

(b) In cases where a member of a county police force whose duties are those of an outside policeman is found to be physically unfit to perform such duties due to an infirmity resulting from the performance of his duties as a policeman, or whenever any such member has served for a period of twenty years and is at least fifty years of age, such member, upon application to the board of county commissioners, shall, if there is any vacancy existing in the number of building policemen, building guards, or other positions, the responsibility of which is building protection or security, as set forth in the budget of the county, be assigned to inside work as building policeman or other special duties, without any diminution in pay. Where more applications are made and filed than there are vacancies existing, such assignments shall be made first to applicants found to be physically unfit and secondly to applicants in order of their seniority in service. Where two or more applicants have equal seniority in service, assignments shall be determined by the alphabetical order of the first letter of the surname of the applicants. As vacancies occur, assignments shall be made according to a seniority list determined as aforesaid.

Act effective
immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 17th day of August, A. D. 1951.

JOHN S. FINE

No. 298

AN ACT

To amend the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases; the appointment, bond, removal and discharge of fiduciaries of such estates, their powers, duties and liabilities; the rights of persons dealing with such fiduciaries, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning guardians of the person of minors, the powers, duties and liabilities of sureties and of foreign fiduciaries, the abatement, survival and control of actions and rights of action, and the presumption of death; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries," redefining certain words; providing the manner in which oaths of fiduciaries may be taken; prescribing the advertisement of grant of letters; clarifying the time in

which accounts must be filed, and the circumstances under which distribution can be made without liability to claimants who have not given notice of their claims; and further defining the powers of foreign fiduciaries.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Causes (3) and (7) of section 102, and section 304 of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases; the appointment, bond, removal and discharge of fiduciaries of such estates, their powers, duties and liabilities; the rights of persons dealing with such fiduciaries, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning guardians of the person of minors, the powers, duties and liabilities of sureties and of foreign fiduciaries, the abatement, survival and control of actions and rights of action, and the presumption of death; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries," are hereby amended to read as follows:

Fiduciaries Act
of 1949.

Clauses (3) and
(7) of section
102, and section
304, act of April
18, 1949, P. L.
512, amended.

Section 102. Definitions. — The following words when used in this act, unless the context indicates otherwise, shall have the meanings ascribed to them in this section.

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(3) "Fiduciary" includes personal representatives, guardians of *minors* and trustees, whether domiciliary or ancillary, individual or corporate, subject to the jurisdiction of the orphans' court.

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(7) "Foreign fiduciary" means a personal representative, guardian of a minor, [or testamentary trustee appointed under the laws of the jurisdiction in which the decedent was domiciled at the time of his death or in which the minor is domiciled and not also appointed under the laws of the Commonwealth] *trustee, or one performing the functions of any such fiduciary, who is subject primarily to the control of the court of another jurisdiction and has not received ancillary authority in the Commonwealth.*

Section 304. *Affidavit and Oath.*—The affidavit to a petition for the grant of letters *and the oath of the fiduciary relative to the performance of his duties* may be taken before [the register of any county of the Commonwealth] *and administered by—*

(1) *Within the Commonwealth.* The register of any county of the Commonwealth.

(2) *Outside of the Commonwealth.* A public officer of another jurisdiction having duties similar to those of a register who has been authorized to do so by the register of the county where the application for letters is to be made.

Article III, said act, amended by adding, after section 311, a new section 312.

Section 2. Article III of said act is hereby amended by adding, after section 311, a new section to read as follows:

Section 312. Advertisement of Grant of Letters.—The personal representative, immediately after the grant of letters, shall cause notice thereof to be given in one newspaper published at or near the place where the decedent resided, and in the legal periodical, if any, designated by rule of court for the publication of legal notices, once a week for three successive weeks, together with his name and address; and in every such notice, he shall request all persons having claims against the estate of the decedent to make known the same to him or his attorney, and all persons indebted to the decedent to make payment to him without delay.

Sections 701, 732, the first paragraph and subsection (1) of section 1101, and section 1102, said act, amended.

Section 3. Sections 701, 732, the first paragraph and subsection (1) of section 1101, and section 1102 of said act are hereby amended to read as follows:

Section 701. *Accounting Required.*—Except as otherwise provided in this act, every personal representative shall file an account of his administration at the expiration of six months from the *first complete advertisement of the original* grant of letters or when directed to do so by the court, and may be cited to file an account at any time after the expiration of that period. Unless it is directed by the court, no account shall be filed within six months of the *first complete advertisement of the original* grant of [original] letters.

Section 732. *At Risk of Personal Representative.*—A personal representative, at his own risk and without the filing, audit or confirmation of his account, may [, after one year from the grant of letters] distribute personal property or real estate, *and such distribution shall be without liability to any claimant against the decedent who has not given notice of his claim as provided by this act [, and, except] within one year after the first complete advertisement of the grant of letters to him or thereafter but prior to such distribution.* Except on liens of record existing at the time of death, no claimant who

has not given such notice shall have any claim as to the property so distributed.

Section 1101. In General.—A foreign fiduciary may institute proceedings in the Commonwealth (subject to the conditions and limitations imposed on nonresident suitors generally) and may exercise all the other powers of a similar local fiduciary, but a foreign personal representative shall have no such power when there is an administration in the Commonwealth. Except in the case of [stock transfers] *powers with respect to securities*, for which special provision is made in section 1102, the maintenance of a proceeding or the exercise of any other power by a foreign fiduciary shall be subject to the following additional conditions and limitations:

(1) Copy of Appointment. The foreign fiduciary shall file with the [said] register of the county where the power is to be exercised, or the proceeding is instituted, or the property concerning which the power is to be exercised is located, an exemplified copy of his appointment or other qualification in the foreign jurisdiction, together with an exemplified copy of the will or other instrument, if any, in pursuance of which he has been appointed or qualified and when he is an executor, administrator c. t. a., testamentary trustee, or testamentary guardian, and [any of his powers are to be exercised] *wishes to exercise a power granted by a will* with respect to Pennsylvania real estate, [he shall file an exemplified copy of the probate proceedings in the foreign jurisdiction which must show that the will has been proved in the manner required in the Commonwealth for a will of a Pennsylvania decedent] *the will must be admitted to probate in Pennsylvania as required by law.*

Section 1102. [Stock Transfers] *Powers with Respect to Securities*.—When there is no administration in the Commonwealth, a foreign fiduciary, upon submission of a certificate of his appointment, [issued or verified within one month of the time it is to be acted upon, may transfer stock of a Pennsylvania corporation standing in the name of a decedent or foreign fiduciary in the same manner as] *shall have all of the powers of a similar local fiduciary with respect to stock, bonds and other securities of a Pennsylvania corporation or of a Federal corporation located in Pennsylvania, and shall not be required to comply with the conditions and limitations of section 1101.*

Section 4. Section 10 of the act, approved the seventh day of June, one thousand nine hundred seventeen (Pamphlet Laws 447), entitled, *as amended, “An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights,

Section 10, act of June 7, 1917, P. L. 447, repealed.

* “as amended” omitted in original.

powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," is hereby repealed absolutely.

APPROVED—The 17th day of August, A. D. 1951.

JOHN S. FINE

No. 299

AN ACT

To further amend the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by authorizing the classification of real estate into buildings on land and land exclusive of the buildings for city assessment and tax-levying purposes at separate and different rates.

"The Third Class
City Law."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: