

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.

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F. Accounts; Audits; Reviews; Distribution.

\* \* \*

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

at the audit of a trustee's account has a claim which arose out of the administration of trust property, or arises out of the distribution of such property upon any interim or final accounting of the trust, 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 trust property distributed pursuant to such audit or confirmation; (2) any distributee of trust property distributed pursuant to such audit or confirmation; and (3) except as otherwise provided in section 983 (7) any trust property awarded back upon further trust 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 trust existing at the time of the audit.

Section 2. The act is amended by adding, after section 1086, a new section to read:

Section 1087. 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 a minor or arises out of the distribution of a minor's estate or upon an accounting of the guardian of the estate of a minor, whether the minor is still a minor or has attained his majority, 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 minor distributed pursuant to such audit or confirmation; (2) the minor, if then of full age; and (3) except as otherwise provided in sections 983 (7) and 1083, any property of the minor 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 minor existing at the time of the audit.

Section 3. This act shall take effect immediately.

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

WILLIAM W. SCRANTON