

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

ACT 513 OF 1997  
HOUSE BILL 1665

4  
5 By: Representative Hale

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 28-65-323 TO PROVIDE THAT  
10 THE PROBATE CLERK IS ENTITLED TO RECEIVE A FEE FOR THE  
11 INITIATION OF PROBATE ADMINISTRATION OF A DECEASED WARD'S  
12 ESTATE; AND FOR OTHER PURPOSES."

## Subtitle

16 "TO PROVIDE THAT THE PROBATE CLERK IS  
17 ENTITLED TO RECEIVE A FEE FOR THE  
18 INITIATION OF PROBATE ADMINISTRATION OF  
19 A DECEASED WARD'S ESTATE."

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

24 SECTION 1. Arkansas Code § 28-65-323 is amended to read as follows:  
25 "28-65-323. Administration of deceased ward's estate.

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

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

36 (c) Proceedings for the presentation, allowance, and payment of claims

1 against the estate of the deceased ward shall be governed by the laws relating  
 2 to claims against decedents' estates, with the guardian serving as personal  
 3 representative.

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

7 (e) If letters, testamentary or of administration, are granted to  
 8 someone other than the guardian upon a petition filed within forty (40) days  
 9 after the death of the ward, the authority of the guardian to administer the  
 10 ward's estate shall terminate upon the appointment and qualification of the  
 11 personal representative, and the guardian shall deliver to the personal  
 12 representative the assets of the ward's estate remaining in the hands of the  
 13 guardian.

14 (f) ~~The probate judge shall determine if the~~ The probate clerk is  
 15 entitled to additional fees, not to exceed one hundred dollars (\$100), to  
 16 cover the initiation of the administration of the ward's estate and, if so  
 17 initiated, shall direct the personal representative to pay them."  
 18

19 SECTION 2. All provisions of this act of a general and permanent nature  
 20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 21 Revision Commission shall incorporate the same in the Code.  
 22

23 SECTION 3. If any provision of this act or the application thereof to  
 24 any person or circumstance is held invalid, such invalidity shall not affect  
 25 other provisions or applications of the act which can be given effect without  
 26 the invalid provision or application, and to this end the provisions of this  
 27 act are declared to be severable.  
 28

29 SECTION 4. All laws and parts of laws in conflict with this act are  
 30 hereby repealed.  
 31  
 32

33 APPROVED:3-13-97  
 34  
 35