

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Mahony**
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A BILL ACT 957 OF 1991
HOUSE BILL 2028

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For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED §28-65-323 TO
PROVIDE FOR THE ISSUING OF LETTERS OF ADMINISTRATION TO
GUARDIANS UPON THE DEATH OF A WARD; TO PROVIDE THAT THE
PROBATE JUDGE MAY DECIDE IF THE PROBATE CLERK IS ENTITLED
TO ADDITIONAL FEES; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Annotated §28-65-323 is amended to read as follows:

"28-65-323. Administration of deceased ward's estate.

(a) Upon the death of a ward, the guardian of his estate is authorized, as such, subject to the direction of the court, to administer the estate of the deceased ward after further letters are issued to him , after a hearing, pursuant to a petition for letters, testamentary or of administration, which has been filed not later than forty (40) days after the death of the ward, subject, however, to the provisions of 28-40-116.

(b) In such a case, the guardian shall file an account of his administration of the ward's estate up to the date of the death of the ward and shall cause a notice of the filing of such account to be published combined with a notice to creditors of the deceased ward.

(c) Proceedings for the presentation, allowance, and payment of claims against the estate of the deceased ward shall be governed by the laws relating to claims against decedents' estates, with the guardian serving as personal representative.

(d) Liability on the guardian's bond shall continue and shall apply to the complete administration of the estate of the deceased ward by the guardian.

(e) If letters, testamentary or of administration, are granted to

1 someone other than the guardian upon a petition filed within forty (40) days
2 after the death of the ward, the authority of the guardian to administer the
3 ward's estate shall terminate upon the appointment and qualification of the
4 personal representative, and the guardian shall deliver to the personal
5 representative the assets of the ward's estate remaining in the hands of the
6 guardian.

7 (f) The probate judge shall determine if the probate clerk is entitled
8 to additional fees, *not to exceed one hundred dollars (\$100)*, to cover the
9 initiation of the administration of the ward's estate and, if so, direct the
10 personal representative to pay them."

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12 SECTION 2. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 3. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 4. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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25 /s/J. Mahony

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27 APPROVED: 3/29/91

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