

HOUSE BILL NO. 2128

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Wilt)

A BILL to amend and reenact § 64.2-604 of the Code of Virginia, relating to Virginia Small Estate Act; funeral expenses and disposition.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 64.2-604 of the Code of Virginia is amended and reenacted as follows:**

**§ 64.2-604. Payment or delivery of small asset; funeral expenses and disposition.**

~~Thirty~~ A. Notwithstanding the provisions of this article, 30 days after the death of a decedent upon whose estate there shall have been no application for the appointment of a personal representative pending or granted in any jurisdiction, any person ~~holding~~ having possession of a small asset belonging to the decedent ~~may~~ shall, at the request of a successor, pay or deliver to the licensed funeral service establishment handling the funeral, if there is one, and the disposition of the decedent so much of the small asset as does not exceed the amount given priority by § 64.2-528 ~~to the undertaker or mortuary handling the funeral of the decedent, and a receipt of the payee shall be a full and final release of the payor as to such sum~~ and has not already been so paid upon being presented an affidavit made by the licensed funeral service establishment, at the request of a successor, stating:

- 1. That it is the licensed funeral service establishment handling the funeral, if there is one, and the disposition of the decedent;
- 2. The legal name and business address of the licensed funeral service establishment;
- 3. The amount given priority by § 64.2-528, or the amount due to it for the funeral, if there is one, and the disposition of the decedent reduced by any other payments it has received or expects to receive;
- 4. The reasons and supporting evidence that the person to whom the affidavit will be presented is in possession of a small asset belonging to the decedent; and

