

HOUSE No. 1050

By Mr. Long of Westwood, petition of James A. Perkins and another for legislation to facilitate distributions to foreign fiduciaries. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT TO FACILITATE DISTRIBUTIONS TO FOREIGN FIDUCIARIES.

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 204 of the General Laws is hereby
2 amended by inserting after section 2 the following section:—
3 *Section 3A.* An executor, administrator, guardian, conserva-
4 tor or trustee who has in his hands personal property to
5 which an executor, administrator, guardian, conservator or
6 trustee duly appointed in another state or in a foreign coun-
7 try and duly qualified and acting is entitled may pay over and
8 transfer the whole or any part of such personal property to
9 such foreign fiduciary upon such terms and in such manner
10 as the probate court by which such Massachusetts fiduciary
11 was appointed, or, if not appointed by the probate court, for
12 any county where there is property to which such foreign
13 fiduciary is entitled, may decree upon petition filed therefor.
14 Proceedings upon such petition shall be governed by the
15 terms of section three of this chapter. No such petition for
16 a decree ordering distribution to a foreign executor or admin-
17 istrator shall be filed until the expiration of three months
18 after the death of his testator or intestate. Payment or trans-
19 fer by a Massachusetts fiduciary in accordance with a decree
20 under this section or section three shall forever exonerate
21 such fiduciary unless the decree is impeached for fraud or
22 manifest error.

1 SECTION 2. Section 3 of chapter 204 of the General Laws is
2 hereby amended by striking the words "but no such license
3 shall be granted to a foreign executor or administrator until
4 the expiration of six months after the death of his estate or
5 intestate" and substituting therefor the words:— but no
6 such petition shall be filed by a foreign executor or adminis-
7 trator until the expiration of three months after the death
8 of his testator or intestate.

1 SECTION 3. Section thirty-two of chapter two hundred
2 and one of the General Laws is hereby repealed.