WEST VIRGINIA CODE: §44-3A-4A

§44-3A-4a. Short form settlement.

(a) In all estates of decedents administered under the provisions of this article where more than 60 days has elapsed since the filing of any notice required by §44-3A-4 of this code, an estate may be closed by a short form settlement filed in compliance with this section: *Provided*, That any lien for payment of estate taxes pursuant to §11-11-1 *et seq*. of this code is released and that the release is filed with the clerk.

(b) The fiduciary may file with the fiduciary supervisor a proposed short form settlement which shall contain an affidavit made by the fiduciary that the time for filing claims has expired, that no known and unpaid claims exist against the estate, showing the allocation to which each distributee and beneficiary is entitled in the distribution of the estate, and contain a representation that the property to which each distributee or beneficiary is entitled has been or upon approval of the settlement will be delivered thereto, or that each distributee and beneficiary has agreed to a different allocation. The application shall contain a waiver signed by each distributee and beneficiary: *Provided*, That a beneficiary receiving a bequest of tangible personal property or a bequest of cash may not be required to sign the waiver.

(c) The waiver may be signed in the case of a distributee or beneficiary under a disability by an agent under a power of attorney or the duly qualified guardian or conservator of the distributee or beneficiary. An agent, guardian, or conservator signing the waiver shall be responsible to the distributee or beneficiary for any loss resulting from the waiver.

(d) The fiduciary supervisor shall examine the affidavit and waiver and determine that the allocation to the distributees and beneficiaries set forth in the affidavit is correct and all proper parties signed the waiver.

(e) If the short form settlement is proper the fiduciary supervisor shall record the same and mail copies to each distributee and beneficiary by first-class mail, postage prepaid. The fiduciary supervisor shall retain the short form settlement for 10 days to allow any distributee and beneficiary to appear before the fiduciary supervisor to object or request a referral to a fiduciary commissioner. The fiduciary supervisor shall collect a fee of $10 for recording and mailing the short form settlement. If no objection or referral request is made to the fiduciary supervisor, the county commission shall upon order, confirm the short form settlement of the personal representative, and the personal representative and his or her surety shall be discharged. If an objection or request is made, the county commission may confirm and record the short form settlement or may refer the estate to a fiduciary commissioner.

WV Legislature