

place, which shall be exempt from all claims including claims of the Commonwealth. The court with notice thereof to the institution or person having custody of the incompetent may also authorize the guardian or another person to set aside such assets in the form of a savings account in a financial institution which account shall not be subject to escheat during the lifetime of the incompetent. Such assets may be disbursed by the guardian or person who set aside such assets or by the financial institution for such funeral expenses without further authorization or accounting. Any part of such assets not so disbursed shall constitute a part of the deceased incompetent's estate. Should the incompetent become competent or should such assets become excessive, the court, upon petition of any party in interest, may make such order as the circumstances shall require. For the purpose of this section "financial institution" includes a bank, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a savings bank, a private bank and a national bank.

Section 2. Section 411.1 of the act is repealed.

Section 3. This act shall take effect immediately.

APPROVED—The 22d day of December, A. D. 1965.

WILLIAM W. SCRANTON

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No. 474

AN ACT

SB 868

Amending the act of April 24, 1947 (P. L. 80), entitled "An act relating to the descent of the real and personal estates of persons dying intestate and the procedure in reference thereto," changing provisions relating to grandchildren of deceased uncles and aunts of the decedent.

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

Section 1. Clause (5) of section 3 and clause (1) of section 4, act of April 24, 1947 (P. L. 80), known as the "Intestate Act of 1947" amended December 10, 1959 (P. L. 1747), are amended to read:

Section 3. Shares of Others Than Surviving Spouse.—The share of the estate, if any, to which the surviving spouse is not entitled, and the entire estate if there is no surviving spouse, shall descend in the following order:

\* \* \*

(5) Uncles, Aunts and Their Children and Grandchildren. If no grandparent survives the decedent, then to the uncles and aunts and the children and grandchildren of deceased uncles and aunts of the decedent as provided in clause (1) of section 4.

\* \* \*

Section 4. Rules of Descent.—The provisions of this act shall be applied to both real and personal estate in accordance with the following rules:

(1) Taking in Different Degrees. The shares descending under this act to the issue of the decedent, to the issue of his parents or grandparents or to his uncles or aunts or to their children [and] or grandchildren, shall descend to them as follows: The part of the estate descending to any such persons shall be divided into as many equal shares as there shall be persons in the nearest degree of consanguinity to the decedent living and taking shares therein and persons in that degree who have died before the decedent and have left issue to survive him who take shares therein. One equal share shall descend to each such living person in the nearest degree and one equal share shall descend by representation to the issue of each such deceased person, except that no issue of a [grandchild] child of an uncle or aunt of the decedent shall be entitled to any share of the estate unless there be no child of an uncle or aunt living and taking a share therein, then the grandchildren of uncles and aunts of the decedent shall be entitled to share, but no issue of a grandchild of an uncle or aunt shall be entitled to any share of the estate.

\* \* \*

Section 2. This act shall take effect immediately.

APPROVED—The 22d day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 475

AN ACT

SB 869

Amending the act of August 10, 1951 (P. L. 1163), entitled, as amended, "An act relating to the orphans' court; conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates, trust estates, minors' estates,