selection of jurors from a "master list" that's based on voter registration lists, with additions from other sources such as "lists of utility customers, property (and income) taxpayers, motor vehicle registrations, and drivers' licenses."

Because of advances in computerization, creation of master lists by merging several lists and purging duplicate names is much easier now than when the act was first promulgated. For example,

Colorado uses three source lists — voter registration, drivers licenses and city directories.

“At one time, motor vehicle registrations were used,” recalls Harry O. Lawson who was Colorado State Court Administrator when the Uniform Act was implemented in his state. “This list was discarded, because of male bias and duplication, and because we got tired of being the subject of news stories concerning the summoning of ABC company for jury duty. Other lists were examined but discarded also because of duplication and male bias — property tax lists, telephone directories and utility lists.”

Broadened Base

Lawson, who now teaches at the University of Denver College of Law, believes that two more lists should be added to further broaden the base. But welfare recipient lists are barred by law and state income taxpayer lists could only be reached with a Colorado Supreme Court order that might result in an array or panel challenge that it would be forced to decide.

Once a master list is compiled, under the act, jurors are selected on a “key number” basis. This means that if there are 360,000 names on a master list and 4,800 prospective jurors are needed, then every 75th name on the master list will be selected. After a starting number is determined at random, a computer can produce the list of 4,800 prospects in moments by printing out the name and address of every 75th entry on the master list.

The Uniform Act makes it clear in Section 10 titled “No Exemptions” that “no qualified prospective juror is exempt from jury service.”

Those not qualified include: non-citizens and non-residents; those under age or unable to read, speak and understand English; those who can prove that a physical or mental disability makes it impossible to serve; and convicted criminals who have lost their right to vote. Some states have disqualified those who are over 70 years old and have asked to be excused in writing.

Though automatic exemptions by class are prohibited, the act provides for excuses from jury service on proof of “undue hardship, extreme inconvenience, or public necessity.” But such excuses are not easy to get and when the time allotted to take care of a problem expires, a prospective juror will be recalled.

In contrast, the federal act permits federal courts to specify classes which may be excused automatically. In some districts, such excuses have included: “ministers of the gospel,” lawyers, physicians, surgeons, dentists, veterinarians, pharm-

icists, nurses, school teachers, mothers with children under 16, and sole operators of businesses.

ULC rejected any automatic excuse. Drafters commented that “there should be no automatic exemptions or excuses from jury service, but rather that excuse should be only upon a showing of actual need or public reason therefor. The Uniform Act proceeds on the principle that jurors should be selected by random methods from the widest possible list of citizens. The corollary is that actual service on the jury should be shared as widely as possible and, in particular, that professional and business groups should be excused only in cases of demonstrated need. The so-called ‘blue ribbon jury’ is outlawed by the Uniform Act. At the same time, business and professional groups within the community should not be permitted to avoid jury service. It is also believed that citizens in general will be more willing to perform jury service if it is known throughout the community that jury service is universal, barring only particular hardship in specific cases.”

The difficulty in reaching the ideal expressed in that comment is dramatized in the state of the chairman of the drafting committee that developed preliminary drafts of the Uniform Jury Selection and Service Act — Vincent L. McKusick who then practiced law in Portland and who now serves as Chief Justice of the Maine Supreme Court. Maine adopted most of the act that McKusick guided to completion in 1972. But it didn’t touch the laundry list of exemptions then and now in effect.

That means Maine’s exemptions include: the governor, judges, court clerks, the secretary and treasurer of state, physicians, surgeons, dentists, sheriffs, lawyers, members of the National Guard and Reserves, retired officers and retired enlisted men holding the Certificate of Merit.

No Exemptions

States — such as Colorado — which eliminated all exemptions have been pleased with the results. The quality of juries has improved. This was dramatized when Colorado Gov. Richard D. Lamm was called for jury duty. Judges and others usually exempted from jury service also have been called in Colorado and other states without exemptions.

The act does protect jurors from serving too often because of the chance of the draw. It recommends that states limit the length and frequency of jury service to times that make sense when compared to need and the population pool.

The act also includes a section designed to protect jurors from employers. Section 17 states
(see *JURIES*, page 10)



7 ULC
proposals
ready for
legislatures

1982 saw ULC complete seven new proposals. Six of them — Uniform Transboundary Pollution Reciprocal Access Act; Uniform Law on Notarial Acts; Uniform Guardianship and Protective Proceedings Act; Succession Without Administration amendments to the Uniform Probate Code; Uniform Conflict of Laws — Limitations Act; and Model Health-Care Consent Act — are described here. An article on the seventh, the Uniform Common Interest Ownership Act — begins on page one.

Succession Without Administration

The Uniform Probate Code (UPC) offers the most flexible system of estate administration available to states. Now the 14 states which have adopted the major provisions of UPC could offer their citizens the simplest of all administration schemes with no judicial interference.

“Succession Without Administration” amounts to acceptance of the assets and assumption of the debts of an undisputed estate by its heirs or devisees — whether or not there is a will. This sidesteps the traditional “executor” and attendant red tape.

“The concept of succession without administration is drawn from civil law and is a variation of the method which is followed largely on the continent of Europe, in Louisiana and in Quebec,” say drafters of Succession Without Administration amendments to UPC.

The amendments would enable intestate heirs or “residuary devisees under a will” to become “universal successors” by filing an application with the probate court. An official of the court could approve an application as soon as five days after the decedent’s death. If there were no challenges from other successors or creditors, and other simple criteria were met, the official could certify that the applicants were the universal successors to the assets of the estate and responsible for its liabilities and distribution.

“The liability of universal successors who assume the decedent’s debts is subject to any defenses that would have been available to the decedent,” the proposal states. “Other than liability arising from fraud, conversion or other wrongful conduct of a successor, the personal liability of each universal successor to any creditor, claimant, or other heir, devisee or person entitled to decedent’s property shall not exceed the proportion of the claim that the universal successor’s share bears to the share of all heirs and residuary devisees.” Since the debts of the decedent might exceed the value of the estate, this procedure means that a successor’s liability could exceed his share of the estate.

So if a family suspected that the assets of an estate would not cover its debts, the family could opt for appointment of a “personal representative” of the decedent. This would be a simple procedure that would limit liability to the value of the estate.

Drafters believe the Succession Without Administration concept should be added to the

probate law of every state. However, wide variations in the organization and content of these laws discouraged immediate preparation of a single text of the new proposal that would work well in all states.

Therefore, ULC limited itself to proposing a text that would work well in UPC states. In non-UPC states, the Succession Without Administration amendments to UPC will serve to publicize and illustrate the new concept and will be useful as a model to be adapted to their statutes until a "free-standing" act can be developed.

States presently counted as enacting UPC or equivalent legislation are: Alaska, Arizona, Colorado, Idaho, Maine, Michigan, Minnesota, Montana, Nebraska, New Jersey, New Mexico, North Dakota, Pennsylvania and Utah.

Several other states — including Alabama, Hawaii, Maryland, Oregon and Wisconsin — that have accepted most of UPC's non-procedural provisions regarding intestate and testate succession probably would be classified as UPC states if they were to enact adaptations of the Succession Without Administration amendments.

Notarial Acts

A Uniform Law on Notarial Acts has been developed to "define the content and form of common notarial acts."

The new Uniform Act replaces two earlier ULC proposals — the Uniform Acknowledgments Act (adopted in 1939 and revised in 1960), and the Uniform Recognition of Acknowledgments Act (completed in 1968). The first was adopted by 26 states and the latter by 18.

ULC urges every state to adopt the new proposal which represents "a consolidation, extension and modernization of the two previous acts."

"It consolidates the provisions of the two acts relating to acknowledgments of instruments," drafters said. "It extends the coverage of the earlier act to include other notarial acts, such as taking of verifications and attestation of documents. It also modernizes the law by recognizing contemporary practices. In addition, the act seeks to simplify and clarify proof of the authority of notarial officers."

The new act defines a notarial act as "any act that a notary public of this state is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or

attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument."

The new Uniform Act permits use of short, simple forms used as examples in the act as well as "the more elaborate forms" of the earlier ULC legislation.

Conflict of Laws

In today's mobile society, many legal disputes that once would have been purely local in nature now involve contacts with two or more states. Contracts often involve a seller in one state dealing with a buyer in another.

An automobile accident may involve a driver from State A whose car — manufactured in State B and purchased in State C — collides with a car from State D on highways of State E. "Conflict of laws" ("conflicts" for short) is the area of law that deals with deciding which state's law to apply in such cases.

One of the difficult conflicts problems is deciding which state's statute of limitations to use. Some differences between the laws of different states may be minor, but the decision to apply one or another state's statute of limitations may mean life or death for a case.

A once common answer to the problem was to apply the statute of limitations of the state where the case was brought, regardless of where the dispute arose or what state's law would be applied to other issues in the case. The idea was that a statute of limitations was "procedural," and a court would always apply its own procedure, even when applying the substantive law of another state.

The procedural approach proved too simplistic, however, and most states adopted statutes that provided their own solutions to the problem. No two solutions were the same. Often drafters of statutes had not anticipated the variety of circumstances their statute might cover. Sometimes their wording produced unintended and unfair results.

ULC has drafted a new approach to the problem — a Uniform Conflict of Laws — Limitations Act.

The new Uniform Act offers a different sort of "limitations borrowing statute." It takes the general approach that when a court decides to apply the substantive law of another state, it should also apply that state's statute of limitations.

But the new act also provides an "escape clause" to the general rule in a section labeled "unfairness." When the limitations period of the

state law which is being used in a case “is substantially different” from that of the forum state “and has afforded no fair opportunity to sue upon, or imposes an unfair burden in defending against, the claim” then the forum state’s limitations period would be used. Drafters said this provision “is not designed to afford ‘an easy escape,’” but will give reasonable assurance of a fair and just result, as far as the statute of limitations is concerned, in each individual case.

Guardianship & Protective Proceedings

ULC believes state courts should “limit guardianships...to encourage the development of maximum self-reliance and independence” of incapacitated persons.

“Pressure to add ‘limited guardianship’ concepts to UPC (Uniform Probate Code) grew out of the recommendations of an American Bar Association project, the ABA Commission on the Mentally Disabled, which, in relation to guardianship other than for minors, recommended that state laws be changed to avoid an asserted ‘overkill’ implicit in standard guardianship proceedings,” according to drafters of the Uniform Guardianship and Protective Proceedings Act. “In part, this occurs, it was asserted, because a finding of incompetence has been the traditional threshold for appointment of a guardian.

“Thus, in consequence of appointment of a guardian, all personal, legal autonomy is stripped from the ward and vested in the appointing court and guardian. The call for ‘limited guardianships’ was a call for more sensitive procedures and for appointments fashioned so that the authority of the protector would intrude only to the degree necessary on the liberties and prerogatives of the protected person.”

Incapacitated persons

When the commission released its report, UPC proponents maintained that the code which replaced the term “incompetence” with a more precise definition of an “incapacitated person” already provided for limited guardianship and conservatorship.

