

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 3
Titles 14 to 20



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
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CHAPTER 225

DISPOSAL OF SURPLUS MONEY OR GOODS

Sec.

2351. Distribution of remainder; unclaimed funds.

2352. Distribution of specific articles.

2353. Payment of deposit by county treasurer; depositors' list published annually; escheat.

§ 2351. Distribution of remainder; unclaimed funds

When on the settlement of any account of an administrator, executor, guardian or trustee there appears to remain in his hands property not necessary for the payment of debts and expenses of administration, or for the payment of pecuniary legacies of fixed amount, nor specifically bequeathed, the judge upon petition of any party interested, after public notice and such other notice as he may order, shall determine who are entitled to the estate and their respective shares therein under the will or according to law, and order the same to be distributed accordingly. Alienage shall be no bar to any person who, in other respects, is entitled to receive any part of such property. If an executor, administrator, guardian or trustee neglects to distribute the property in his hands in pursuance of such order, and the parties in interest reside out of the State and had no actual notice of any such settlement of account, the judge, on petition of any such party, may, within 6 years after such settlement, order such executor, administrator, guardian or trustee to render a new account. If any sum of money directed by a decree of the probate court to be paid over, in any solvent or insolvent estate or pecuniary legacy, remains for 6 months unclaimed, the executor, administrator, guardian or trustee who was ordered to pay over the same shall pay such sum of money to the treasurer of the county in which the probate court has jurisdiction, who shall give a receipt therefor, specifying the amount, name of estate and name of person entitled thereto, which said receipt shall be filed in the probate court and allowed as a sufficient voucher therefor. When an executor, administrator, guardian or trustee has paid or delivered over to the persons entitled thereto the money or other property in his hands, as required by a decree of a probate court, he may perpetuate the evidence thereof by presenting to said court, without further notice, within one year after the decree is made, an account of such payments or of the delivery over of such proper-

ty; which account, being proved to the satisfaction of the court and verified by the oath of the party, shall be allowed as his final discharge and ordered to be recorded. If such account is presented after one year from the date of the decree, it may be allowed after public notice.

Any sums of money directed by a decree of the probate court to be paid over which remained unclaimed for 6 months in the hands of any executor, administrator, guardian or trustee, and were deposited in some savings bank or like institution as directed by the probate court to accumulate for the benefit of the person entitled thereto under this section, shall with all accumulations be deposited in the treasury of the county in which said probate court has jurisdiction, for the benefit of persons entitled by the decree of the probate court having original jurisdiction of the proceedings, in which said decree ordering such deposits was originally based.

R.S.1954, c. 156, § 21.

§ 2352. Distribution of specific articles

When such surplus consists of any other property besides money, the judge may order a specific distribution of the same in proportion to the value thereof. For this purpose he may appoint one or more appraisers to value and make such distribution under oath and to make report thereof to him for his acceptance.

R.S.1954, c. 156, § 22.

§ 2353. Payment of deposit by county treasurer; depositors' list published annually; escheat

At any time within 20 years from the date when the deposit mentioned in section 2351 is made with the county treasurer, the person entitled thereto or his executor, administrator or assigns may present to the judge of probate evidence of his right to the same and, upon satisfactory proof that he or they are entitled thereto, the judge of probate shall by decree direct the county treasurer to pay over to such person or persons the amount of the original deposit. The county treasurer shall annually in the month of January publish in one or more newspapers, published and printed within the county, and in the state paper a list of all persons entitled to such deposits. The county shall have the use and income of all such deposits and after 20 years from the date of each deposit, if not claimed and paid over to the person

entitled thereto, his heirs, executors, administrators or assigns, the same shall escheat to the county. In the case of deposits assigned by the judges of probate to the several county treasurers, the said period of 20 years shall commence on the date of such assignments. Every person entitled to receive and be paid any such deposit made before the 29th day of March, 1911 shall be entitled to receive and be paid the amount of such original deposit with such interest thereon as is shown by the bankbook of such original deposit at the date of such payment to such person.

R.S.1954, c. 156, § 24.