

1995 SESSION

SENATE SUBSTITUTE
REPRINT

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HOUSE BILL NO. 446

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice)

on December 8, 1994)

(Patron Prior to Substitute—Delegate Murphy)

A BILL to amend and reenact §26-18 of the Code of Virginia, relating to filing of accounts by fiduciaries; enforcement.

Be it enacted by the General Assembly of Virginia:

1. That § 26-18 of the Code of Virginia are amended and reenacted as follows:

§ 26-18. Failure to make settlement; enforcement.

If any such fiduciary fail to make any such exhibit, as required by § 26-17, the commissioner and the court shall proceed against him in like manner, and the court shall impose the same penalty, unless such fiduciary is excused for sufficient reason, as is herein provided in cases in which fiduciaries fail to return inventories of their respective estates. Every commissioner shall file with his court or judge, and a duplicate in the clerk's office, in the months of April and October, a list of all fiduciaries required to make periodic settlements who have failed to make such settlements as required, and, at the same times, with like duplicate with the clerk, a report of all fiduciary accounts which have been before him for more than three months and which remain unsettled. Upon the filing of this list the clerk shall issue a summons against each fiduciary shown thereon returnable to the first day of the next term of court and the court shall take action against such fiduciary in accordance with § 26-13 for failure to file inventories.

Whenever the commissioner issues a summons to a fiduciary, who is an attorney at law licensed to practice in the Commonwealth, to appear for failure to make settlements, a copy of any order imposing a fine or finding the fiduciary in contempt shall be mailed by the commissioner to the Virginia State Bar.

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