

Bill No. 1806

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Referred to Committee on JUDICIARY

LCO No. 5571

Introduced by SEN. ALFANO, 7th Dist.

General Assembly,

January Session, A.D., 1971

AN ACT CONCERNING THE TRANSFER OF SMALL DECEDENTS' ESTATES WITHOUT PROBATE COURT PROCEEDINGS.

CONNECTICUT STATE LIBRARY LEGISLATIVE REFERENCE SECTION

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 45-266 of the 1969 supplement to the general statutes is repealed and the following is substituted in lieu thereof: When any person dies, leaving (a) a deposit in any bank or (b) equity in shares in any building or savings and loan association, federal savings and loan association or credit union, doing business in this state, or (c) any unpaid wages due from any corporation, firm, individual, association or partnership located in this state, or (d) a death benefit payable from any fraternal order or shop society or payable under any insurance policy for which he failed to name a beneficiary entitled under the bylaws and regulations of such order or society or under the terms of such insurance policy to receive such death benefit, or (e) A MOTOR VEHICLE OR VEHICLES REGISTERED IN HIS NAME, OR (f) other [intangible personal] property and the amount of any such bank deposit, equity in such shares, unpaid wages, death benefit, MOTOR VEHICLES or other [intangible personal] property does not exceed IN VALUE the sum of [one] TWO thousand dollars, the holder of such property may, in its discretion, on application of the surviving spouse or, if none, of the next of kin of such decedent, pay the amount thereof to such surviving spouse or next of kin[.] PROVIDED THAT NO WILL IS PRESENTED FOR PROBATE OR APPLICATION FOR ADMINISTRATION FILED

WITHIN THIRTY DAYS AFTER THE DEATH. On like application of the 39
funeral director who buried such decedent or the physician who 40
attended him in his last sickness, based upon an affidavit that 41
such funeral director or physician has a lawful preferred claim 42
for funeral expenses or medical attendance during such last 43
sickness, such holder may, in its discretion, pay the amount of 44
such claim, not exceeding [one] TWO thousand dollars, to such 45
funeral director or physician, or the portion thereof covered by 46
such property or, if both the funeral director and the physician 47
present such a claim, each such claim shall be paid if their sum 48
does not exceed the amount for which payment is to be made under 49
the provisions of this section, and, if such sum exceeds such 50
amount, each such claimant shall receive his pro rata share 51
thereof. Any such payment shall, to the extent of the amount so 52
paid, discharge the holder of such property from liability to any 53
person on account thereof. Any person to whom such payment has 54
been made shall be liable for the amount thereof to the executor 55
or administrator of the estate of the decedent thereafter 56
appointed. As a condition of such payment, the holder may 57
require proof as to the parties in interest, the filing of 58
appropriate waivers, the execution of a bond of indemnity and a 59
receipt for such payment. FOR THE TRANSFER OF A MOTOR VEHICLE, 60
THE PROVISIONS OF SECTION 45-250a OF SAID SUPPLEMENT MUST BE 61
FOLLOWED.

STATEMENT OF PURPOSE: To reconcile section 45-266 of the 64
decedent's estate law with section 45-250a, so that the gross 65
estate which need not go through probate is two thousand dollars 66
in both sections.

[Proposed deletions are enclosed in brackets and proposed 68
additions are all capitalized, or underlined where appropriate.] 70