

incompetent. In such case the devise or bequest shall be deemed to apply to whatever was received in exchange.

Section 2. This act shall take effect immediately.

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

WILLIAM W. SCRANTON

No. 478

AN ACT

SB 874

Amending the act of February 28, 1956 (P. L. 1154), entitled, as amended, "An act relating to the administration and distribution of incompetents' estates, both as to real and personal property, and the appointment of guardians of the persons of incompetents, 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 guardian in certain cases; the appointment, bond, removal and discharge of guardians of such estates, their powers, duties and liabilities, the rights of persons dealing with such guardians, 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 the determination of incompetency and the powers, duties and liabilities of foreign guardians; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates," barring certain claims for failure to present them at the call for audit or confirmation.

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

Section 1. The act of February 28, 1956 (P. L. 1154), known as the "Incompetents' Estates Act of 1955," reenacted and amended July 11, 1957 (P. L. 794), is amended by adding, after section 615, a new section to read:

Section 616. Failure to Present Claim at Audit.—Any person who at the audit of a guardian's account has a claim which arose out of the administration of the estate of an incompetent or arises out of the distribution of an incompetent's estate or upon an accounting of the guardian of the estate of an incompetent, whether the incompetent is still adjudicated incompetent or has been adjudicated competent, and which is not reported to the court as an admitted claim, and who shall fail to present his claim at the call for audit or confirmation, shall be forever barred, against: (1) any property of the incompetent distributed pursuant to such audit or confirmation; (2) the former incompetent, if

adjudged competent; (3) except as otherwise provided in section 621 any property of the incompetent awarded back to a continuing or succeeding guardian pursuant to such audit or confirmation. Nothing in this section shall be construed as impairing any lien or charge on real or personal estate of the incompetent existing at the time of audit.

Section 2. This act shall take effect immediately.

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

WILLIAM W. SCRANTON

No. 479

AN ACT

SB 875

Amending the act of April 18, 1949 (P. L. 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," barring certain claims for failure to present them at the call for audit or confirmation.

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

Section 1. Subdivision F. of Article IX, act of April 18, 1949 (P. L. 512), known as the "Fiduciaries Act of 1949," is amended by adding, at the end thereof, a new section to read:

ARTICLE IX.

TRUST ESTATES.

* * *

F. Accounts; Audits; Reviews; Distribution.

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Section 986. Failure to Present Claim at Audit.—Any person who