

SECOND REGULAR SESSION

# SENATE BILL NO. 764

89TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR McKENNA.

Read 1st time January 19, 1998, and 1,000 copies ordered printed.

S3387.01I

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal section 473.767, RSMo 1994, relating to probate code, and to enact in lieu thereof one new section relating to the same subject.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 473.767, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 473.767, to read as follows:

473.767. 1. The public administrator shall before the first court day after the expiration of one year after his successor in office has qualified, file his final settlement as required by section 473.540 for all estates in his charge as public administrator in which final settlement can be made. On the first court day after the expiration of one year after the election of a successor to the public administrator, the judge of the probate division, upon his own motion, shall order the public administrator to account for and deliver all money, property, or papers belonging to all estates in his hands in which final settlement can not be made, to his successor in office, or to the heirs of any estate, or to any executor or administrator regularly appointed, and such accounting and delivery shall be accomplished during the sixty days next thereafter.

2. Notwithstanding the provisions of subsection 1 of this section, [in all first class counties having a charter form of government and in any county of the first class without a charter form of government which contains part of a city of three hundred fifty thousand or more inhabitants and in any county of the second class which has a population of at least fifty-seven thousand inhabitants and contains part of a city of three hundred fifty thousand or more inhabitants on August 28, 1992,] the former public administrator or his legal representative, upon approval and order of the judge of the probate division of the circuit court having jurisdiction over the estates

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

in which the former public administrator has been appointed personal representative, guardian or conservator, shall turn over the administration of the estates to the successor public administrator. A copy of the annual account of each estate in part covering the term of the former public administrator shall be filed with the probate division by the successor public administrator and the successor public administrator shall be charged with the assets and liabilities shown thereby.

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