

2012 SESSION

INTRODUCED

12102837D

1 **HOUSE BILL NO. 134**

2 Offered January 11, 2012

3 Prefiled January 4, 2012

4 A BILL to amend and reenact § 8.01-606 of the Code of Virginia, relating to court distributions; dollar
5 limits.

6 Patrons—Kilgore and Surovell

7 Referred to Committee for Courts of Justice

10 **Be it enacted by the General Assembly of Virginia:**

11 **1. That § 8.01-606 of the Code of Virginia is amended and reenacted as follows:**

12 § 8.01-606. Payment of small amounts to certain persons through court without intervention of
13 fiduciary; authority of commissioners of accounts; certain fiduciaries exempt from accountings.

14 A. Whenever there is due to any person, any sum of money from any source, not exceeding \$15,000,
15 the fund may be paid into the circuit court of the county or city in which the fund became due or such
16 person resides. The court may, by an order entered of record, (i) pay the fund to the person to whom it
17 is due, if the person is considered by the court competent to expend and use the same in his behalf, or
18 (ii) pay the fund to some other person who is considered competent to administer it, for the benefit of
19 the person entitled to the fund, without the intervention of a fiduciary, whether the other person resides
20 within or without this Commonwealth. The clerk of the court shall take a receipt from the person to
21 whom the money is paid, which shall show the source from which it was derived, the amount, to whom
22 it belongs, and when and to whom it was paid. The receipt shall be signed and acknowledged by the
23 person receiving the money, and entered of record in the book in the clerk's office in which the current
24 fiduciary accounts are entered and indexed. Upon the payment into court the person owing the money
25 shall be discharged of such obligation. No bond shall be required of the party to whom the money is
26 paid by the court.

27 B. Whenever (i) it appears to the court having control of a fund, tangible personal property or
28 intangible personal property or supervision of its administration, whether a suit is pending therefor or
29 not, that a person under a disability who has no fiduciary, is entitled to a fund arising from the sale of
30 lands for a division or otherwise, or a fund, tangible personal property or intangible personal property as
31 distributee of any estate, or from any other source, (ii) a judgment, decree, or order for the payment of a
32 sum of money or for delivery of tangible personal property or intangible personal property to a person
33 under a disability who has no fiduciary is rendered by any court, and the amount to which such person
34 is entitled or the value of the tangible personal property or intangible personal property is not more than
35 \$15,000 \$25,000, or (iii) a person under a disability is entitled to receive payments of income, tangible
36 personal property or intangible personal property and the amount of the income payments is not more
37 than \$15,000 \$25,000 in any one year, or the value of the tangible personal property is not more than
38 \$15,000 \$25,000, or the current market value of the intangible personal property is not more than
39 \$15,000 \$25,000, the court may, without the intervention of a fiduciary, cause such fund, property or
40 income to be paid or delivered to any person deemed by the court capable of properly handling it, to be
41 used solely for the education, maintenance and support of the person under a disability. In any case in
42 which an infant is entitled to such fund, property or income, the court may, upon its being made to
43 appear that the infant is of sufficient age and discretion to use the fund, property or income judiciously,
44 cause the fund to be paid or delivered directly to the infant.

45 C. Whenever a person is entitled to a fund or such property distributable by a fiduciary settling his
46 accounts before the commissioner of accounts of the court in which the fiduciary qualified, and the
47 amount or value of the fund or property, or the value of any combination thereof, is not more than
48 \$15,000, the commissioner of accounts may approve distribution thereof in the same manner and to the
49 extent of the authority herein conferred upon a court including exemption from filing further accounts
50 where the value of the fund being administered is less than \$15,000.

51 D. Whenever an incapacitated person or infant is entitled to a fund or such property distributable by
52 a fiduciary settling accounts before the commissioner of accounts of the court in which the fiduciary
53 qualified and the will or trust instrument under which the fiduciary serves, authorizes the fiduciary to
54 distribute the property or fund to the incapacitated person or infant without the intervention of a
55 guardian, conservator or committee, and the amount or value of such fund or property, or the value of
56 any combination thereof, is not more than \$15,000, the commissioner of accounts may approve
57 distribution thereof in the same manner and to the extent of the authority hereinabove conferred upon a
58 court or judge thereof.

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59 E. Whenever a fiduciary is administering funds not exceeding \$15,000, the circuit court of the county
60 or city in which the fund is being administered by order entered of record may authorize the fiduciary,
61 when considered competent to administer the funds, to continue to administer the funds for the benefit
62 of the person entitled to the fund without the necessity of filing any further accounts, whether such
63 person resides within or without this Commonwealth. The clerk of the court shall take a receipt from the
64 fiduciary, which shall show the amount of the fund remaining, to whom it belongs, and the date the
65 court entered the order exempting the filing of further accounts. The receipt shall be signed and
66 acknowledged by the fiduciary, and entered of record in the book in the clerk's office in which the
67 current fiduciary accounts are entered and indexed. No surety shall be required on the bond of a
68 fiduciary granted an exemption from filing any further accounts.