UPC defines an “incapacitated person” as anyone “who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause (except minority) to the extent of lacking sufficient under-

standing or capacity to make or communicate responsible decisions.”

But when Idaho — the first state to adopt UPC — enacted a new limited guardianship statute without even repealing UPC guardianship provisions, ULC decided it must act to “include explicit language dealing with limited guardianship” in UPC before the situation became even more confused.

Therefore, drafters developed a Uniform Guardianship and Protective Proceedings Act — for adoption by non-UPC states — which also would amend Parts 1, 2, 3 and 4 of Article V of UPC to make it clear that it encouraged “limited guardianship.”

Clarifies authority

Like UPC, the free-standing act also encourages courts to appoint conservators — concerned solely with property management — instead of guardians. The new act makes it clear that courts have the authority to limit the powers of a conservator as well as those of a guardian. Also a court could appoint a conservator for particular property leaving other property in the control of a protected person.

Whether guardianship or conservatorship proceedings are involved, the proposal will facilitate court use of special competencies regarding how necessary state assistance for afflicted persons can be provided with least disturbance to normal independence.

The Uniform Act also authorizes parents and spouses to use a witnessed paper other than a will, as well as a will, to designate a guardian to replace themselves as protectors of their minor children or of the other spouse.

Health Care Consent

Judges have made it clear that an adult with a “sound mind” has a right to consent to — or refuse — medical treatment.

“What if the human being is not of adult years and of sound mind or is otherwise unable to consent?” asked drafters of the Model Health-Care Consent Act. “These questions plague hospital administrators, physicians and surgeons daily. They are also of grave importance to patients, their families and friends. Some certainty in this area of the law is needed for all participants in the health care system, consumers as well as providers.”

Certainty is the goal of the Model Health-Care Consent Act which focuses on “who” can consent.

“(It) is procedural in nature and is purposefully narrow in scope,” drafters said. “Its primary aim is to provide authorization to consent to health care. It does *not* address the substantive issue of consent; for instance, what constitutes informed consent, whether informed consent is required or under what circumstances one has a right to refuse treatment...”

“(It) is drafted to provide answers for the cases that occur daily and routinely in medical practice. It is not designed to provide answers for the extraordinary cases, such as terminal illness, organ donation, and the treatment of mental illness. These extraordinary cases present separate and discrete problems involving not only issues of competency but of the authority of a substitute decision-maker as well. To force a uniform solution to these many problems would be at best a procrustean fit. To provide a statutory solution to the problem of the administration of antipsychotic medication to a noninstitutionalized incompetent person which is consistent with the due process clause would be completely unworkable if the problem to be solved is how to render treatment to a child with a broken arm while its parents are on an extended trip.”

Provides a guide

Drafters tried to “replace the murkiness of custom with the clarity of legislation and to provide guidance for those involved daily with the problem of how medical decisions are to be made for an individual who cannot do so for himself.”

The act is built on a definition of an “individual who may consent to health care.” The definition includes adults and minors who were emancipated; had reached a recommended age of 14 and were living away from their parents and managing their own affairs; were or had been married; were in the military; or were authorized to consent under other state laws such as those permitting minors to consent to treatment for alcohol or drug dependency.

If a physician determined that a patient was capable of consenting, treatment decisions would be up to the patient. But if the patient was incapable of consent, then physicians would be required to find a proxy to “stand in his shoes.”

If the patient incapable of consenting was an adult, the first choice would be a “health-care representative” who had been appointed by the patient when he was capable of consent. The act would require such appointments to be made in writing. Health care representatives would be required to “act (i) in the best interest of the appointor consistent with the purposes expressed

in the appointment; and (ii) in good faith.”

ULC said providing for appointment of health-care representatives was consistent with the Uniform Durable Power of Attorney Act which has been adopted in about 30 states. In those states, the power to make such an appointment already exists. By incorporating the concept into the Model Health-Care Consent Act, ULC hopes to bring this power “to the attention of persons not aware of the Durable Power Act.”

Priorities set

If there was no health-care representative, top priority would be given to a court appointed guardian or representative. Next in line would be a spouse, parent, adult child, or adult sibling. However, an adult who did not choose to appoint a health-care representative while capable of consent could disqualify a specific person from consenting to his health care. Such disqualifications also would be in writing.

If a patient was a minor not authorized to consent, the first priority again would be given to a court-appointed representative. The next priority would be given to a parent, or “an individual in loco parentis.” Next physicians could look to a minor’s adult siblings for consent. The act also would permit individuals “authorized to consent to health care for another” to delegate their consent authority if they were to be unavailable.

“This provision would be helpful in situations in which parents want to delegate health-care decision-making to a temporary custodian of their children, for instance when parents plan to be away or when a child is at camp.”

Other laws stand

ULC made it clear that its proposal would not affect other state laws that might deal with such problems as withdrawal of life support systems or diagnosis and treatment of mental illness. For example, draftsmen commented:

“The law with respect to withdrawal of life support systems in the case of the terminally ill is changing rapidly. At least 10 states have Natural Death Acts and there have been several court decisions concerning the issue of termination of treatment. Nothing in this (proposal) changes existing law in that regard. All proxy decision-makers are charged with acting in the best interest of the patient who is incapable of consenting. If a patient had appointed a health-care representative and had made known his wish that life support systems be withdrawn in the event of terminal illness, many courts would consider that evidence conclusive of the patient’s best interest. However,

this (proposal) does not provide an answer to the question of what is in the patient's best interest in such a circumstance."

Transboundary Pollution

Pollution doesn't recognize state — or international — boundaries. But most legal procedures do. That means New Yorkers whose lakes or forests are damaged by pollution originating in Canada probably will find that they lack the legal tools to stop emission of offending toxic materials, or to recover their losses.

ULC and the Uniform Law Conference of Canada created a joint drafting committee to seek a solution to this problem. The result is a Uniform Transboundary Pollution Reciprocal Access Act.

The Uniform Act is designed to overcome what its drafters describe as "a generally recognized rule of law in the Anglo-American tradition that actions for damages for trespass, nuisance or negligent injury in respect to lands located in another state are local actions and may be brought only in the state where the land is situated."

The Uniform Act would eliminate this problem when both the state or province where the pollution originated and the state or province where

the damage was inflicted had adopted the proposed act or provided "substantially equivalent access to its courts and administrative agencies." Minnesota is an example of a jurisdiction that already provides access to its courts for non-resident pollution victims.

Substantive sections of the Uniform Act would permit alleged pollution victims to seek remedies in the courts of their state or province or in the U.S. or Canadian jurisdiction where the pollution originated. Victims or potential victims also could seek a remedy through administrative agencies — state environmental protection agencies, for example — of the states where the pollution originated.

Impetus for development of the proposal was provided by a 1979 report of the Canadian Bar Association and the American Bar Association on The Settlement of International Disputes Between Canada and the U.S. The report recommended creation of a liaison group of Uniform Law Commissioners of the U.S. and Canada. This evolved into a drafting committee on transfrontier pollution — one of the problems pointed up by CBA and ABA.

This is the first time that Uniform Law Commissioners of the U.S. and Canada have worked together to draft a proposal designed to be used in both the states and provinces.

Juries *from page 5*

that employers shall not fire, threaten or "otherwise coerce" an employee who is called or serves as a juror. Both monetary and criminal penalties are permitted for a violation. Discharged employees also may sue to recover lost wages and jobs.

Nine states have enacted the Uniform Jury Selection and Service Act in some form. Colorado, Idaho and North Dakota all enacted the complete act for all courts in their states in 1971. Maine adopted the bulk of the act in 1972. Michigan and Indiana adopted the act for their more populous counties in 1973. Mississippi adopted its version of the act in 1974. Minnesota adopted the act retaining an exemption only for legislators in 1977 and Utah adopted the complete act in 1979.

All nine states report that the act has been a success. For example, Lawson said that adoption of the act "has been very beneficial for Colorado."

"Prior to adoption of the Act, Colorado had almost as many ways of selecting jurors and grant-

ing excuses as it has counties," Lawson said in a letter to Judge Robert P. Fullerton who serves as a Colorado commissioner on uniform laws. "In many parts of the state, there was no way a challenge to the array — had the issue been raised — could be successfully defended. I hesitate to put on paper my recollections of how jurors were selected in some counties.

"The Uniform Act, as you know, eliminated exemptions, established grounds for excuses, and made the use of automation possible. The use of automation, in turn, made it possible to use additional source lists along with voter registration. It also provided the foundation for one day-one trial and similar reforms."

ULC legislative director John M. McCabe believes that more states should consider adopting the act.

"I've never heard of a challenge of an array being successful in any jurisdiction operating under the act," McCabe said. "And when it's coupled with computerization, it has saved money for court systems. If states want better juries for fairer trials, they should adopt it for all jurisdictions."

Davis praises '81 MSAPA

In the 1982 supplement to his *Administrative Law Treatise*, Kenneth Culp Davis said the 1981 revision of the Model State Administrative Procedure Act "is all along the line much superior to the 1961 version. Indeed, although many positions taken are inescapably controversial, the new Model Act in general achieves the objective of being a model of what a state APA should be."

Davis — whose treatise was first published in 1958 and who is generally recognized as one of the leading authorities on administrative law — pointed to several provisions of the 1981 MSAPA as "outstanding," "superior," and "excellent." These included provisions:

- Mandating that state agencies codify in rules any principles of law or policy that it adopts through decisions in individual cases. Davis quoted the MSAPA commentary to this provision which said "law and policy expressed in rules gives (members of the public) fairer notice than case precedent... Law or policy expressed in rules is also frequently more easily understandable to laymen than case precedent, and is always more highly visible to those who monitor the performance of agencies... Only by the enactment of a statutory provision of the type recommended here, therefore, can agencies be *forced* to codify in rules principles of law or policy they may lawfully declare in decisions in particular cases, and may lawfully rely on a precedent... If an agency breaches... its duty... to issue such a rule displacing a line of its precedent, the agency may not subsequently rely on that line of precedent." Davis said this provision was "well ahead of federal law."

- Granting a governor the authority to "rescind or suspend all or a portion of a rule of an agency. In exercising this authority, the governor shall act by an order that is subject to all requirements applicable to the adoption and effectiveness of a rule." The provision does *not* give a governor authority to adopt agency rules.

- Creating some less-than-formal types of adjudicative procedure which agencies may use instead of the formal hearing in appropriate types of cases. Davis said that these less-than-formal procedures — the conference adjudicative hearing, the summary adjudicative proceeding and the emergency adjudicative proceeding — represent "clear advances." But in his opinion, MSAPA has one weakness. It gives an agency a choice as to whether to use the formal hearing or one of the less-than-

formal procedures in situations where "there is no disputed issue of material fact." According to Davis, formal hearings should never be used in these situations, although he concedes that the MSAPA approach probably conforms to "dominant assumptions and... practices" by giving an agency a choice. Davis recommends that MSAPA be amended to compel an agency to use one of the less-than-formal procedures in adjudication of any case in which there is no disputed issue of material fact. This could be accomplished simply by changing "may" to "must" in the provisions regarding use of less-than-formal procedures.

