

RECEIVED

1993 APR -1 PM 12: 34

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 2130....

(By Delegate Huffman.....)



Passed ..... March 19, ..... 1993

In Effect ..... 90 Days From ..... Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2130**  
(By DELEGATE HUFFMAN)

---

[Passed March 19, 1993; in effect ninety days from passage.]

---

AN ACT to amend and reenact sections two and seven, article four, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to accounting by fiduciaries; clarifying and expanding the types of property to be accounted for annually to fiduciary commissioners; and updating archaic language.

*Be it enacted by the Legislature of West Virginia:*

That sections two and seven, article four, 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 4. ACCOUNTING BY FIDUCIARIES.**

**§44-4-2. Fiduciaries to exhibit accounts for settlement.**

1     A statement of all the money, and an inventory of all  
2     securities, stocks, bonds and all other property, includ-  
3     ing the value thereof, which any personal representa-  
4     tive, guardian, curator or committee, has received,  
5     become chargeable with or disbursed, within one year  
6     from the date of the fiduciary's qualification, or within  
7     any succeeding year, together with the vouchers for such  
8     disbursements, shall, within two months after the end

9 of every such period, be exhibited by the fiduciary to  
10 the fiduciary commissioner to whom the estate or trust  
11 has been referred. If any fiduciary fails to make an  
12 exhibit, the fiduciary commissioner to whom the  
13 fiduciary should make the exhibit shall proceed against  
14 the fiduciary in the appropriate circuit court, and the  
15 court shall impose the same penalties, unless the  
16 fiduciary is excused for sufficient reason, as are  
17 provided in cases where fiduciaries fail to return  
18 appraisements.

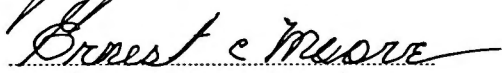
**§44-4-7. Failure to account forfeits commissions unless  
allowed by circuit court or county  
commission.**

1 If any fiduciary fails to present to the fiduciary  
2 commissioner, to whom the estate or trust has been  
3 referred, a statement of receipts for any year, within  
4 two months after its expiration, in accordance with the  
5 provisions of section two of this article, or if a fiduciary  
6 is found chargeable for that year with any money or  
7 other property not included in such statement, the  
8 fiduciary may have no compensation for fiduciary  
9 services during such year, nor commission on such  
10 money or other property, unless otherwise allowed by  
11 the county commission or circuit court. This section  
12 shall not apply to a case in which, within two months  
13 after the end of any one year, the fiduciary gives to the  
14 parties entitled to the money or any other property  
15 received in such year, a statement of such money or  
16 other property, and actually settled therefor with them;  
17 nor to a case in which, within such two months after the  
18 end of any one year, a fiduciary presents a statement  
19 of receipts for the year to a fiduciary commissioner and  
20 who may, in a pending suit, have been ordered to settle  
21 the account.

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



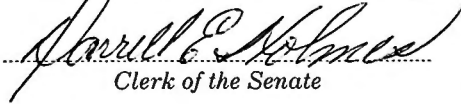
Chairman Senate Committee



Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.




Clerk of the Senate



Clerk of the House of Delegates

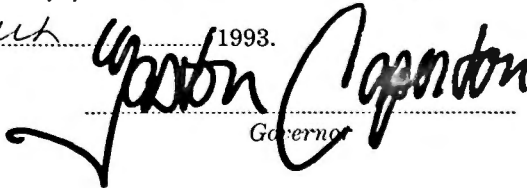


President of the Senate



Speaker of the House of Delegates

The within is approved this the 31<sup>st</sup> day of March 1993.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/93

Time 1:40 pm