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HOUSE BILL NO. 1132

Offered January 12, 2022

A *BILL to amend and reenact § 8.01-606 of the Code of Virginia, relating to payment of small amounts to certain persons without involvement of fiduciary; threshold.*

Patron—Williams

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-606 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-606. Payment of small amounts to certain persons through court without intervention of fiduciary; authority of commissioners of accounts; certain fiduciaries exempt from accountings.**

A. Whenever there is due to any person, any sum of money from any source, not exceeding ~~\$25,000~~ \$50,000, the fund may be paid into the circuit court of the county or city in which the fund became due or such person resides. The court may, by an order entered of record, (i) pay the fund to the person to whom it is due, if the person is considered by the court competent to expend and use the same in his behalf, or (ii) pay the fund to some other person who is considered competent to administer it, for the benefit of the person entitled to the fund, without the intervention of a fiduciary, whether the other person resides within or without this Commonwealth. The clerk of the court shall take a receipt from the person to whom the money is paid, which shall show the source from which it was derived, the amount, to whom it belongs, and when and to whom it was paid. The receipt shall be signed and acknowledged by the person receiving the money, and entered of record in the book in the clerk's office in which the current fiduciary accounts are entered and indexed. Upon the payment into court the person owing the money shall be discharged of such obligation. No bond shall be required of the party to whom the money is paid by the court.

B. Whenever (i) it appears to the court having control of a fund, tangible personal property or intangible personal property or supervision of its administration, whether a suit is pending therefor or not, that a person under a disability who has no fiduciary, is entitled to a fund arising from the sale of lands for a division or otherwise, or a fund, tangible personal property or intangible personal property as distributee of any estate, or from any other source, (ii) a judgment, decree, or order for the payment of a sum of money or for delivery of tangible personal property or intangible personal property to a person under a disability who has no fiduciary is rendered by any court, and the amount to which such person is entitled or the value of the tangible personal property or intangible personal property is not more than ~~\$25,000~~ \$50,000, or (iii) a person under a disability is entitled to receive payments of income, tangible personal property or intangible personal property and the amount of the income payments is not more than ~~\$25,000~~ \$50,000 in any one year, or the value of the tangible personal property is not more than ~~\$25,000~~ \$50,000, or the current market value of the intangible personal property is not more than ~~\$25,000~~ \$50,000, the court may, without the intervention of a fiduciary, cause such fund, property or income to be paid or delivered to any person deemed by the court capable of properly handling it, to be used solely for the education, maintenance and support of the person under a disability. In any case in which an infant is entitled to such fund, property or income, the court may, upon its being made to appear that the infant is of sufficient age and discretion to use the fund, property or income judiciously, cause the fund to be paid or delivered directly to the infant.

C. Where judgment is taken in the general district court, upon motion of a party for good cause shown, the general district court judge may enter an order directing the clerk of the general district court to hold such funds in escrow for a period not to exceed 180 days to enable such party to file a petition pursuant to § 8.01-600 requesting that such funds be received and held by the clerk of the circuit court upon payment of fees in accordance with § 17.1-275. The party petitioning the circuit court shall provide the clerk of the general district court a certified copy of any order entered by the circuit court directing that such funds held by the clerk of the general district court be transferred to the clerk of the circuit court. If no such order is received by the clerk of the general district court within the 180-day period, the clerk of the general district court shall give notice to the parties that such funds shall be disbursed to the plaintiff for which judgment was entered in the general district court within 30 days after such notice.

D. Whenever a person is entitled to a fund or such property distributable by a fiduciary settling his accounts before the commissioner of accounts of the court in which the fiduciary qualified, and the amount or value of the fund or property, or the value of any combination thereof, is not more than ~~\$25,000~~ \$50,000, the commissioner of accounts may approve distribution thereof in the same manner

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59 and to the extent of the authority herein conferred upon a court including exemption from filing further
60 accounts where the value of the fund being administered is less than ~~\$25,000~~ \$50,000.

61 E. Whenever an incapacitated person or infant is entitled to a fund or such property distributable by
62 a fiduciary settling accounts before the commissioner of accounts of the court in which the fiduciary
63 qualified and the will or trust instrument under which the fiduciary serves, authorizes the fiduciary to
64 distribute the property or fund to the incapacitated person or infant without the intervention of a
65 guardian, conservator or committee, and the amount or value of such fund or property, or the value of
66 any combination thereof, is not more than ~~\$25,000~~ \$50,000, the commissioner of accounts may approve
67 distribution thereof in the same manner and to the extent of the authority hereinabove conferred upon a
68 court or judge thereof.

69 F. Whenever a fiduciary is administering funds not exceeding ~~\$25,000~~ \$50,000, the circuit court of
70 the county or city in which the fund is being administered by order entered of record may authorize the
71 fiduciary, when considered competent to administer the funds, to continue to administer the funds for
72 the benefit of the person entitled to the fund without the necessity of filing any further accounts,
73 whether such person resides within or without this Commonwealth. The clerk of the court shall take a
74 receipt from the fiduciary, which shall show the amount of the fund remaining, to whom it belongs, and
75 the date the court entered the order exempting the filing of further accounts. The receipt shall be signed
76 and acknowledged by the fiduciary, and entered of record in the book in the clerk's office in which the
77 current fiduciary accounts are entered and indexed. No surety shall be required on the bond of a
78 fiduciary granted an exemption from filing any further accounts.

79 G. Whenever a fiduciary qualifies pursuant to § 64.2-454 for the sole purpose of prosecuting or
80 defending an action, the court in which the fiduciary qualifies or the commissioner of accounts for such
81 court may exempt the fiduciary from filing further accounts where the fiduciary is not administering any
82 funds and has no power of sale over any real estate the decedent owned.