- Eliminating technicalities involved in judicial review. Davis said this made MSAPA superior to federal law which continues to include "technicalities about injunction, declaratory judgment, writs of mandamus, actions in the nature of mandamus, habeas corpus, and various other remedies."

Viewing MSAPA as a whole, Davis concludes:

"Although many refinements are susceptible of different opinions, the superiority of the new Model Act over the 1946 and 1961 versions fully reflects the advances in administrative law thinking, and in some respects the new draft is providing a leadership in the direction of a better system."

Journal features A-V Act

An Ohio lawyer recommends the Uniform Audio-Visual Deposition Act as an "excellent source of help" when an opponent or trial judge has "little or no experience with video."

Thomas J. Murray, Jr., of Sandusky said in a November, 1982, *American Bar Association Journal* article on "Video Depositions: Putting Absent Witnesses in Court":

"The proposed act offers a step-by-step model for dealing with most of the procedural problems that might arise in a video deposition from notice to courtroom replay. In a jurisdiction without well-settled video rules, this procedure is helpful.

"Along with a standard deposition notice advising your opponent that the deposition will be recorded by videotape, send a letter to your adversary suggesting that the deposition be taken in accordance with the provisions of the act and include a copy of the proposed rules..."

North Dakota has adopted the act. Several other states are expected to consider it in 1983.

Public hearing scheduled on Marital Property Act

A public hearing on a proposed state Marital Property Act has been scheduled for Feb. 18, 1983, in Washington, D.C.

The hearing will focus on a preliminary draft of the proposal. The new draft — scheduled for completion and distribution in late December — will incorporate more than two years of work by the committee and reflect comments and suggestions from Uniform Law Commissioners, advisors, legal and women's organizations and others interested in the problem.

The drafting committee must deal with such problems as:

- Defining marital and individual property, which can be as important to creditors — including former spouses and children of former marriages — as it is to marriage partners.

- Whether "interspousal remedies" should be available to help marriage partners enforce their marital property rights.

- Rights of surviving spouses.

- Should benefits of "pension plans" be considered property of the marriage partnership or the spouse who "earns" them.

The hearing is scheduled to begin at 9 a.m. in the Hyatt Regency on Capitol Hill. Copies of the

draft will be available for \$2 a copy from ULC headquarters by writing or calling: National Conference of Commissioners on Uniform State Laws, Suite 510, 645 North Michigan Ave., Chicago, IL 60611 (phone 312/321-9710).

William C. Hillman of Providence, R.I., chairman of the ULC Drafting Committee on Marital Property Act, urges those who want to suggest changes in — or support — the policies or details of his committee's work to submit their comments in writing to ULC headquarters before or after the public meeting. This will facilitate their consideration.

Other members of the drafting committee on the act include: George C. Berk, also of Providence; Peter J. Dykman, Madison, Wis.; Bion M. Gregory, Sacramento, Calif.; Linda Judd, Post Falls, Idaho; Henry D. Stratton, Pikeville, Ky.; and Richard V. Wellman, a law professor at the University of Georgia School of Law. Reporter-draftsman for the committee is William P. Cantwell, Denver.

The committee is expected to have a draft eligible for final "consideration" during next summer's annual meeting of ULC. If the proposal is completed and adopted as a ULC product, it will be promulgated to the states for their consideration.



ULC is a confederation of state commissioners on uniform laws. The first commissioners, appointed by seven of the then 44 states, met in Saratoga, N.Y., in 1892. Membership now consists of some 300 practicing lawyers, judges and law professors. They are elected by each of the 50 states, the District of Columbia and Puerto Rico to draft legislation addressing problems common to all states, and to bring about uniformity of the law across state borders where that is seen as desirable and practicable.

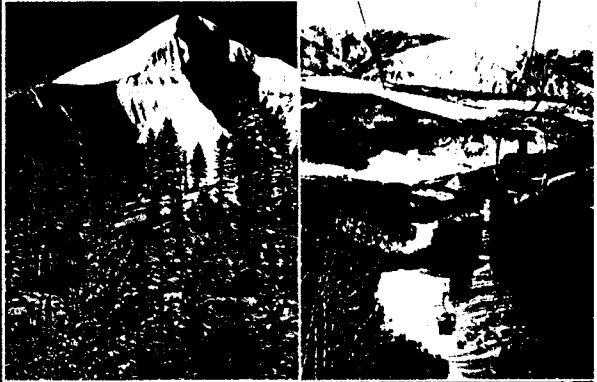
Uniform Law Memo is prepared by Communicate!
for the National Conference of Commissioners
on Uniform State Laws
645 North Michigan Ave.

Hon Robert Dozier
State Representative
State Capitol

Helena

MT 59601



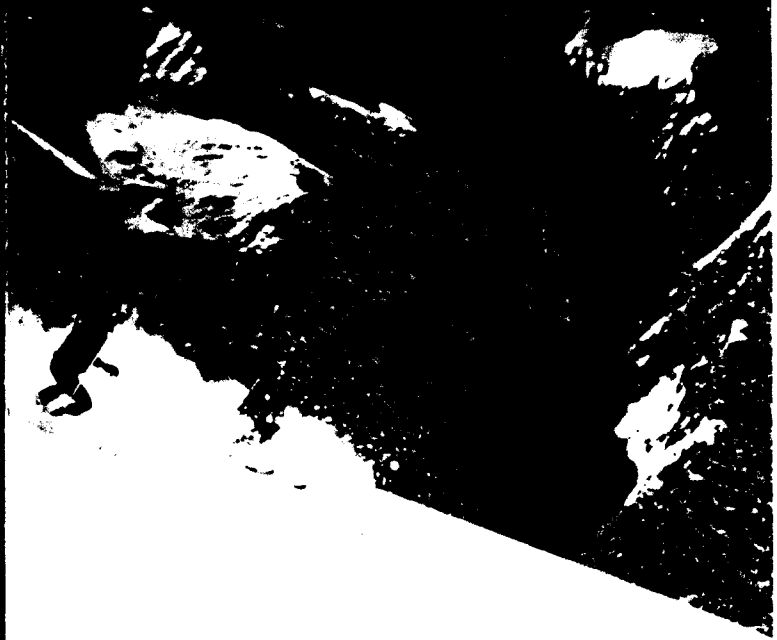


See your travel agent.

BOOKING INFORMATION:

Reservations: Call your travel agent or Big Sky of Montana.

Tour Operator: Big Sky of Montana, P.O. Box 1, Big Sky, Montana 59716 800/548-4486 or 406/995-4211



Ski The Sky



Skiing starts early at Big Sky. Snowmaking puts you on the slopes by the end of October and with over 400 inches of snow annually you can Ski the Sky until early May.

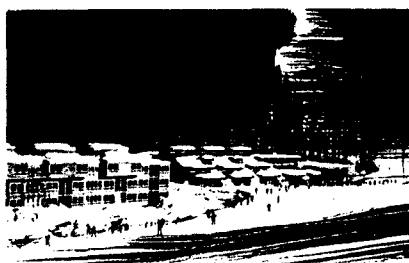
Big Sky has one of the largest fleet of snowgroomers in the Northwest using the most modern techniques available to keep the slopes in excellent condition.

With over 28 runs up to 3 miles long and 2,800 feet of vertical drop — The Sky's the limit! Ski the deep, dry powder on the upper reaches of Lone Mountain. Or take a "cruiser soother" run down Elk Park Ridge on Rams Head Mountain's popular Backside area. Having over 2,000 unbroken vertical feet, this slope has been rated in the top five cruising runs in the U.S.

With Big Sky's 4-passenger gondola and double and triple chairlifts there's enough for 6,400 skiers an hour to catch a ride to the Sky! Nobody ever waits in a long lift line at Big Sky.

The Big Sky Ski School has the best group of "flight instructors" around for your days in the Sky. Director Robert Kirchschrager leads a group of Austrian and American pros using the Austrian teaching method from beginner techniques to deep powder lessons. The Ski School is noted for its excellent children's program where carefully-planned activities fill the younger ones' days.

Nearby, there are miles of groomed cross-country trails which weave through beautiful pine forests and large, open meadows.



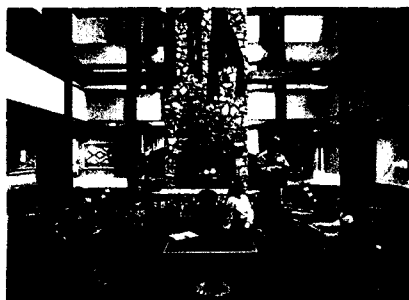
Lodging At The Lifts

The Huntley Lodge is right next door to all the lifts. The lodge boasts 204 rooms, each with a pair of queen-sized beds. You'll also find a heated outdoor swimming pool, ice skating rink, sauna and jacuzzi for relaxation. Sink into an overstuffed chair and relax by a warm, crackling fire in the Lodge's cozy sunken lobby.

If you prefer a Mountain Villa, all 600 condominiums — studio, one, two and three-bedroom units — are within walking distance to the gondola and chairlifts. Talk about luxury. Fully-equipped kitchens, fireplaces, indoor swimming pools, saunas, heated garages, elevators. All you could ask for to insure a terrific ski holiday. And take your pick, whether it's Deer Lodge, Stillwater or Hill Mountain Villas. They're all quality villas.

Just a few steps away from the Huntley Lodge is the Mountain Village Mall. Nestled

inside the mall are specialty shops, lively bars, and unique restaurants. Where the Mall ends the gondola begins and that's what you call convenience.

