

1995 SESSION

INTRODUCED

LD8631316

HOUSE BILL NO. 2530

Offered January 23, 1995

A BILL to amend and reenact § 37.1-144 of the Code of Virginia, relating to estates of wards.

Patrons—Katzen, Cantor, Clement, Davies, Dudley and Marshall; Senator: Miller, K.G.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 37.1-144 of the Code of Virginia is amended and reenacted as follows:

§ 37.1-144. Surrender of ward's estate.

The fiduciary shall surrender the ward's estate, or so much as he may be that portion for which he is accountable for, to the ward, if he shall be if the ward is restored to competence or capacity, or.

If the ward dies prior to such restoration, the fiduciary shall surrender the real estate to his the ward's heirs or devisees, and the personal estate to his executors or administrators, in case of his death without having been restored, but nothing. If upon the death of the ward (i) the value of the personal estate in the custody of the fiduciary is \$5,000 or less, (ii) a personal representative has not qualified within sixty days of the ward's death and (iii) the fiduciary does not anticipate that anyone will qualify, the fiduciary may pay the balance of the ward's estate to the ward's surviving spouse, or if there is no surviving spouse, to the distributees of the ward or other persons entitled thereto, including any person or entity entitled to payment for funeral or burial services provided. The distribution shall be noted in the guardian's final accounting submitted to the Commissioner of Accounts.

Nothing in this section or in §§ 37.1-138 to 37.1-142 shall be construed as affecting in any way the provisions of § 37.1-145 relative to supplying comforts and luxuries for persons committed.

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