

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Mahony**

A Bill

HOUSE BILL 2028

For An Act To Be Entitled

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

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

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

18 "28-65-323. Administration of deceased ward's estate.

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

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

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

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

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

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

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

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

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

/s/J. Mahony