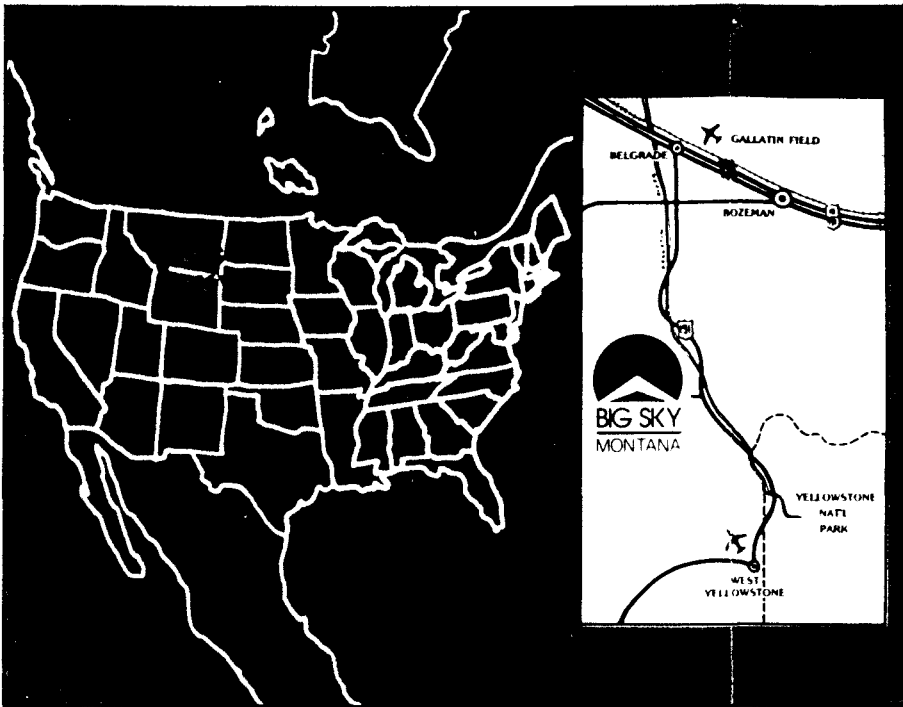


Fiddlin' Around

When nighttime comes, there's more excitement than you can put under a 10 gallon hat. Working up a mountain-sized appetite leads them to the Huntley Lodge. You mosey into the Lodge's Fc this specialty is too good to "h cozy hayride to a steak dinner, moonlight cross-country dinner. Mountain Mall to check out the

Ready to belly-up to the Bar Chet's Bar, a hand-carved 1800 cattle town. This handsome ba of a thousand tale-swapping cc you've still got some energy le saloons in the mall or just dow

Easy to Reach? You Bet!



Big Sky is one of the easiest ski resorts to reach in the entire nation. With an ideal location just 43 miles south of Bozeman's Gallatin Field jetport, the slopes are only an hour away from your flight. Gallatin Field is served by three major airlines — Northwest Orient, Western, and Frontier. These airlines connect the East, Midwest, South, and other parts of the West to Bozeman. Why, you can be here by noon from most places in the country. Most major car rental agencies are available at the airport. Or hop-on one of the scheduled buses which will bring you right to the front door of the Huntley Lodge. The last hour of travel to Big Sky up the magnificent Gallatin Canyon on U.S. Highway 191 will be the best part of your journey. With the Gallatin River running along side and the colorful canyon walls towering above you, the ride to Big Sky will pass by in no time at all. And, you're likely to see a not-so-shy moose or some curious bighorn sheep, too.



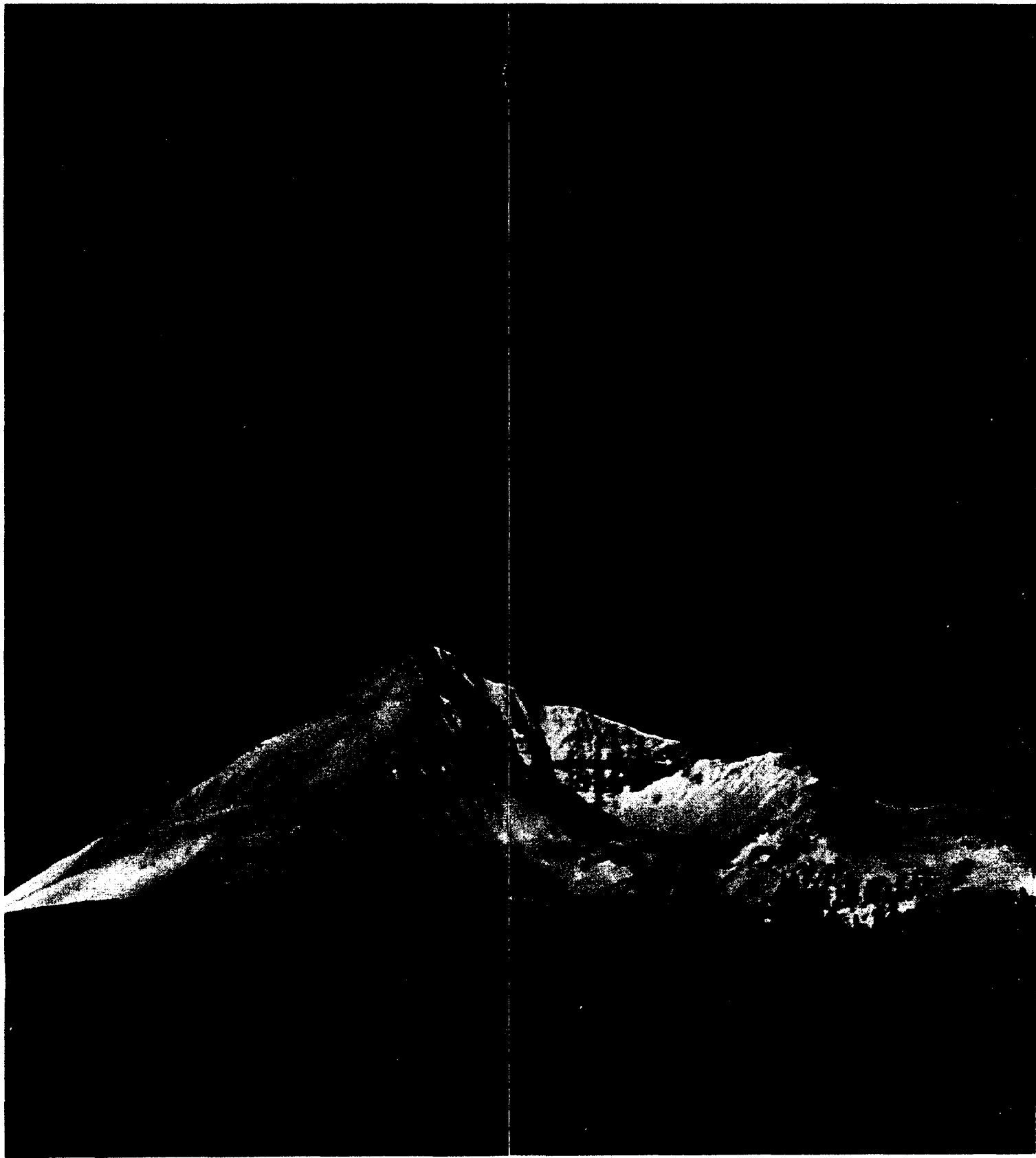
Folks up here spend all day appetite. And sooner or later, it gets to the great dining room. Or, if you prefer the Stube, you'll find out that "snuggly" is a "snuggly" through". Snuggle up on a chair in a Mountain Cabin. Take the scenic tour — or head over to the finest fine restaurants available there. Swing to a country fiddle in the bar rescued from a Montana saloon bar was polished by the elbows and the hands way back when. If you're here, there are lots of hopping in the canyon.

Yellowstone Park is right next door

For a little more "Wilderness and Wildlife" you should see Yellowstone National Park, a mere 18 miles south of Big Sky. This wintertime adventure is an outing you will not soon forget. See the thermal wonders of the geyser basins. View the boiling paint pots and the icy Firehole Falls. And round the bend you'll come face-to-face with the star of the show — World Famous Old Faithful Geyser.

Take to the trails on snowmobile, snowcoach, or cross country skis. Glide over miles of snow-filled meadows and discover herds of elk, moose and even buffalo. Only the bears hibernate during winter. All around you are towering mountains and fragrant evergreens. Yellowstone is a special territory just waiting for you to enjoy.





WE INVITE YOU TO COMPARE

Our Price

Big Sky is the only ski resort in Montana that offers a full range of amenities, including a world-class golf course, a world-class spa, a world-class dining and shopping experience, and a world-class ski resort. Big Sky is the only ski resort in Montana that offers a full range of amenities, including a world-class golf course, a world-class spa, a world-class dining and shopping experience, and a world-class ski resort.

Our View

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Our Amenities

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Our Rentability

Big Sky is the only ski resort in Montana that offers a full range of amenities, including a world-class golf course, a world-class spa, a world-class dining and shopping experience, and a world-class ski resort. Big Sky is the only ski resort in Montana that offers a full range of amenities, including a world-class golf course, a world-class spa, a world-class dining and shopping experience, and a world-class ski resort.



