

2014 -- S 2648

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- ACCOUNTS OF
EXECUTORS AND ADMINISTRATORS

Introduced By: Senators Jabour, Lombardi, and McCaffrey

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 33-14 of the General Laws entitled "Accounts of Executors and
2 Administrators" is hereby amended by adding thereto the following section:

3 **33-14-13. Reopening of estates and administrations without court approval for**
4 **assets totaling five thousand dollars (\$5,000) or less. -- (a) Subsequent to the filing of a final**
5 **account of any estate or administration or an affidavit of completed administration pursuant to the**
6 **provisions of § 33-14-1, an estate or administration may be reopened by the executor or**
7 **administrator without the consent of the probate court provided that the executor or administrator:**

8 (1) Files an affidavit with the court listing every newly discovered asset discovered by the
9 executor or administrator along with its fair market value;

10 (2) Provides notice to the persons who would take under the provisions of § 33-1-10 in
11 the case of intestacy listing the asset(s) along with the fair market value;

12 (3) Provides notice, if applicable, to those persons who would take under the provisions
13 of the will listing the asset(s) along with the fair market value; and

14 (4) Files a statement with the court and provides a copy to those persons described in
15 subsections (a)(2) and (a)(3) setting forth the proposed distribution of the asset(s) or the funds
16 received as a result of the sale of the asset(s).

17 (b) If no objection is filed by said persons within thirty (30) days of the filing of the
18 affidavit and statement, the executor or administrator may proceed to dispose of the asset(s) as

1 indicated. If objection is filed, the probate court shall schedule a hearing on the objection within
2 thirty (30) days of its receipt.

3 (c) Upon completion of the distribution of the asset(s) per the statement or per any order
4 of the probate court, the executor or administrator shall file an affidavit stating the names and the
5 addresses of the persons receiving the asset(s), the value or amount received, and attesting that
6 the estate or administration has now been finalized.

7 (d) The procedure set forth in subsection (a) may only be used when the asset(s)
8 subsequently discovered do not exceed the sum of five thousand dollars (\$5,000) in the aggregate.

9 (e) The executor or administrator shall be liable in his or her own wrong to all persons
10 aggrieved by his or her actions taken in conformance with the provisions of this section.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would allow probate estates or administrations to be reopened without probate
2 court approval for the distribution of newly discovered asset(s) of five thousand dollars (\$5,000)
3 or less in the aggregate by executors or administrators and would provide a hearing for any
4 objecting heir or beneficiary.

5 This act would take effect upon passage.

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