

PROBATE, ESTATE AND FIDUCIARIES CODE (20PA.C.S.) - AMEND DISPOSITIONS OF
DECEDENT'S PROPERTY INDEPENDENT OF GRANTING LETTERS

Act of Jun. 28, 2002, P.L. 478, No. 80

CL. 20

Session of 2002

No. 2002-80

SB 592

AN ACT

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for dispositions of decedent's property independent of granting letters.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 3101 of Title 20 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:
§ 3101. Payments to family and funeral directors.

* * *

(e) Unclaimed property.--

(1) In any case where property or funds owned by an individual who has died a resident of this Commonwealth have been reported to the Commonwealth and are in the custody of the State Treasurer as unclaimed or abandoned property, the State Treasurer, at any time after the death of the individual, shall be authorized under this section to distribute the property or to pay the amount being held in custody where all of the following conditions are present:

(i) The amount of the funds or the value of the property is \$11,000 or less.

(ii) The person claiming the property or the funds is the surviving spouse, child, mother or father, or sister or brother of the decedent, with preference given in that order.

(iii) A personal representative of the decedent has not been appointed or five years have lapsed since the appointment of a personal representative of the decedent.

(2) Upon being presented with a claim for property owned by a decedent, the State Treasurer shall require the person claiming the property to provide all of the following prior to distributing the property or paying the amount held in custody:

(i) A certified death certificate of the owner.

(ii) A sworn affidavit under the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) setting forth the relationship of the claimant to the decedent, the existence or nonexistence of a duly appointed personal representative of the decedent and any other persons that may be entitled under this section to make a claim to the decedent's property.

(iii) Other information determined by the State Treasurer to be necessary in order to distribute property or pay funds under this section to the proper person.

(3) If the State Treasurer determines the claimant to be a person entitled to claim property of a decedent owner, the State Treasurer shall pay or distribute such property to the claimant and shall thereby be released to the same extent as if payment or distribution had been made to a duly appointed personal representative of the decedent and shall not be required to oversee the application of the payments made. Any claimant to whom payment is made shall be answerable therefore to anyone prejudiced by an improper distribution or payment.

Section 2. This act shall take effect immediately.

APPROVED--The 28th day of June, A. D. 2002.

MARK S. SCHWEIKER