

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 35

An Act to amend and reenact §§ 58.1-22 and 58.1-911 of the Code of Virginia, relating to approval of interim and final accountings by commissioners of accounts.

[H 721]

Approved February 22, 2002

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-22 and 58.1-911 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-22. Accounts not to be settled until taxes paid or provided for.

No commissioner of accounts ~~or assistant commissioner~~ shall, under § 26-32, file any report of an account of the transactions of any ~~executor, administrator, trustee, receiver or other fiduciary~~ *not governed by § 58.1-911; including trustees in foreclosure actions* until it shall be made to appear to the commissioner *finds* that all taxes, whether state, ~~or~~ county or city, assessed and chargeable upon property in the hands of the person for whom such account is settled ~~belonging to the estate concerned in such settlement~~ have been paid or unless such account shall show that there remains in the hands of such person a sufficient sum, over and above the charges of administration, to pay all taxes charged against such person in his capacity as ~~executor, administrator, trustee, receiver or other fiduciary~~.

§ 58.1-911. Final account.

No final account of a personal representative shall be approved by a commissioner of accounts unless the commissioner finds that all state, county or city taxes assessed and chargeable upon property in the hands of a personal representative have been paid. No final account of a personal representative ~~in any probate proceeding~~ who is required to file a federal estate tax return shall be ~~allowed and~~ approved by the ~~court~~ *commissioner of accounts* ~~before whom such proceeding is pending~~ unless the ~~court~~ *commissioner* finds that the tax imposed on the property by this chapter, including applicable interest, has been paid in full or that no such tax is due.