

H.461

An act relating to small estates

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 14 V.S.A. § 1901 is amended to read:

§ 1901. FILING INVENTORY AND BOND CONDITIONED UPON
PAYMENT OF FUNERAL EXPENSE WITH PETITION

When application ~~shall be~~ is made to the judge of probate for the appointment of an administrator or executor of an estate, there may accompany the petition, the following:

(1) A true and complete inventory of the estate of ~~said~~ the deceased, appraised under oath at its true cash value ~~by one or more competent persons or by a disinterested person if deemed necessary by the court;~~

(2) A receipt showing that the funeral expenses of the deceased have been paid, or a personal bond running to the judge of probate in the penal sum of not less than \$300.00, with such surety or sureties as the judge of probate may approve in an amount determined by the judge of probate to be reasonable, conditioned for the payment of the funeral expenses of ~~said~~ the deceased, within one year from the date of death; and

(3) The will, if any.

Sec. 2. 14 V.S.A. § 1902 is amended to read:

§ 1902. LETTERS OF ADMINISTRATION AND LETTERS
TESTAMENTARY, SMALL ESTATES, NOTICE

(a) Upon receiving and filing such petition, the judge of probate may make such investigation of the circumstances of the case and the facts set forth in the petition, as he or she deems proper and necessary. ~~If from the petition and the investigation it shall appear to the satisfaction of the court that the deceased left a surviving spouse, or children of any age, or both, that the deceased died seized of no real estate, and that the personal estate of such deceased, appraised at its true cash value as of the date of death, amounts to not more than the sum of \$10,000.00, the~~

(b) The court may ~~thereupon~~ grant administration of the estate to the petitioner or some other suitable person forthwith without further notice, and may issue letters of administration to the administrator or letters testamentary to the executor without requiring further bonds, if from the petition and the investigation it appears to the satisfaction of the court that:

(1)(A) the deceased left a surviving spouse or children of any age, or both; or

(B) the deceased left a surviving parent or parents but no spouse or child;

(2) the deceased died seized of no real estate; and

(3) the personal estate of the deceased, appraised at its true cash value as of the date of death, amounts to not more than the sum of \$10,000.00.

Sec. 3. 14 V.S.A. § 1903 is amended to read:

§ 1903. SAME; DISCHARGE UPON PAYMENT OF FUNERAL

~~EXPENSES AND BALANCE TO WIDOW, CHILDREN; RESIDUE~~

(a) In intestate estates whenever it shall appear to the satisfaction of the judge of probate that an administrator appointed under sections 1901 and 1902 of this title has paid or caused to be paid the funeral and burial expenses of said deceased, and has paid over all the balance and residue of said estate in accordance with the provisions of ~~chapters 41 and 45~~ chapter 42 of this title, the court may forthwith discharge the administrator without further accounting and without notice.

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