

1996 SESSION

INTRODUCED

963165825

HOUSE BILL NO. 1383

Offered January 22, 1996

A *BILL to amend and reenact § 64.1-131 of the Code of Virginia, relating to court-ordered administration of an estate.*

Patrons—Guest, Almand, Cunningham, Weatherholtz and Woodrum; Senator: Howell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 64.1-131 of the Code of Virginia is amended and reenacted as follows:

§ 64.1-131. When court may allow another to qualify on estate.

If at any time two months elapse without there being an executor or administrator of the estate of a decedent, except during a contest about the decedent's will or during the infancy or absence of the executor, the court, or the clerk thereof, in which or by whose clerk the will was admitted to record or which has jurisdiction to grant administration on the decedent's estate shall, on the motion of any person, order any person of the county or city to take into his possession the estate of such decedent and administer the same after the fixing and posting of proper bond. *However, any sheriff so ordered may decline the appointment if the appointment interferes with his current duties or obligations.* Thereupon such person shall be the administrator, or administrator de bonis non, of the decedent, with his will annexed, if there be a will, and shall be thenceforward entitled to all the rights and bound to perform all the duties of such administrator. The court may, however, at any time afterwards, on reasonable notice to such person, revoke such order made by it or its clerk and the court may in a proper case after reasonable notice to the parties in interest permit the person to resign and allow any other person to qualify as executor or administrator. When an estate is committed to a person on the motion of a creditor or other person, the state tax due for such administration shall be paid by the party upon whose motion the estate was committed and the same shall be repaid to him by the administrator so appointed out of the first funds received by him for such estate.

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HB1383