

# WEST VIRGINIA CODE: §44-2-29

## §44-2-29. Waiver of final settlement.

(a) In all estates of decedents subject to administration under this article where a release of lien, if required by the provisions of §11-11-1 *et seq.* of this code, has been filed with the clerk and more than 90 days have elapsed since the filing of any notice required by the provisions of this article, even though such estate may have been referred to a fiduciary commissioner, a final settlement may be waived by a waiver containing an affidavit made by the personal representative, that the time for filing of claims has expired, that no known and unpaid claims exist against the estate, and that all beneficiaries have each been advised of the share or shares to which each is entitled from the estate. Each beneficiary shall sign the waiver unless the beneficiary receives a bequest of tangible personal property or a bequest of cash.

(b) In the case of a deceased beneficiary or a beneficiary under a disability, the duly qualified fiduciary or agent of the beneficiary may sign in lieu of the beneficiary. A fiduciary or agent signing the waiver shall be responsible to the beneficiary for any loss resulting from the waiver.

(c) The waiver shall be recorded as in the case of and in lieu of a settlement as provided in §44-2-1 *et seq.* of this code.