

SENATE BILL No. 94

DIGEST OF INTRODUCED BILL

Citations Affected: IC 30-5-6-4.

Synopsis: Power of attorney accounting. Allows a court to order an attorney in fact to render a written accounting. (The introduced version of this bill was prepared by the probate code study commission.)

Effective: July 1, 2000.

Lawson C

November 18, 1999, read first time and referred to Committee on Judiciary.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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SENATE BILL No. 94

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

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

1 SECTION 1. IC 30-5-6-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) The attorney in fact shall keep
3 complete records of all transactions entered into by the attorney in fact
4 on behalf of the principal.

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

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

- 13 (1) the principal;
14 (2) a guardian appointed for the principal;
15 (3) the personal representative of the principal's estate;
16 (4) an heir of the principal after the death of the principal; or
17 (5) a legatee of the principal after the death of the principal;



1 not later than sixty (60) days after the date the attorney in fact receives
2 the written request for an accounting.
3 (d) Not more than one (1) accounting is required under this section
4 in each twelve (12) month period unless the court, in its discretion,
5 orders additional accountings.
6 (e) If an attorney in fact fails to deliver an accounting as required
7 under subsection (c), the person requesting the accounting may initiate
8 an action in mandamus to compel the attorney in fact to render the
9 accounting. The court may award the attorney's fees and court costs
10 incurred under this subsection to the person requesting the accounting
11 if the court finds that the attorney in fact failed to render an accounting
12 as required under this section without just cause.

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