Condominiums - Real Estate

ANITA (PETERSON) MORAN

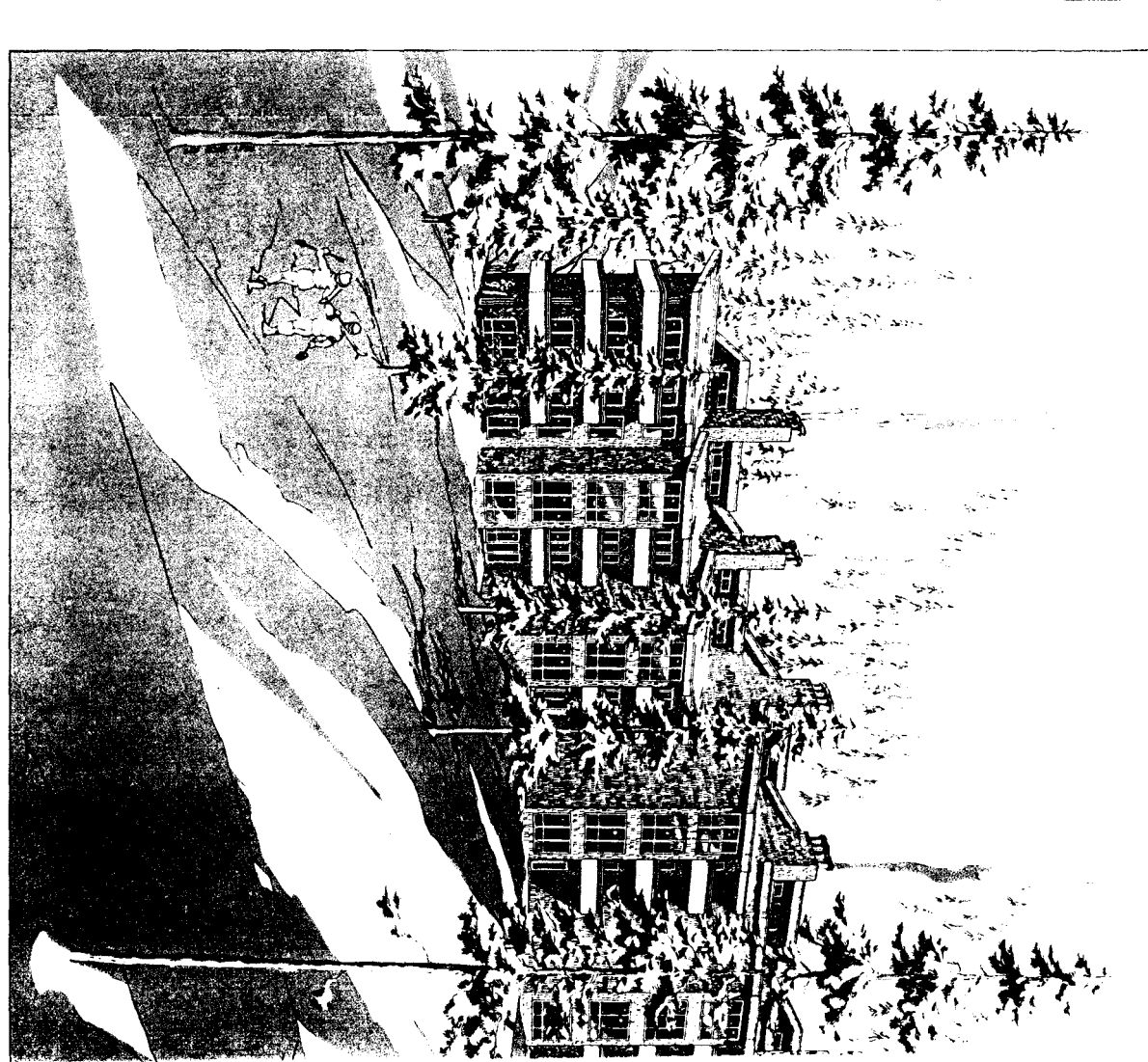
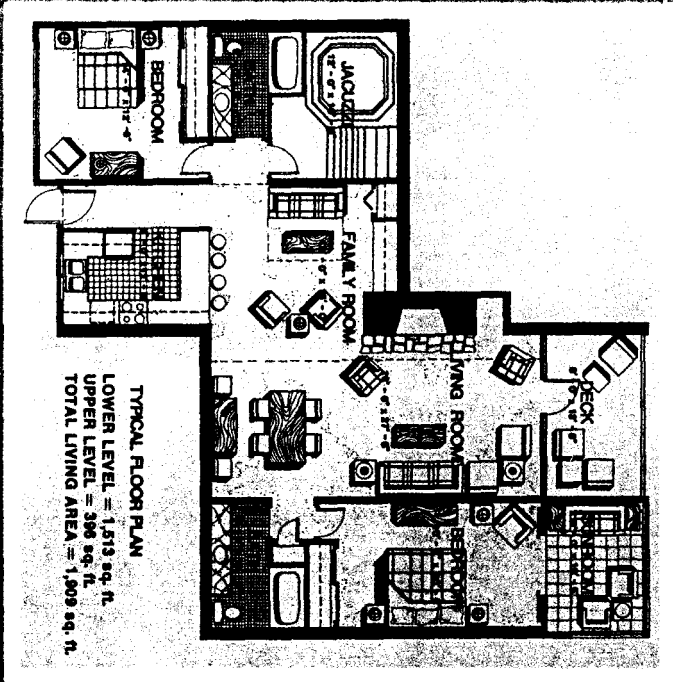
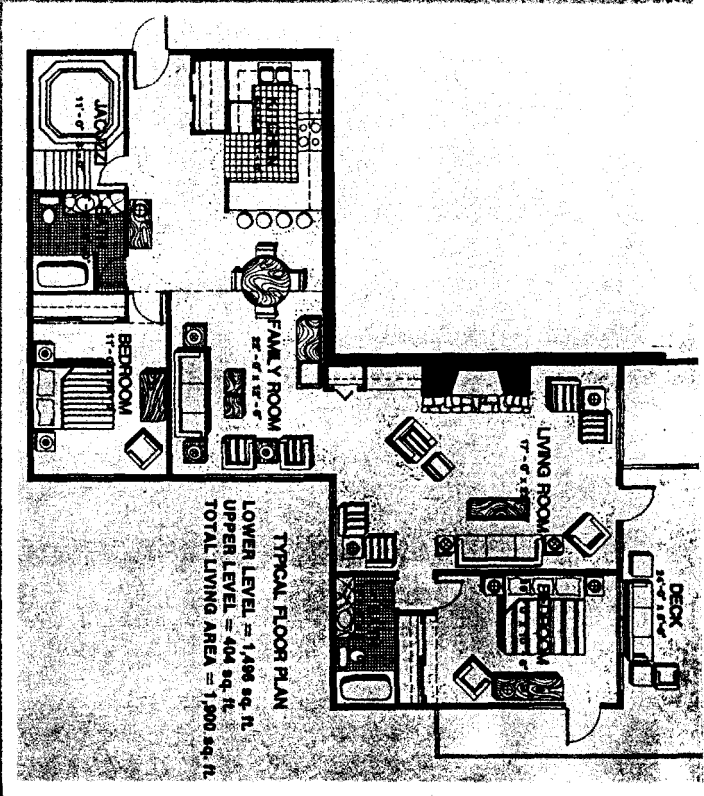
Real Estate Broker

Big Sky, Montana 59716
406-995-4865 Off.
406-995-4537 Res

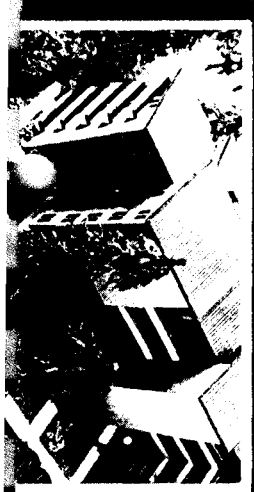
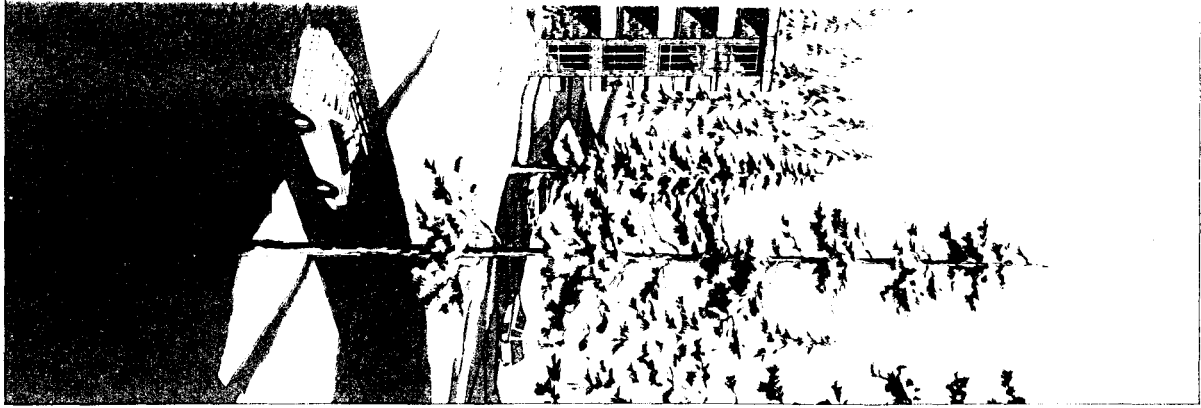


SKYCREST - BIG SKY MONTANA

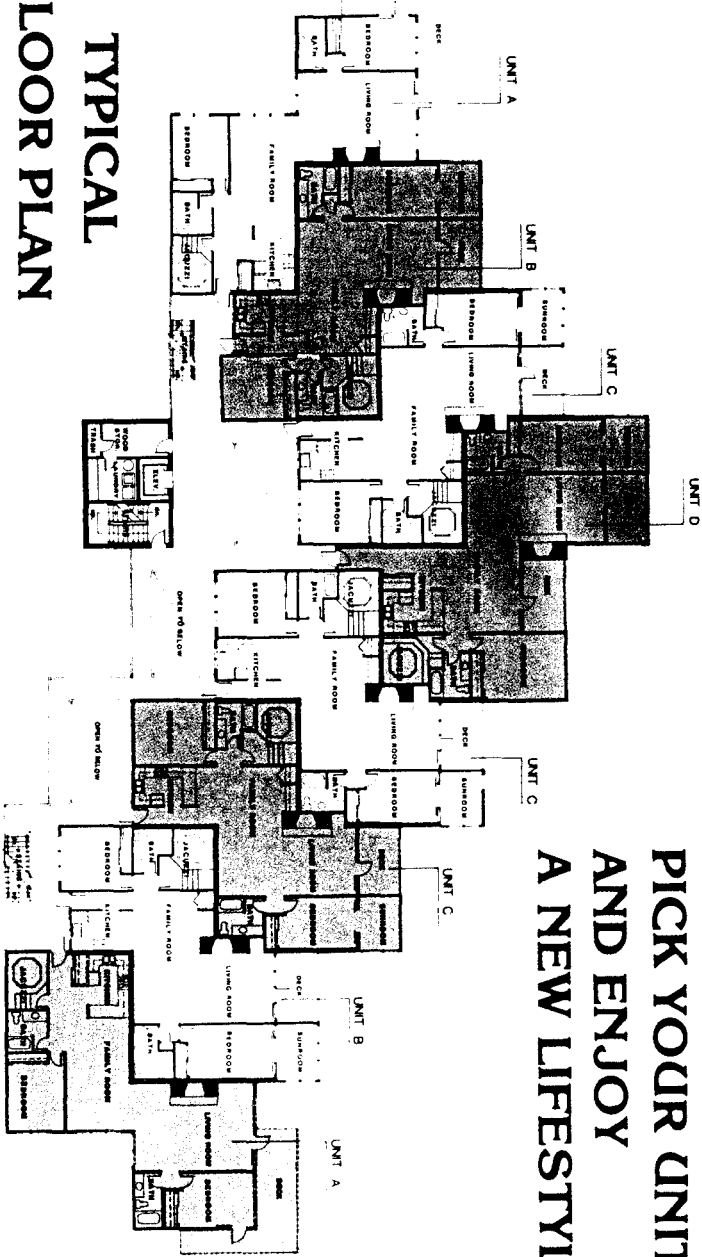
Big Sky is the only ski resort in Montana that offers a full range of amenities, including a world-class golf course, a world-class spa, a world-class dining and shopping experience, and a world-class ski resort. Big Sky is the only ski resort in Montana that offers a full range of amenities, including a world-class golf course, a world-class spa, a world-class dining and shopping experience, and a world-class ski resort.



