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Substituted by the House, on motion of Mr. Cahoon of Harwich for a Bill providing for the informal settlement of estates of low value (Senate, No. 601) and ordered to a third reading. February 1.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Fifty-Four.

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### AN ACT PROVIDING FOR THE INFORMAL ADMINISTRATION OF CERTAIN ESTATES OF DECEASED PERSONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 195 of the General Laws is  
2 hereby amended by adding after section 15 the follow-  
3 ing section:—  
4 *Section 16.* If thirty days expire after the death  
5 of an inhabitant of the commonwealth who leaves an  
6 estate consisting entirely of personal property the  
7 total value of which does not exceed five hundred  
8 dollars, and a petition for letters testamentary or  
9 letters of administration is not filed with the register  
10 of probate of the county of which such deceased  
11 person was an inhabitant or in which he resided at  
12 the time of his death, a surviving spouse, child,  
13 parent, brother or sister of such deceased person  
14 may, if of full age and legal capacity, and an in-  
15 habitant of the commonwealth, file with such register  
16 upon the payment of a filing fee of three dollars a  
17 copy of the death certificate, together with a state-  
18 ment which shall be on a form furnished by such  
19 register; shall, anything in section one A of chapter  
20 two hundred and sixty-eight to the contrary not-  
21 withstanding, be verified by oath or affirmation before

22 a notary public or justice of the peace knowing the  
23 affiant; and shall contain (a) the name and residence  
24 of the affiant, (b) the name, residence and date of  
25 death of the deceased, (c) the relationship of the  
26 affiant to the deceased, (d) a schedule showing every  
27 asset of the estate known to the affiant, and the esti-  
28 mated value of every such asset, and (e) a recital that  
29 the affiant has undertaken to be the voluntary ad-  
30 ministrator of the estate of the deceased and will  
31 administer the same and apply the proceeds thereof  
32 in conformity with this section. Upon payment of a  
33 fee of one dollar, a register of probate shall at any  
34 time make, attest and issue a copy of any such state-  
35 ment on file with him, exclusive of the death certificate.

36 Upon the presentation of a copy of such a state-  
37 ment duly attested by the register of probate, the  
38 tender of a proper receipt in writing and the surrender  
39 of any policy, passbook, note, certificate or other  
40 evidentiary instrument, a voluntary administrator  
41 may receive payment of any debt or obligation in the  
42 nature of a debt, or delivery of any other asset,  
43 scheduled in such statement. Payments and de-  
44 liveries made under this section shall, if at the time  
45 of such payment or delivery no written demand has  
46 been made by a duly appointed executor or adminis-  
47 trator, discharge the liability of the debtor, obligor  
48 or deliveror to all persons with respect to such debt,  
49 obligation or other asset.

50 A voluntary administrator shall, out of the assets  
51 which come into his hands, first discharge the neces-  
52 sary expenses of the funeral and last sickness of the  
53 deceased and the charges of administration, and then  
54 pay the debts of the deceased in the order specified  
55 in section one of chapter one hundred and ninety-  
56 eight, and any other debts of the estate, and then  
57 distribute the balance to the surviving spouse, or, if  
58 there is no surviving spouse, in accordance with  
59 clauses (1), (2), (4) and (5) of section three of chapter  
60 one hundred and ninety.

61 A voluntary administrator shall be liable as an  
62 executor in his own wrong to all persons aggrieved  
63 by his administration of the estate, and, if letters  
64 testamentary or letters of administration are at any  
65 time granted, shall be liable as such an executor to  
66 the rightful executor or administrator.

1 SECTION 2. Section nineteen B of chapter thirty-  
2 five, section one hundred and eleven I of chapter  
3 forty-one, sections one hundred and seventy-eight A  
4 and one hundred and seventy-eight C of chapter  
5 one hundred and forty-nine, and section nineteen of  
6 chapter one hundred and seventy of the General  
7 Laws, and chapter one hundred and sixty-two of the  
8 acts of nineteen hundred and fifty-one, are hereby  
9 repealed.

1 SECTION 3. This act shall apply only to persons  
2 dying on or after July first in the current year; and  
3 the provisions of law repealed by section two of this  
4 act shall continue in effect and apply in the case of  
5 persons dying before said date.

