

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

SENATE BILL NO. 416

(By ~~Mr.~~ Mr. Palumbo)



PASSED April 7, 1977

In Effect ninty days from Passage

110: 5/1/77

ENROLLED

Senate Bill No. 416

(By MR. PALUMBO)

[Passed April 7, 1977; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, requiring reference of an estate, by a county commission, to a commissioner of accounts; providing division of work among commissioners of accounts; providing that estates appraised at ten thousand dollars or less exclusive of property held in joint tenancy with survivorship may be withdrawn from reference to a commissioner of accounts; allowing the clerk of the county commission to collect a fee for recordation of report and publication of notice; requiring such clerk to publish notice of filing of estate accounts and providing the form therefor; and allowing the county commission to confirm the report of the personal representative or refer the estate to a commissioner of accounts if request therefor or objection to the report is made.

Be it enacted by the Legislature of West Virginia:

That section one, 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.

§44-2-1. Reference of decedents' estates; proceedings thereon.

1 Upon the qualification of any personal representative,
2 the estate of his decedent shall, by order of the county
3 commission to be then made, be referred to a commis-
4 sioner of accounts for proof and determination of debts
5 and claims, establishment of their priority, determination

6 of the amount of the respective shares of the legatees and
7 distributees, and any other matter necessary and proper
8 for the settlement of the estate: *Provided*, That in coun-
9 ties where there are two or more such commissioners, the
10 estates of decedents shall be referred to such commis-
11 sioners in rotation, in order that, so far as possible, there
12 may be an equal division of the work: *Provided, however*,
13 That if and when the personal representative shall de-
14 liver to the clerk an appraisalment of the assets of the
15 estate showing their value to be ten thousand dollars or
16 less, exclusive of property held by the decedent and an-
17 other person or other persons as joint tenants with rights
18 of survivorship, the clerk shall record said appraisalment
19 and shall notify the commissioner of accounts that refer-
20 ence of said estate to the commissioner of accounts has
21 been withdrawn; the personal representative shall, within
22 two months from the date of recordation of the appraise-
23 ment in such case, make report to the clerk of his receipts,
24 disbursements, and distribution, and shall make affidavit
25 that all claims against the estate, for expenses of ad-
26 ministration, taxes, and debts of the decedent, have been
27 been paid in full; the clerk shall be entitled to collect and
28 receive a fee of ten dollars for recording such report and
29 affidavit, and for publication of the notice hereinafter
30 provided, said fee to be in lieu of any other fee provided
31 by law for recording a report of settlement of the ac-
32 counts of a decedent's personal representative; it shall be
33 the duty of the clerk, at least once a month, to cause to
34 be published once a week for two successive weeks in a
35 newspaper of general circulation within the county of
36 the administration of the estate, a notice substantially as
37 follows:

38 **NOTICE OF FILING OF ESTATE ACCOUNTS**

39 I have before me the accounts of the executor(s) or
40 administrator(s) of the estates of the following deceased
41 persons:

42

43

44

45 Any person having a claim against the estate of any
46 such deceased person, or who has any beneficial interest

47 therein, may appear before me or the county commission
 48 at any time within thirty days after first publication of
 49 this notice, and request reference of said estate to a
 50 commissioner of accounts, or object to confirmation of
 51 said accounting. In the absence of such request or ob-
 52 jection, the accounting may be approved by the county
 53 commission.

54 _____
 55 Clerk of the County Commission
 56 of _____ County, W. Va.

57 If no such request or objection be made to the clerk or to
 58 the county commission, the county commission may con-
 59 firm the report of the personal representative, and there-
 60 upon the personal representative and his surety shall be
 61 discharged; but if such objection or request be made, the
 62 county commission may confirm the accounting or may
 63 refer the estate to one of its commissioners of accounts.

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

James L. Davis
Chairman Senate Committee

Norman C. Thurston
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. Willoughby
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

W. T. Bratcher
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within is approved this the 15
day of April, 1977.

John R. Rhyne
Governor



APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED
APR 9 2 58 PM '77
OFFICE OF THE GOVERNOR

Date April 15, 1977
Time 9:10 A.M.

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OFFICE
SECY. OF STATE