

the quantity of property to be exchanged, the right to a certain property, or are you saying that every procedural step must be the same as well, I don't know.

SENATOR CHAMBERS: Senator Landis, because of the nature of joint tenancy and what 306 is doing as far as changing all that, I can't answer each one of your questions. I am not trying to be coy, but let me state what I am trying to do with the amendment and maybe that will answer it. I am saying that the creditor does not obtain a right against the property by the person dying that did not already exist prior to death.

SENATOR LANDIS: So if the loan was made prior to the death, and if there is a right to attachment in the default of the loan, or if the loan is not to be paid, and that would occur prior to death and because of the death the loan was not to be paid, those are similar circumstances and methods of remedy should be the same.

SENATOR CHAMBERS: Right, the creditor can do no more just because a person died or be given a leg up because of death...

SENATOR LANDIS: Okay, one other question then.

SENATOR CHAMBERS: Okay.

SENATOR LANDIS: Is the probate process a leg up according, in other words...

SENATOR CHAMBERS: You have to make it clear for me.

SENATOR LANDIS: Okay, if you default on the loan now, you go through a civil process. If a loan is defaulted because there is a decedent who is no longer there to pay on the loan, you go through probate to establish that. Okay, so the distinguishing feature is a legal form, a legal kind of... a kind litigation. Instead of the straight law suit you go through probate to establish the right of your claim. Now that is not the kind of difference that you are talking about in this amendment, is it?

SENATOR CHAMBERS: No, no, that's not.

SENATOR LANDIS: Okay, I understand then.

SENATOR CHAMBERS: Because there is...like and...now let me make sure I understand you. If you are alive there is a procedure that you go through to vindicate a debt. If the