

No. 294

AN ACT

SB 780

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for a procedure for replacement of a fiduciary where he is temporarily incapable or unwilling to act because of military service, absence from the country, conflict of interest or other similar reason, and repealing provisions relating to military service.

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

Section 1. Title 20, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, amended June 30, 1972 (P.L.508, No.164), is amended by adding a chapter to read:

CHAPTER 43  
TEMPORARY FIDUCIARIES

Sec.

- 4301. Appointment of temporary fiduciary.
- 4302. Petition for relief; joinder of parties; notice.
- 4303. Security by substituted fiduciaries; duties and responsibilities.
- 4304. Duration of decree; impeachment of acts.
- 4305. Fiduciaries temporarily relieved of duties and liabilities.
- 4306. Power to control, remove, discharge and settle accounts.

§ 4301. Appointment of temporary fiduciary.

Whenever and for so long as any fiduciary is in military service, in other government service, in a position of conflicting interest or in any situation where his functioning as a fiduciary for a temporary period may not be in the best interests of the estate, the court having jurisdiction over such fiduciary shall have the power in its discretion:

(1) to authorize the cofiduciary or cofiduciaries, if any, to exercise all or specified powers of the incapacitated fiduciary, whether discretionary or ministerial; or

(2) to appoint a substituted fiduciary pro tem to act in place of the incapacitated fiduciary and to authorize the substituted fiduciary pro tem to exercise all or specified powers and discretion of the incapacitated fiduciary.

§ 4302. Petition for relief; joinder of parties; notice.

The relief authorized by section 4301 of this code (relating to appointment of temporary fiduciary) may be granted upon petition of any party in interest, including the fiduciary himself or any cofiduciary. It shall not be necessary to secure the joinder of any other party in

interest in such petition, but notice of the presentation of the petition shall be given in such manner as the court may direct by general rule or special order.

§ 4303. Security by substituted fiduciaries; duties and responsibilities.

Any substituted fiduciary pro tem appointed under the provisions of section 4301 of this code (relating to appointment of temporary fiduciary) shall enter such security, if any, as the court may direct and shall receive such compensation as the court may allow. Such substituted fiduciary pro tem shall be subject to such duties and responsibilities with respect to accounting, and otherwise, during the period that he holds office as the court shall direct.

§ 4304. Duration of decree; impeachment of acts.

Any decree entered pursuant to the provisions of section 4301 of this code (relating to appointment of temporary fiduciary) shall remain in force for the period specified in the court's original order or until revoked by the court upon petition and no act done by any substituted fiduciary pro tem or cofiduciary or cofiduciaries while such decree is in force shall be impeached on the ground that fiduciary temporarily removed was not acting.

§ 4305. Fiduciaries temporarily relieved of duties and liabilities.

So long as any decree entered pursuant to the provisions of section 4301 of this code (relating to appointment of temporary fiduciary) remains in force, the fiduciary named therein shall exercise none of his fiduciary powers or discretion and shall be under no liability for any acts or omissions of the substituted fiduciary pro tem or of any cofiduciary or cofiduciaries during that period: Provided, That nothing contained in this chapter shall relieve a fiduciary from liability for the administration of the estate before the entry of a decree under the provisions of section 4301 of this code and upon the reinstatement of such fiduciary.

§ 4306. Power to control, remove, discharge and settle accounts.

The court appointing a substituted fiduciary pro tem under the provisions of section 4301 of this code (relating to appointment of temporary fiduciary) shall have the same powers of control, removal, discharge and settlement of the accounts of such substituted fiduciary as are conferred upon it by existing law with respect to other fiduciaries.

Section 2. As much as relates to Subchapter A of the chapter analysis of Chapter 84 and Subchapter A of Chapter 84 of Title 20 of the act, added June 30, 1972 (P.L.508, No.164), are repealed.

Section 3. This act shall take effect immediately.

APPROVED—The 10th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly  
No. 294.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

*Secretary of the Commonwealth.*