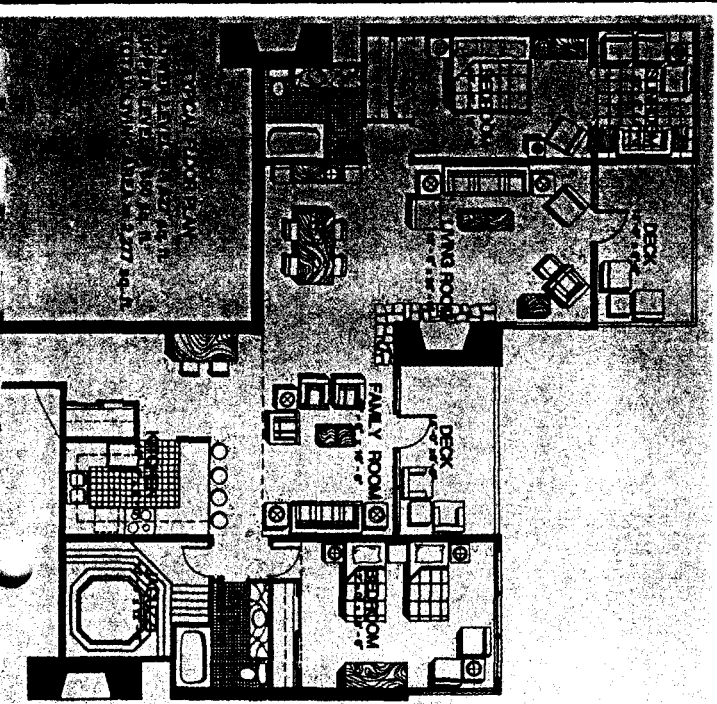
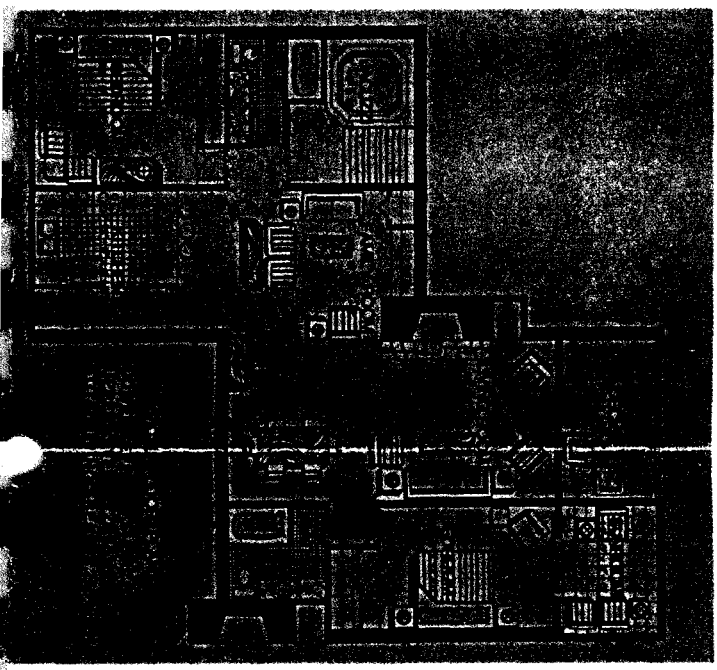
EXTERIOR VIEW OF SKYCREST



TYPICAL FLOOR PLAN



PICK YOUR UNIT
AND ENJOY
A NEW LIFESTYLE

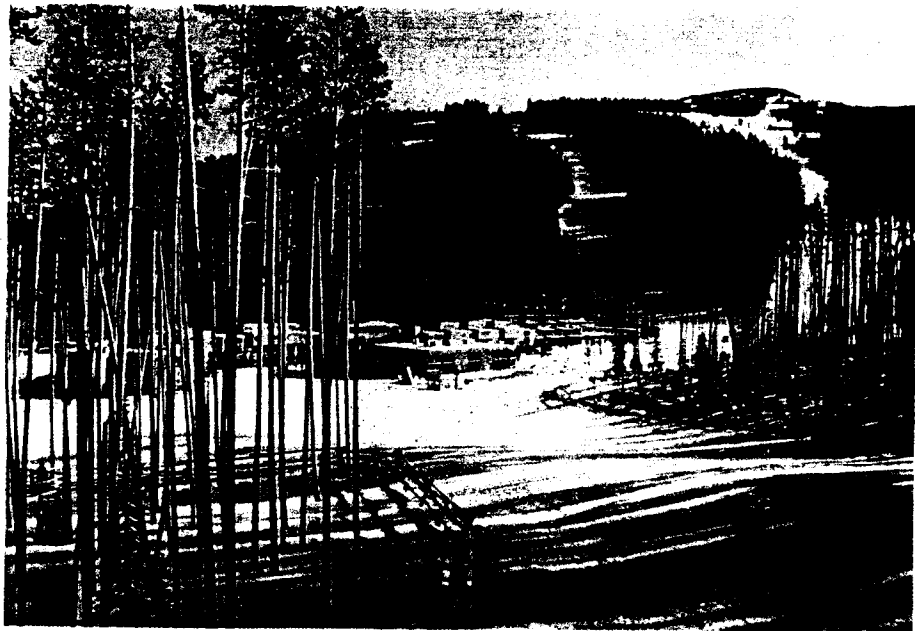
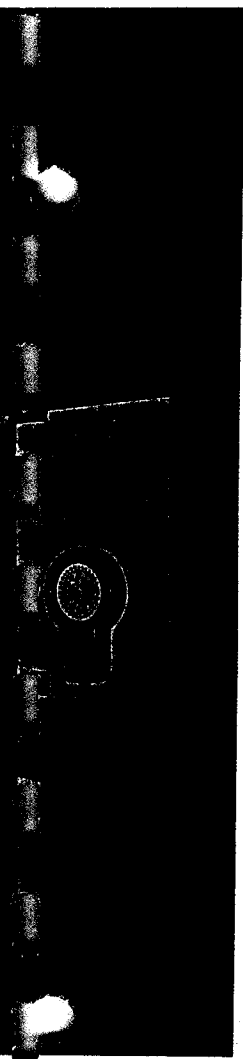




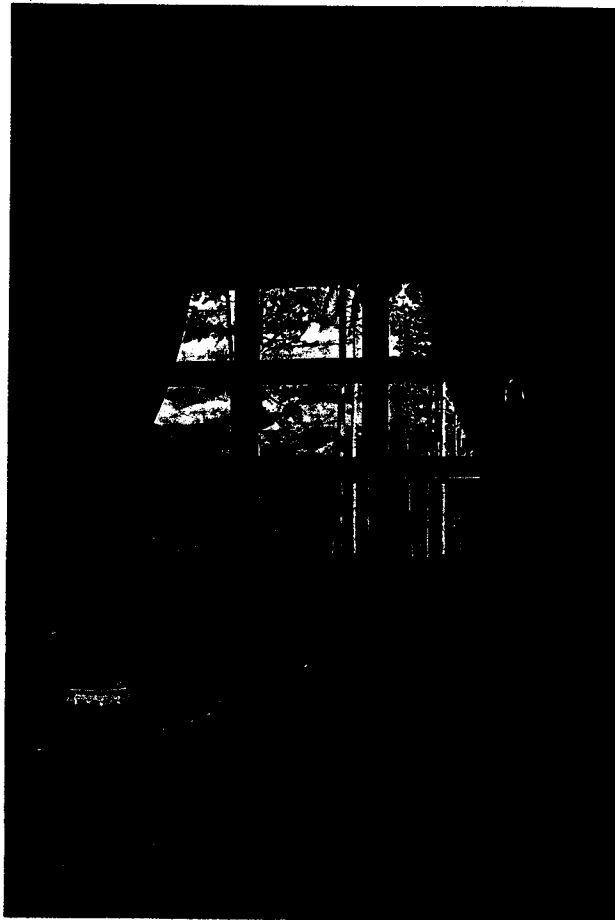
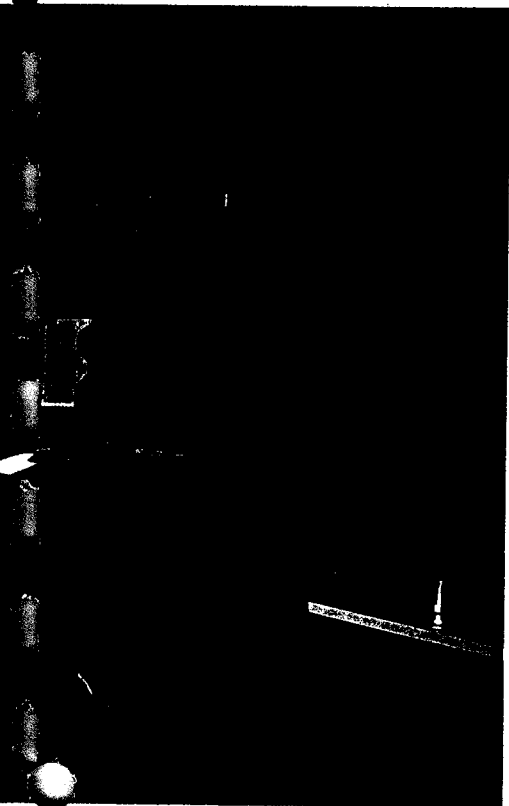
BEAVERHEAD

CONDOMINIUMS

at Big Sky



Reaching the runs will not require taking your car from your heated garage. Step out of your front door and ski down to the lifts — and home in the evening via the White Wing ski run. Your hot sauna awaits to complete your day.



Big Sky is where lift lines are something that other areas worry about. There is a challenging 18 hole golf course. Tennis courts and a swimming pool are available within walking distance at Huntley Lodge. Good restaurants and stores are available in the Mountain Mall.

ERHEAD CONDOS

March 22, 1983

Dear Representative,

You are invited to visit the Beaverhead Condominiums at Big Sky, Montana. Bring your family or friends and enjoy our recreational area. Beaverhead is open daily from 1 till 5 except for the month of May. Refreshments are served anytime, but call in advance and we'll take you to lunch at one of the nice restaurants on the mountain. Phone 406-995-4584 between 1 and 5 daily or 995-4316 any other time.

Beaverhead Condominiums are luxury units, fully furnished and decorated. They are the only condo units in Big Sky that are actually on the ski slopes. You can ski in and out to the lifts from the front door.

The location of Beaverhead is just above the Huntley Lodge on the White Wing ski run. Access, when driving, is from the day parking lot near the tennis courts. Follow the signs to the open house. Please visit us soon !

Very best regards,



Nancy Holdeman
Sales manager

Enclosures

PRICE LIST

WINTER - '82 - '83

UNIT 1403		\$191,000	Two Bedrooms
UNIT 1405			
UNIT C & D		\$215,000	Three Bedrooms
UNIT E & F		\$235,000	Three Bedrooms with Loft

TWO BEDROOM UNITS AVAILABLE FOR IMMEDIATE OCCUPANCY

THREE BEDROOM UNITS SCHEDULED FOR COMPLETION DURING
SUMMER OF 1983

LOCATED ABOVE THE HUNTLEY LODGE ADJACENT TO THE WHITE WING SKI RUN, THE BEAVERHEAD CONDOMINIUMS OFFER A COMMANDING VIEW OF THE BIG SKY AREA AND THE SPANISH PEAKS WITH FRONT DOOR ACCESS TO THE SKI SLOPES.

THERE ARE CURRENTLY TWO, FOUR UNIT BUILDINGS AND ANOTHER FOUR UNITS UNDER CONSTRUCTION. THE NEW UNITS WILL ALL BE THREE BEDROOMS.

TWO BEDROOM / TWO BATH UNIT - 1,334 SQ. FT.

ROCK FIREPLACE

DECORATOR FURNISHED (\$8,000 ALLOWANCE)

LOCK-OFF BEDROOM WITH ½ KITCHEN AND BATH

*PLUS ALL THE OTHER FEATURES LISTED BELOW

THREE BEDROOM / THREE BATH UNITS:

SINGLE LEVEL UNIT - 1,846 SQ. FT.

UNIT WITH LOFT - 2,550 SQ. FT.

