

CHAPTER ~~6~~ 24.

CONSERVATORS OF PROPERTY OF ABSENTEES.

Drafting note: Existing Chapter 6 of Title 26 has been relocated to proposed Subtitle V due to its applicability to both probate and nonprobate transfers.

§ ~~26-68~~ 64.2-2400. Appointment of conservator; jurisdiction and procedure.

A. For purposes of this chapter:

“Absentee” means a person who is a resident of the Commonwealth or a nonresident of the Commonwealth who has an interest in any property located within the Commonwealth who (i) disappears or absents himself from his usual place of residence, (ii) is reported or listed as missing or missing in action, or (iii) is interned in a neutral country or captured by an enemy country.

~~Whenever a person, hereinafter referred to as an absentee, disappears, or absents himself from his usual place of residence, or is reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged, or captured by an enemy, or has an interest in any property in this Commonwealth, or is a legal resident of this Commonwealth, B. Upon the filing of a petition for the appointment of a conservator, the court having probate jurisdiction in the city or county of the absentee's legal residence or, if such absentee ~~be~~ is a nonresident of this Commonwealth then, the court having probate jurisdiction in the city or county ~~wherein~~ where the property is ~~situated~~ located, ~~upon petition alleging the facts and showing the necessity for providing for care of the property of the absentee, made may appoint, upon good cause shown, a conservator to take charge of the absentee's estate. If the absentee is a nonresident, the petition shall allege the facts and show the necessity for providing for the care of the property of the absentee. The petition may be filed~~ by any person who would have an interest in the property of the absentee were he deceased, including a creditor of ~~such person the absentee~~, or made on the court's own motion, and after notice is given to the heirs and next of kin of such absentee, as provided by law, ~~and upon good cause being shown, may appoint a conservator to take charge of the absentee's estate.~~~~

Drafting note: Technical changes.

§ ~~26-69~~ 64.2-2401. Bond; orders ~~and decrees~~ as to management of estate; support of dependents.

The court shall ~~have full discretionary authority to appoint such~~ require that any conservator ~~and shall require him to appointed pursuant to § 64.2-2400 post an adequate a bond, and in an amount deemed sufficient by the court. The court shall also enter such any orders and decrees as to it seems right and proper deems necessary (i) directing the conservator in the management, operation, and control of such the estate, and shall, in a proper case, subject to the rights of creditors, require such (ii) requiring the conservator to make ample and suitable provisions out of the estate in his hands possession, subject to the rights of creditors, for the support of the absentee's wife and infant minor children of such absentee, as well as any other~~

person dependent upon ~~him~~ the absentee for support and maintenance; ~~and. The court~~ shall require the conservator to make reports from time to time as the court may deem expedient.

Drafting note: Technical changes.

§ ~~26-68.1~~ 64.2-2402. Proceedings to sell property of absentee after failure to locate heirs.

Any duly appointed conservator of the estate of a person ~~the presumption of whose death has been raised under § 64.1-105 or of the estate of any such person who is~~ known to be dead ~~or who is presumed to be dead pursuant to Chapter 23 (§ 64.2-2300 et seq.)~~, after making a diligent, ~~but~~ unsuccessful effort to locate the heirs of such person for ~~not less than a period of at least~~ two years after the person's death became known or presumed, may petition the court having jurisdiction over ~~lands~~ real property owned by the decedent for permission to sell such ~~land~~ property. Proceedings under this section shall conform as nearly as ~~may be practicable~~ to proceedings relating to ~~the sale~~ judicial sales of ~~land~~ real property owned by an infant. The conservator shall account for the proceeds of the sale, and the net proceeds of the sale, after disbursement of costs, shall be conserved in such manner as the court deems proper.

Drafting note: Technical changes.

§ ~~26-70~~ 64.2-2403. Termination of conservatorship.

At any time upon petition of ~~such~~ the absentee, or upon the petition of a duly constituted attorney-in-fact of ~~such~~ the absentee, if the court is of the opinion that such power of attorney is valid, the court shall ~~direct the termination of~~ terminate the conservatorship and shall transfer all property held for such absentee to him, or to such attorney-in-fact, ~~as the case may be. Should it subsequently appear to~~ However, if the court, finds that during the pendency of ~~such~~ the conservatorship ~~that such~~ the absentee has died, and an administrator or executor has been appointed for ~~his~~ the absentee's estate, the court shall order ~~such~~ the conservator to settle the accounts of his transactions before the court, and shall direct the payment or transfer of such estate then remaining to ~~such~~ the administrator or executor, ~~as the case may be.~~

Drafting note: Technical changes.

§ ~~26-71~~ 64.2-2404. Expenses and compensation.

The court may allow to such conservator such expenses and compensation as ~~to it shall seem~~ the court determines to be fair and reasonable for services performed under his appointment.

Drafting note: Technical changes.