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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE - DIVISION OF REAL ESTATE

Introduced By: Representatives Newberry, and Martin

Date Introduced: February 23, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 33-3-14 of the General Laws in Chapter 33-3 entitled "Division of
2 Real Estate" is hereby amended to read as follows:

3 **33-3-14. Certificate of descent.** -- Prior to acceptance by the probate court of the final
4 account or affidavit of complete administration, the fiduciary shall submit to the probate court an
5 affidavit of no real property or a duly recorded certificate of descent which shall contain the name
6 and place of residence of each person to whom the real property, or any portion thereof or interest
7 therein is distributed, set out, or divided or descends, or a particular description of the estate,
8 portion, or interest distributed, set out, or divided or descending to each person. Said certificate of
9 descent shall be signed by the fiduciary provided, that there shall be no obligation on the part of a
10 probate court to prepare an affidavit of no real property or record a certificate of descent upon the
11 failure of the fiduciary to do so.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would relieve probate courts from any obligation to prepare an affidavit of no
- 2 real property or record a certificate of descent in the event a fiduciary fails to do so.
- 3 This act would take effect upon passage.

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