ROCK FIREPLACE

DECORATOR FURNISHED (\$12,500 ALLOWANCE)

* PRIVATE WHIRLPOOL (HOT TUB)

* PRIVATE HEATED GARAGE

* CENTRAL VACUUM SYSTEM

* COVERED OUTDOOR STAIRCASE

* LAUNDRY ROOM

* WET BAR

* STONE MUD ENTRY AREA AND SKI CLOSET

* PRIVATE DECKS FRONT AND BACK

SPIRAL STAIRCASE (LOFT UNIT)

WOODEN CIRCULATOR CEILING FAN (LOFT UNIT)

* APPLIANCES (ALL UP-GRADED) INCLUDED ARE:

REFRIGERATOR, DISHWASHER, SELF-CLEANING RANGE, TRASH COMPACTOR, GARBAGE DISPOSAL, CLOTHES WASHER AND DRYER.



SKYCREST

P.O. Box 5

Big Sky, Montana 59716

Phone (406) 995-4865

Friends of Big Sky,

We would like to introduce **SKYCREST**, a new condominium development that will eventually add over \$30,000,000 worth of condominiums to Big Sky's Mountain Village.

SKYCREST has selected 15 acres with the finest views in Big Sky. All units face Lone Mountain from the site previously known as Penwell Point.

We are now taking deposits on apartments in the first 32 unit building.

Long range plans call for about 300 units with from two to three bedrooms in five different buildings. The first buildings will be four stories high and all units will be facing Lone Mountain.

The units will range in size from 1500 square feet up to 2300 square feet. Lofts provide a third bedroom and study room. Some also have sunrooms, decks and fireplaces. All lofts are finished with wood vaulted ceilings.

Selling prices are \$89,900 up to \$169,900.

All units will have a jacuzzi and open deck. Many units have luxurious sunrooms. Other features include fireplaces, under cover parking, wood storage and laundry facilities on every floor.

SKYCREST offers quality workmanship, minimum 6 inch insulation throughout and 12 inch thick sound proof walls.

Construction will be in full swing this spring after the ground has thawed and we expect phase one to be completed by next Christmas.

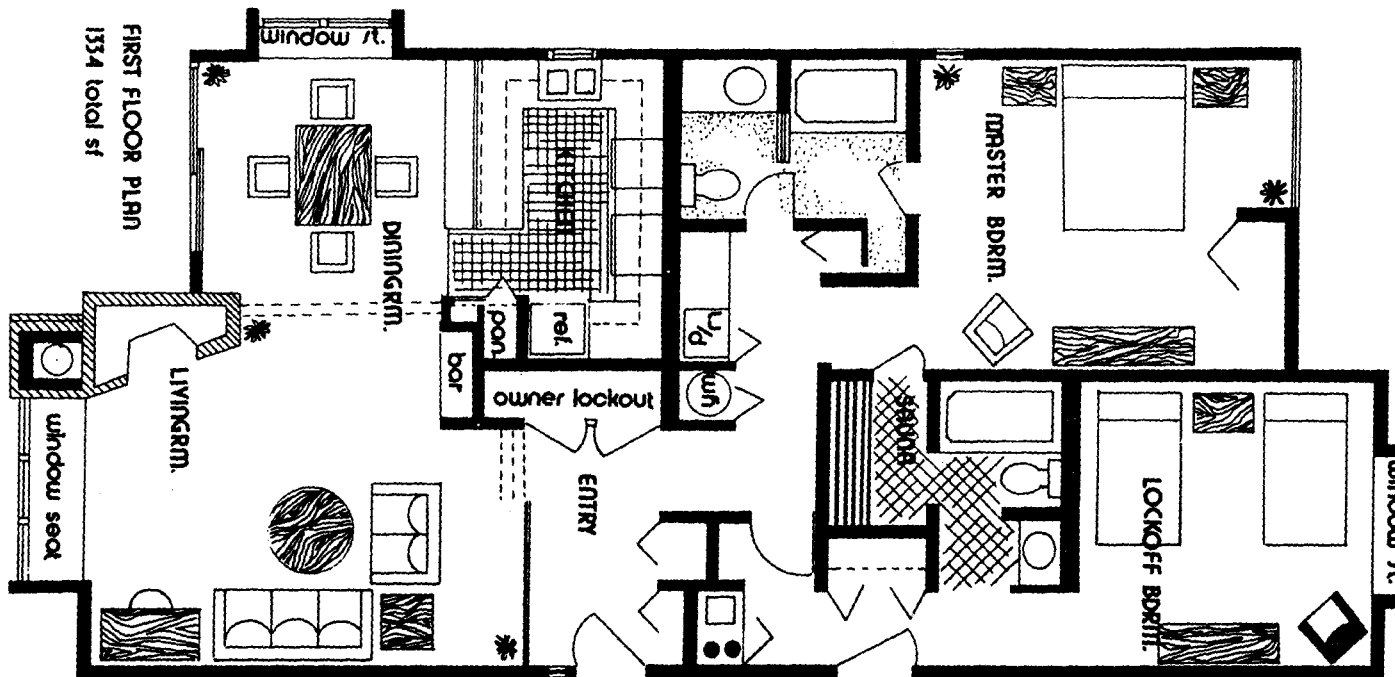
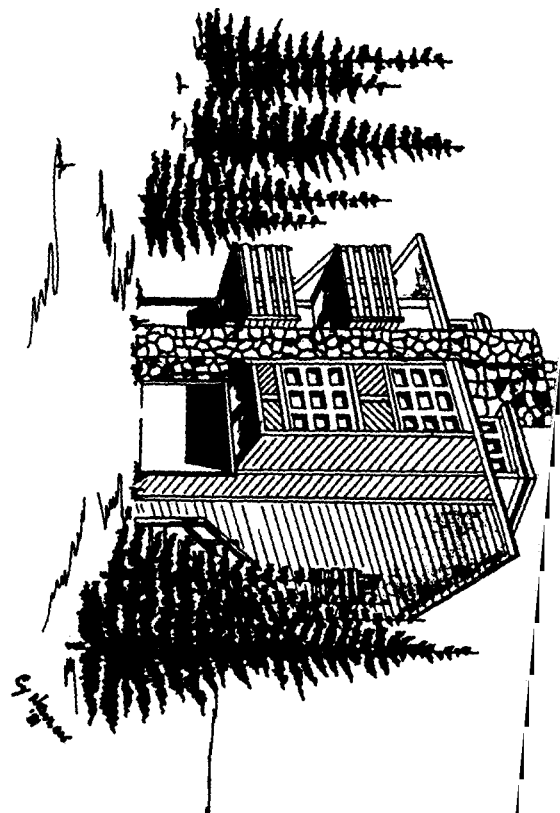
Apartment reservations are now being scheduled. Desirable locations with rental potential are always in demand.

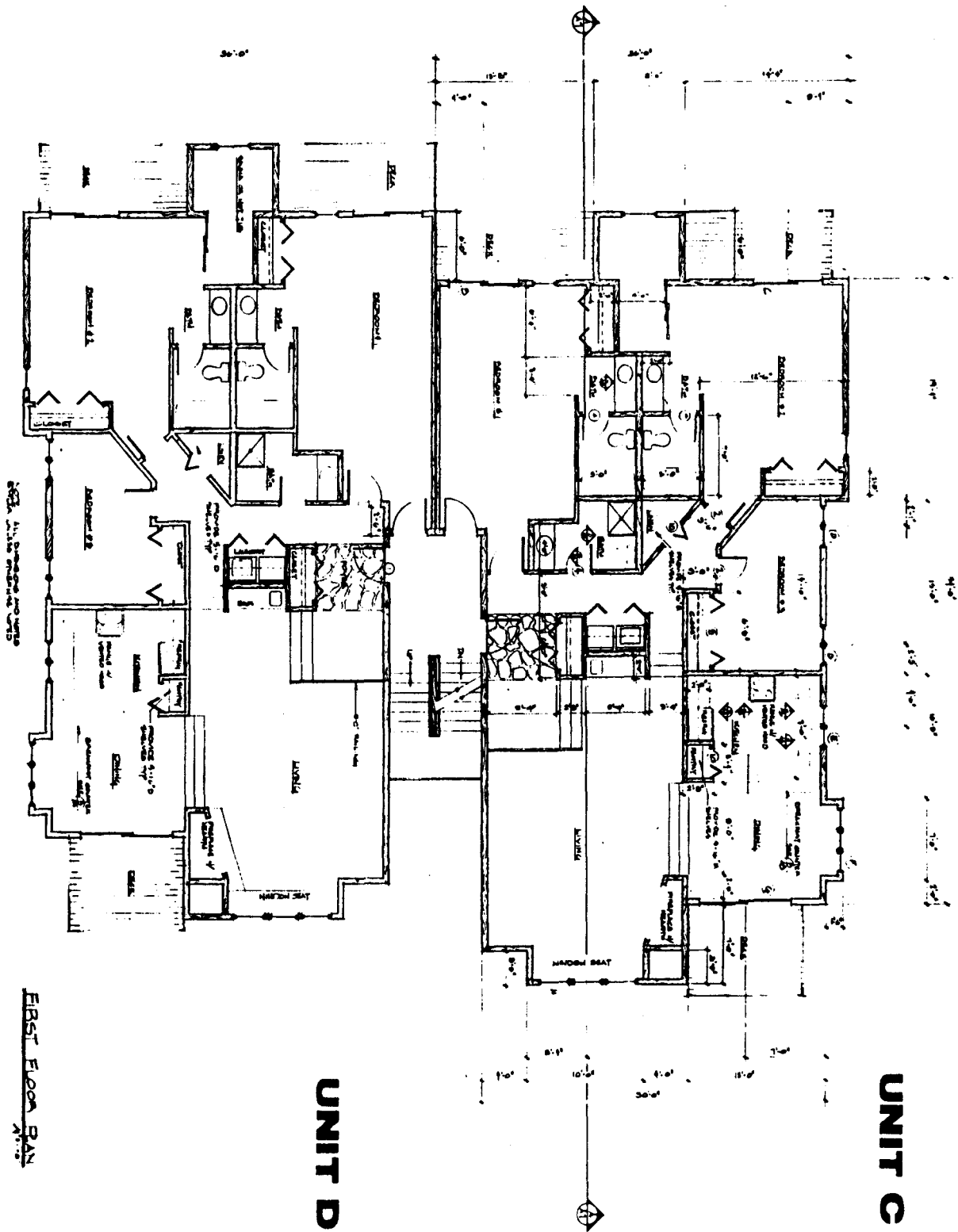
We hope you will visit us soon and see our models.

For more information, please contact us at our sales office in the Mountain Mall or call (406) 995-4865/(406) 995-4866.

Cordially,

A handwritten signature in dark ink, appearing to be "L. ...", is written over a faint circular stamp or watermark.





UNIT C

UNIT D

FIRST FLOOR PLAN

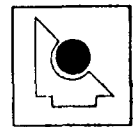
C & D UNITS ARE IDENTICAL BUT REVERSED 1,846 SQ. FT.

