

1 HB244
2 181766-1
3 By Representative Poole
4 RFD: Judiciary
5 First Read: 16-FEB-17

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8 SYNOPSIS: Under existing law, certain unclaimed
9 balances fiduciary funds that have come into the
10 possession of a clerk of court, probate judge, or
11 sheriff are paid to the treasury of the county
12 after a period of five years.

13 This bill would specify that unclaimed
14 balances of fiduciary funds would be paid to the
15 clerk of the circuit court.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to unclaimed funds; to amend Section
22 19-3-87 of the Code of Alabama 1975, to specify that balances
23 of certain unclaimed fiduciary funds be paid to the clerk of
24 the circuit court.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 19-3-87 of the Code of Alabama
27 1975, is amended to read as follows:

1 "§19-3-87.

2 "(a) If at any time it should appear to the court,
3 or be made known to the court, that any balance has been in
4 the hands of any officer for a period of five years and the
5 ~~same~~ the balance remains unclaimed, ~~it may make an order~~
6 ~~directing the same to be paid into the treasury of said county~~
7 the court may order the unclaimed balance to be paid to the
8 clerk of the circuit court, and a separate account shall be
9 kept of all such payments and so designated as to identify
10 each transaction.

11 "(b) Any person entitled to any amount so paid ~~into~~
12 ~~the treasury~~ to the clerk of the circuit court or any part
13 thereof may within 10 years after such payment ~~into the~~
14 ~~treasury~~ to the clerk recover the amount to which he or she
15 may be entitled, without interest, by obtaining an order from
16 the court under whose order the ~~same~~ unclaimed balance was
17 paid ~~into the treasury. Such~~ to the clerk of the circuit
18 court. The order may be made by the court on summary motion
19 against the probate judge of the county after five days'
20 notice unless the court for sufficient reasons continues the
21 hearing to a further time."

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.