

# SENATE BILL No. 165

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 29-3-8-6.

**Synopsis:** Guardians. Removes an ambiguity in current law by removing unnecessary language. Provides that under certain circumstances, a devisee in a protected person's will may elect to: (1) receive the value of property specifically devised in the will but transferred by the guardian before the protected person's death as a general devise; or (2) receive the proceeds of the sale or transfer as a specific devise. (The introduced version of this bill was prepared by the probate code study commission.)

**Effective:** July 1, 1998.

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January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Introduced

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.

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A BILL FOR AN ACT to amend the Indiana Code concerning probate.

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

1           SECTION 1. IC 29-3-8-6 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1998]: Sec. 6. If:  
3           (1) a guardian sells or transfers during a protected person's lifetime  
4           property belonging to the protected person that is specifically  
5           devised to another in a will executed by the protected person; ~~before~~  
6           ~~the protected person became an incapacitated person;~~  
7           (2) the protected person subsequently dies; and  
8           (3) the devised property is consequently not contained in the  
9           protected person's estate following the death of the protected person;  
10          the devisee may, at the devisee's option, elect to receive the value of the  
11          devised property, as valued at the time of death of the protected person,  
12          as a general devise or the proceeds of the sale or transfer as a specific  
13          devise.