GARAGE ON LOWER LEVEL INCLUDED BUT NOT SHOWN

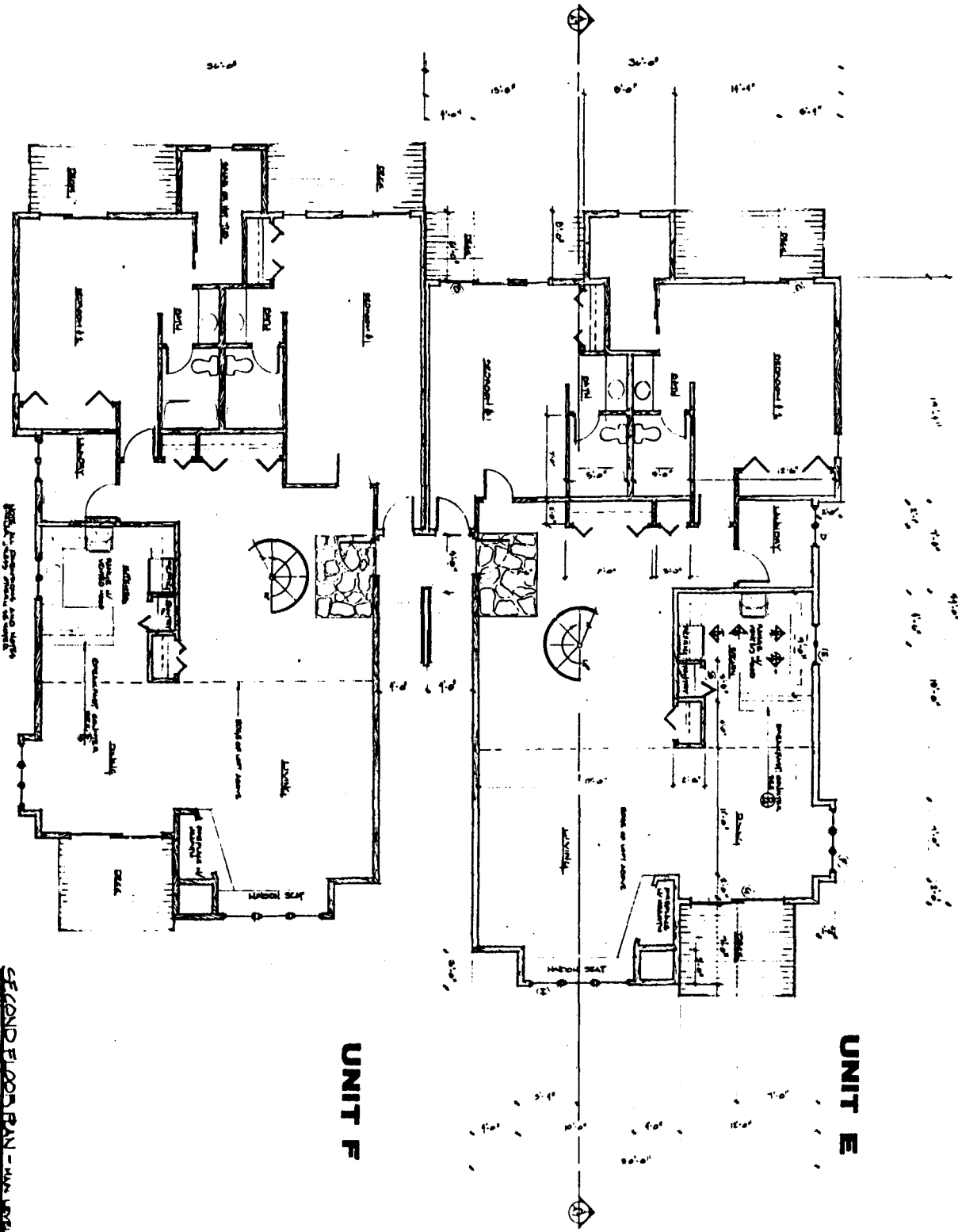
BEAVERHEAD CONDOMINIUMS
MOUNTAIN VILLAGE BIG SKY, MONTANA

SPRINGER GROUP ARCHITECTS
109 EAST MAIN STREET SUITE 8

BOZEMAN, MONTANA 59715
406-587-5409



DATE		



UNIT E

UNIT F

E & F UNITS ARE IDENTICAL BUT REVERSED

2,550 SQ. FT.

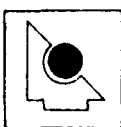
SECOND FLOOR PLAN - SEE LEGEND

GARAGE ON LOWER LEVEL INCLUDED BUT NOT SHOWN

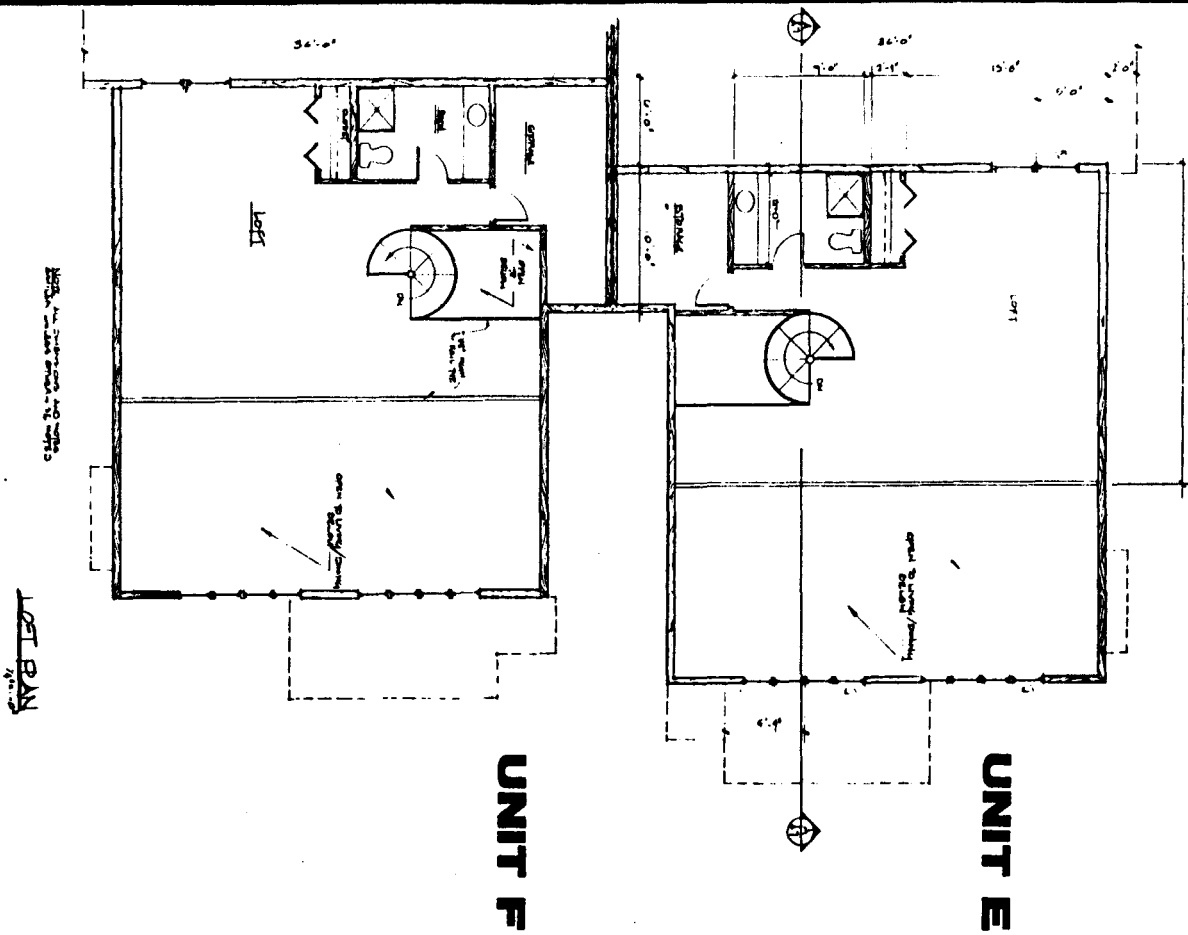
BEAVERHEAD CONDOMINIUMS
MOUNTAIN VILLAGE BIG SKY, MONTANA

SPINGER GROUP ARCHITECTS
109 EAST MAIN STREET SUITE 8

BOZEMAN, MONTANA 59715
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UPSTAIRS LOFT PLAN FOR UNITS E & F



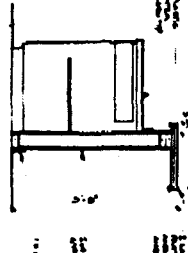
UNIT E

UNIT F

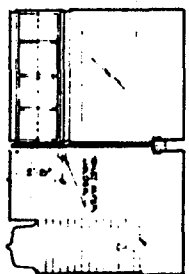
A TRIM DETAIL



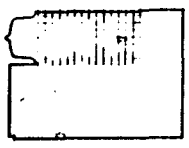
B BREAKFAST COUNTER



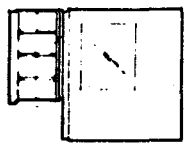
1 BATH ELEVATION



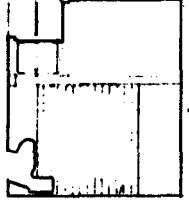
2 BATH ELEVATION



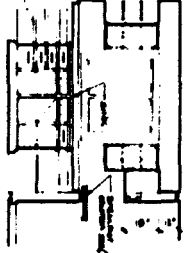
3 BATH ELEVATION



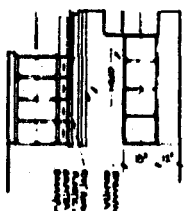
4 BATH ELEVATION



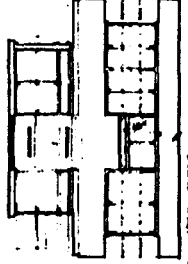
5 KITCHEN ELEVATION



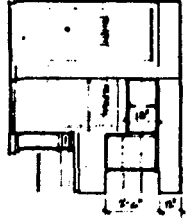
6 KITCHEN ELEVATION



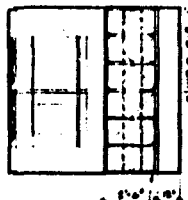
7 KITCHEN ELEVATION



8 KITCHEN ELEVATION



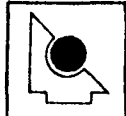
9 THE LAUNDRY CLOSET



BEAVERHEAD CONDOMINIUMS
MOUNTAIN VILLAGE
BIG SKY, MONTANA

SPRINGER GROUP ARCHITECTS
109 EAST MAIN STREET SUITE B

BOZEMAN, MONTANA 59715
406-587-5400



DATE		

(This sheet to be used by those testifying on a bill.)

NAME: Dennis Rehberg DATE: 4/12/83

ADDRESS: 608 No. PARK

PHONE: 443-4032

REPRESENTING WHOM? Realtors

APPEARING ON WHICH PROPOSAL: HJR 32

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENT: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.