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**HOUSE BILL NO. 1798**

Offered January 14, 2015

Prefiled January 13, 2015

*A BILL to amend and reenact § 64.2-1411 of the Code of Virginia, relating to qualification of fiduciary without security; issuance of certificates of qualification; payments.*

Patron—Knight

Referred to Committee for Courts of Justice

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

**1. That § 64.2-1411 of the Code of Virginia is amended and reenacted as follows:**

**§ 64.2-1411. When fiduciary may qualify without security; requirements for issuance of certificates of qualification; payments.**

A. Any circuit court or circuit court clerk, having jurisdiction to appoint personal representatives, guardians, conservators, and committees, may, in his discretion, when the amount coming into the possession of the personal representative, guardian of a minor, conservator, or committee does not exceed \$25,000 *and consists solely of cash*, allow the personal representative, guardian, conservator, or committee to qualify by giving bond without surety. Any personal representative or trustee serving jointly with a bank or trust company that is exempted from giving surety on its bond under § 6.2-1003 shall, unless the court directs otherwise, also be exempt from giving surety.

B. *If a fiduciary qualifies pursuant to subsection A, the court or clerk shall issue one or more certificates of qualification pursuant to this section for administration of an estate, guardianship, conservatorship, or committee that does not exceed \$25,000 and consists solely of cash. Each such certificate shall specify a specific maximum amount of estate, guardianship, conservatorship, or committee cash assets that may be collected pursuant to that certificate, provided that the aggregate maximum amount for all such certificates shall not exceed \$25,000. Each such certificate may only be used with one payor, and photocopies of such certificates shall not be effective. Each such certificate shall:*

- 1. Be titled "Qualification Certificate for Small Cash Asset";*
- 2. State in a prominent position on the front of such certificate that any person may pay or deliver to the fiduciary named in the certificate any cash asset belonging, owed, or distributable to the specified deceased person, incapacitated ward, or minor, having a value, on the date of payment or delivery, of no more than the maximum amount that may be paid pursuant to such certificate;*
- 3. State that the certificate (i) may only be used once, (ii) is not effective if it does not have an impression seal of the court clerk and therefore photocopies of the certificate are not effective, and (iii) must be retained by the payor; and*
- 4. Bear the impression seal of the court clerk.*

C. Upon being presented with a certificate of qualification issued pursuant to subsection B, any person may pay to the fiduciary named in such certificate any cash asset belonging, owed, or distributable to the specified deceased person, incapacitated ward, or minor, having a value, on the date of payment, of no more than the maximum amount that may be paid pursuant to such certificate, and the payor shall retain possession of such certificate. Any person that makes such payment of a cash asset upon presentation of a certificate of qualification issued pursuant to subsection B is discharged and released from any or all claims for the amount so paid whether or not the payment is consistent with the beneficial ownership of the cash asset as between parties, or beneficiaries, or their successors. Such payor is not required to see the application of such amount so paid or to inquire into the amounts paid or delivered by other parties to a fiduciary that qualifies pursuant to subsection A.

INTRODUCED

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