

SB2878

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February 10, 2010

VIA FACSIMILE & HAND DELIVERY:

Senator Brian T. Taniguchi
Chair, Senate Committee
On Judiciary and
Government Operations
Hawaii State Capitol, Room 219
415 S. Beretania Street
Honolulu, Hawaii 96813

VIA FAX: 586-6461

TOTAL PAGES: 2

Re: S.B. No. 2878

Dear Senator Taniguchi:

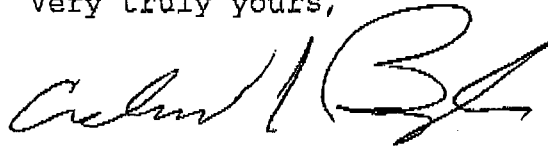
The proposed S.B. No. 2878 new language to H.R.S. § 607-18 conflicts with existing Circuit Court orders and policies, and will create excessive trustee fees in trusts where trustees perform minimal services. The current fee system, which allows the Probate Court to determine "reasonable" fees, is fairer and should not be disturbed.

The proposed language in S.B. No. 2878 is unnecessary and imposes a mandatory fee formula which will block Court supervision of trustee fees. The fact is most settlors assume their Trust document provisions stating a "reasonable" fee means reasonableness applies, not a mandatory commission schedule which has no relationship to the services provided.

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I suggest S.B. No. 2878 not be approved.

Very truly yours,



Edward J. Bybee

EJB:jmo

- c: Senate Judiciary Committee Members:
 - Senator Dwight Y. Takamine, Fax: 586-7339
 - Senator Robert Bunda, Fax: 586-6091
 - Senator Mike Gabbard, Fax: 586-6679
 - Senator Clarence K. Nishihara, Fax: 586-6879
 - Senator Sam Slom, Fax: 586-8426