

Amendment No. 666

Senate Amendment to Assembly Bill No. 78 First Reprint

(BDR 12-592)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 3, by deleting lines 1 and 2 and inserting:

“5. As used in this section:

(a) “Commission” means all fees collected by an agent, broker or group of agents or brokers to secure a purchaser for any personal property of an estate pursuant to this section, including all fees for costs related to the sale of any personal property pursuant to this section.

(b) “Manufactured home” has the meaning ascribed to it in NRS 118B.015.”.

BAW

Date: 5/6/2005

A.B. No. 78—Makes various changes concerning administration of estates.



**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under existing law, a personal representative may contract with certain agents and brokers to sell any personal property of an estate. (NRS 148.105) A personal representative includes an executor, an administrator, a successor personal representative, a special administrator or any other person performing a similar function. (NRS 132.265) The agents or brokers with whom the personal representative contracts are entitled to receive a commission from the proceeds of the sale of personal property fixed by the court in an amount which may not exceed 10 percent of the proceeds of the sale. (NRS 148.105)

This bill increases the limitation on the commission for the sale of personal property other than for the sale of a manufactured home or a motor vehicle to 25 percent of the proceeds of the sale unless, before the sale, the court approves a higher percentage. This bill also provides that the commission for the sale of a manufactured home or a motor vehicle must not exceed 10 percent of the proceeds of the sale. Additionally, this bill provides for the purposes of this statute, the term "commission" includes all fees collected by an agent, broker or group of agents or brokers to secure a purchaser for personal property of an estate, including all fees for costs related to the sale of such personal property.

Existing law requires financial institutions to disclose the balance of a deceased person's account to a public administrator only if he presents a death certificate or an affidavit of death. (NRS 239A.075) Financial institutions are banking corporations, trust companies, savings and loan

associations, thrift companies and credit unions that are subject to regulation under the laws of this State. (NRS 239A.030)

This bill expands the manner in which a public administrator may prove death so that any proof of death is sufficient for the administrator to obtain the deceased person's account information. This bill further provides that the financial institution may charge a fee, not to exceed \$2, to provide this information.

Under existing law, a public administrator may administer an estate worth \$5,000 or less without obtaining letters of administration upon filing an affidavit which meets certain requirements with the court. (NRS 253.0403)

This bill increases the value of such an estate which may be administered by a public administrator without letters of administration to \$20,000.

Under existing law, the personal representative of the estate of a deceased patient is authorized to obtain the health care records of that patient. (NRS 629.061) A personal representative includes an executor, administrator, successor personal representative, special administrator or other person who performs substantially the same function under the law. (NRS 132.265)

This bill provides that any trustee of a living trust created by a deceased patient is similarly entitled to obtain health care records of that patient.