

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 1010

(By Mr. STEELE AND MR. HALBRITZER)



PASSED MARCH 8, 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE
HILL N. LOCKERBERRY, W
SECRETARY OF STATE
THIS DATE 3-17-71

1010

ENROLLED

House Bill No. 1010

(By MR. STEPTOE and MR. HALBRITTER)

[Passed March 8, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-four-a, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to accounting by personal representatives for certain moneys not capable of payment or distribution at the time of final settlement of estates, and to the payment of such moneys to the general receiver of the circuit court; procedure for the distribution of such moneys under the direction of the circuit court.

Be it enacted by the Legislature of West Virginia:

That section twenty-four-a, article two, 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:

**ARTICLE 2. PROOF AND ALLOWANCE OF CLAIMS AGAINST
ESTATES OF DECEDENTS.**

**§44-2-24a. Accounting for money not disposable at time of
settlement.**

1 Notwithstanding any other provision of law, if an
2 estate is otherwise ready for final settlement and the
3 personal representative holds any sum or sums of money
4 necessary for the payment or distribution of any con-
5 tingent, unliquidated, unmatured or disputed bequest
6 or claim, which cannot be paid or distributed because
7 the whereabouts of the claimant or distributee are un-
8 known, or cannot be paid or distributed for any other
9 reason, he may, with the consent of the commissioner
10 of accounts to whom the estate has been referred, pay
11 such sum or sums to the general receiver of the circuit
12 court in the county in which the estate is being ad-
13 ministered. Any such payment, together with a receipt
14 therefor, shall be reflected and shown in said commis-
15 sioner's final report. After said report is confirmed by
16 the county court, such personal representative shall not
17 be personally liable for any such aforesaid bequest or
18 claim.

19 Any person entitled to any funds paid to a general
20 receiver of a circuit court pursuant to the provisions
21 of this section may petition the circuit court in a sum-
22 mary proceeding for an order directing the distribu-
23 tion of such funds. Any person believed to have any
24 claim to or interest in said funds shall be made a party
25 defendant to such petition and shall be given such
26 notice of any hearing thereon as the circuit court may
27 direct. The circuit court shall enter an order directing
28 the distribution of said funds to the person or persons
29 entitled thereto. The costs of said proceedings shall be
30 paid from the funds.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederic B. Beave
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Thayer
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Ed Sproul
President of the Senate

Ivor F. Bransky
Speaker House of Delegates

The within *approved* this the *15th*
day of *March*, 1971.

Archie A. Moore, Jr.
Governor



PRESENTED TO THE
GOVERNOR

RECEIVED

Date 3/10/71

MAR 17 9 02 AM '71

Time 2:25 p.m.

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA