

PREFACE TO THE FIFTH (2014) EDITION

This Fifth Edition (2014) of the Manual for Commissioners of Accounts (Manual) incorporates changes in statutes relating to fiduciaries and Commissioners of Accounts enacted since the Fourth Edition (2009) and contains other information on practices and procedures for Commissioners. The Manual was originally prepared and is periodically revised by the Standing Committee on Commissioners of Accounts (the “Standing Committee”), established by the Judicial Council of Virginia in 1993. The objectives of the Standing Committee include the development of training materials and the promotion of uniformity of practice among Commissioners of Accounts; and the Manual is a cornerstone in achieving these objectives.

Some of the highlights in this Fifth Edition include:

- Statutory references in the Manual have been updated to Va. Code, Title 64.2 (Wills, Trusts, and Fiduciaries).
- Senate Bill 346, effective July 1, 2014, increases various allowances and other amounts related to wills, trusts and fiduciaries including among other Va. Code Sections, the amount for transfers included in the five year look-back for augmented estates under Va. Code § 64.2-305; family allowance (\$24,000), exempt property (\$20,000) and homestead allowance (\$20,000) under § 64.2-309, *et seq.*; the priority amounts for insolvent estates for funeral expenses (\$4,000) and hospital and medical expenses under Va. Code § 64.2-528; small amounts (\$25,000) that may be delivered to a successor without affidavit under Va. Code § 64.2-602; waiver of inventory and settlement for certain estates under \$25,000, Va. Code § 64.2-1302; the amount (\$25,000) under which a commissioner may permit accountings every three years under Va. Code § 64.2-1313; the amount (\$25,000) under which indicated fiduciaries may qualify without surety Va. Code § 64.2-1411; the amount (under \$5,000) that a Commissioner may approve distributions by a guardian of a minor Va. Code § 64.2-1802; the amount (\$25,000) under which a fiduciary may make a transfer to a custodian for a minor, Va. Code § 64.2-1905; and other amounts (refer to Senate Bill 346, 2014, for a complete list).
- Va. Code § 64.2-2023 was amended (Senate Bill 346, 2014) to provide that a *commissioner of accounts for the jurisdiction*

where a conservator qualifies may authorize the same gifts under the same circumstances as the circuit court may authorize under subsection C, except that (i) the total gifts authorized in a calendar year shall not exceed \$25,000 . . .; and subsection E increases the gift amounts (\$150 per donee and \$750 in a calendar year) that may be made by a conservator without hearing.

- The former Chapter 15, *Surcharge of Fiduciaries* has been merged into Chapter 14, *Proceeding Against Delinquent Fiduciaries*.
- A new Chapter 15, *Hearings Before Commissioners of Accounts* has been added providing a thorough explanation of the various types of hearings that may be conducted by Commissioners with an Appendix providing *General Procedures* for such hearings.
- Chapter 16, *Account of Trustee under Deed of Trust*, has been substantially re-written to include information on many current topics, with additional forms.
- Additional forms have been added to Chapter 9, *Estates of Decedent: A Checklist of the Duties of the Commissioner*. Additionally an informative legal memorandum on the topic of the *Obligation to Sell Realty to Satisfy Legacies or Debts of the Estate* is provided at the end of Chapter 9 including many relevant legal authorities on this often debated and challenging issue.

A thorough discussion of *Immunity of the Commissioner* has been provided in Chapter 17, *Miscellaneous*.