WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

SENATE BILL No. 286

(By Mr. Love)

PASSED March 8, 1947

In Effect from Passage
ENROLLED

Senate Bill No. 286
(By Mr. Love)

[Passed March 8, 1941; in effect from passage.]

AN ACT to amend and reenact section eight, article ten, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to disbursements and expenditures by guardians from income and corpus of estates of infant wards.

Article 10. Guardians and Ward.

Be it enacted by the Legislature of West Virginia:

That section eight, article ten, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 8. Disbursements and Expenditures by Guardians from Income and Corpus of Estates of Infant Wards.—No disbursements, beyond the annual income of the ward’s estate, shall be allowed to any guardian where the deed or will, under which the estate is derived, does
not authorize it, unless the same shall have been authorized by the circuit court of the county in which the guardian was appointed or qualified. Any guardian, who may desire to spend more than the annual income of his ward's estate for any purpose, shall file in such circuit court a petition, verified by his oath, setting forth the reasons why it is necessary to make such expenditures, to which petition the ward shall be made defendant. The court shall appoint a guardian ad litem for the ward, who shall answer such petition, be present at the hearing, and represent the infant. Five days' notice shall be given to the defendant before such petition can be heard. At the hearing the evidence may be taken orally, and the court, if satisfied that such expenditure would be judicious and proper, may grant the prayer of the petition. Such petition may be filed and heard before the judge of such court in vacation as well as in term time. In the settlement of the guardian's accounts no credit shall be allowed him by the commissioner of accounts or the court for expenditures for his ward, except for expenditures of the annual income of his ward's estate and for expenditures of such
amounts of the principal of the ward's personal estate as
shall have been authorized by the court as provided by
this section: Provided, however, That, if the personal
estate in the hands of the guardian does not exceed in
amount the sum of one thousand dollars, disbursement
may be made by the guardian from the corpus of such
personal estate for the ward's maintenance and education,
after first securing the written approval so to do of and
from the commissioner of accounts to whom the settle-
ment of the ward's estate was referred.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 13th day of March, 1947.

[Signature]
Governor.