

**COMMISSIONER OF ACCOUNTS OF THE CIRCUIT COURT
OF THE CITY OF RICHMOND**

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CIRCUIT COURT OF THE CITY OF RICHMOND, VIRGINIA
TO EACH EXECUTOR AND ADMINISTRATOR OF AN ESTATE OF A DECEASED
PERSON

If you have any questions regarding your duties, you should consult with an attorney at law or, if tax matters are involved, an attorney or a certified public accountant, or other competent estate and tax authority.

As executor or administrator, you have the following duties under the Code of Virginia:

- 1) You must take prompt possession of all of the assets of the decedent. In case of bank accounts, the decedent's accounts should be closed and all funds therein should be deposited into one or more separate accounts, in your name as executor or administrator. These must be kept separate and apart from your own funds. You need a new tax I.D. Number from IRS for the Estate.

- 2) Except for minimal amounts needed to pay current obligations and to avoid checking account charges, you must invest all funds in interest-bearing accounts or in other assets which produce income. (Virginia Code §2.2-4519)

- 3) You must inquire about safe deposit boxes and accounts maintained by the decedent at all financial institutions with which you have any reason to believe the decedent did any business.

4) You may sell the decedent's real estate only if the decedent's Will granted you the specific power to sell real estate or by a Court Order. If the decedent left no Will, his or her real estate passed at death by operation of law to the heirs, and they become the only parties who may sell it.

5) If you do not have sufficient cash or other assets which can be converted to cash to pay all allowances and claims against the estate or if the estate is solvent but you have question relative to allowances and claims, you should consult with an attorney regarding the statutory priorities of a surviving spouse, minor children and creditors (Virginia Code 64.2-522 through 64.2-528 and 64.2-309). You may have personal liability to creditors if these statutory requirements are not followed exactly.

6) You have the duty to file all Federal and Virginia income tax returns due by the decedent including those due for the year of death. You may also be required to file gift tax returns for the decedent.

7) If the assets of the decedent were sufficient to require the filing of a Federal Estate Tax Return, you have the duty to file on time that. You should consult with a competent tax authority on your obligation to file these returns.

8) You have the obligation of keeping a full record of all receipts and disbursements of the funds of the decedent and all the original vouchers evidencing payment of those disbursements. You should preserve copies of all bills paid and promissory notes paid off.

9) Within four (4) months after your qualification, you must file an Inventory of the assets of the estate with the Commissioner of Accounts. A form for the Inventory (with instructions) is furnished when you qualify, or is available from the Clerk. A fee will be charged by the Commissioner of Accounts and by the clerk.

10) Not later than sixteen (16) months after qualification, you must file an Account of receipts and disbursements with the Commissioner of Accounts. If the first

Account is not a final Account, you must file an additional Account each twelve (12) months thereafter, until all assets are distributed and a final Account is filed. A fee will be charged by the Commissioner of Accounts and by the Clerk for each Account. When your first Account is settled, you will receive the statement for services. Before making final distribution of the estate assets, you should ask in advance for quotation of a final fee by the Commissione's Office. You must provide copies of your Inventory and all accounts as filed to all beneficiaries or heirs who request them in writing from you.

11) There is a preferred format of Account available in the Clerk's Office, which contains all of the following:

- (a) Whether a first, interim, annual, or a final Account;
- (b) The period covered (dates) (not to exceed 12 months);
- (c) The exact name and title of the Fiduciary;
- (d) The name of the estate;
- (e) All receipts, describing the item in detail, with the date and amount of each item thereof and with a separate Principal and Income Account for trusts;
- (f) All disbursements or expenditures in detail, supported by proper vouchers and cancelled checks or copies and the amount thereof;
- (g) Transactions separately stated for sales and purchases of investments by the fiduciary;
- (h) On first and interim Accounts, a market value summary of the assets and Balance on hand at the end of the accounting period (there can of course be no balance on hand in a final Account);
- (i) The Account must be signed by all fiduciaries, but need not be notarized;
- (j) If the decedent left a Will, a copy of the Will and all codicils must accompany the first Account together with any copies of Orders entered by the Court;
- (k) If a Federal Estate Tax Return is required to be filed, the appropriate tax clearance letter and certificate of tax paid should be appended to the Account in which they are shown paid; and

(l) You are required within thirty (30) days of probate to give Notice of Probate to beneficiaries according to law, on a form supplied by the Clerk, and to record the Affidavit of Notice in the Clerk's Office, with a check in the amount of \$16.00.

Mr. Edward F. Jewett, Clerk
Circuit Court of the City of Richmond
John Marshall Courts Building
400 N. Ninth Street
Richmond, Virginia 23219
(804) 646-6540

12) If the executors or administrators of an estate are the same people who receive all its assets under the decedent's will or by law, a Statement under Oath may, in certain limited circumstances, be filed with the Commissioner of Accounts in lieu of a formal Account (Virginia Code §64.2-1314).

MINORS= INSTRUCTION SHEET

You have just qualified and given Oath to serve as Guardian for a minor, under the Code of Virginia. There are certain rules and regulations you should know and understand in acting in your capacity as Guardian.

The following is not an all-encompassing list, but is meant to be a helpful guide in fulfilling your function as Guardian. If you have any specific questions, please contact your attorney or tax adviser.

1) Unless the Court Order which grants your authority to act as Guardian states otherwise, you have no authority to invade the principal or income of the guardianship account under your supervision for the minor without first obtaining a specific prior Court Order. There are no exceptions to this Rule. You may seek guidance as to this from the Commissioner of Accounts.

2) The funds under your control as Guardian must be invested in some reasonable investment account within four (4) months of your appointment. This

includes certificates of deposit, or listed bonds, or generally approved listed common stocks.

3) You may pay the ordinary administrative expenses, for example, bond premiums, court costs, and clerk's and commissioner's fees, from the guardianship. These charges must be reasonable and proper, and will require specific Account to the Commissioner of Accounts.

4) You will have to file Accounts with the Commissioner of Accounts Office on a regular basis, the first Account being due no later than six (6) months from the date of your qualification, and then annually thereafter. You may contact the Commissioner's Office for advice on how this may be accomplished at the numbers indicated above.

Should you have any questions about this whatsoever, please contact your attorney.