

---

---

# ENGROSSED HOUSE BILL No. 1165

---

DIGEST OF HB 1165 (Updated February 19, 1998 1:41 pm - DI 51)

**Citations Affected:** IC 30-5.

**Synopsis:** Accounting under power of attorney. Requires an attorney in fact to render a written accounting not later than sixty (60) days after the attorney in fact's receipt of a written request for an accounting from the principal, a guardian appointed for the principal, the personal representative of the principal's estate, or an heir or legatee upon the death of the principal. Limits the right to an accounting to one in each 12 month period unless the court requires additional accountings. Provides that the person requesting the accounting may initiate an action in mandamus to compel the attorney in fact to deliver the accounting if the attorney in fact fails to deliver the accounting within the sixty (60) day period. Provides that the court may award attorney's fees and court costs incurred in the action if the court finds that the attorney in fact failed to provide the accounting without just cause.

**Effective:** July 1, 1998.

---

---

## Steele, Foley, Alevizos, Villalpando

(SENATE SPONSORS — LONG, BRAY)

---

---

January 8, 1998, read first time and referred to Committee on Judiciary.  
January 26, 1998, amended, reported — Do Pass.  
January 29, 1998, read second time, amended, ordered engrossed.  
January 30, 1998, engrossed.  
February 3, 1998, read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 9, 1998, read first time and referred to Committee on Judiciary.  
February 19, 1998, amended, reported favorably — Do Pass.

---

---

HEA 1165—Concur+



C  
O  
P  
Y

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE ENROLLED ACT No. 1165

---

AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 30-5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) The attorney in fact shall keep complete records of all transactions entered into by the attorney in fact on behalf of the principal.

(b) Except as otherwise stated in the power of attorney, the attorney in fact is not required to render an accounting. The attorney in fact shall render ~~an~~ **a written** accounting if an accounting is requested by the principal, a guardian appointed for the principal, or, upon the death of the principal, the personal representative of the principal's estate, **or an heir or legatee of the principal.**

(c) **An attorney in fact shall deliver an accounting requested under subsection (b) to:**

- (1) the principal;**
  - (2) a guardian appointed for the principal;**
  - (3) the personal representative of the principal's estate;**
  - (4) an heir of the principal after the death of the principal; or**
  - (5) a legatee of the principal after the death of the principal;**
- not later than sixty (60) days after the date the attorney in fact receives the written request for an accounting.**

(d) **Not more than one (1) accounting is required under this**

HEA 1165—Concur+



C  
O  
P  
Y

section in each twelve (12) month period unless the court, in its discretion, orders additional accountings.

(e) If an attorney in fact fails to deliver an accounting as required under subsection (c), the person requesting the accounting may initiate an action in mandamus to compel the attorney in fact to render the accounting. The court may award the attorney's fees and court costs incurred under this subsection to the person requesting the accounting if the court finds that the attorney in fact failed to render an accounting as required under this section without just cause.

C  
o  
p  
y

