

1 IN THE HOUSE

BY MR. KUBLEY

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HOUSE BILL NO. 18

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SECOND LEGISLATURE - FIRST SESSION

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A BILL

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For an Act entitled: "An Act relating to the award of support

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in probate; and providing for an effective

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date."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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Section 1. Sec. 61-12-2, ACLA 1949, is amended to read:

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Sec. 61-12-2. AWARD FOR SUPPORT. After the filing of

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the inventory, should the deceased have died leaving a widow

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or minor children, the commissioner, upon such notice as

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may be by him fixed, upon being satisfied that the funeral

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expenses, expenses of last illness and of administration

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have been paid or provided for, and upon petition for that

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purpose, shall award and set off to the surviving widow or

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minor children property of the estate not exceeding the value

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of \$8,000.00 [FOUR THOUSAND DOLLARS (\$4,000.00)], exclusive

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of any mortgage or mechanic's, laborer's, or other lien upon

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the property so set off, which property so set off shall in-

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clude the home and household goods, if any, and all property

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of deceased exempt from execution, and such award shall be by

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an order or judgment of the Commissioner and vest the absolute

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title, and there shall be no further administration upon such

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portion of the estate so set off and awarded, but the re-

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mainder of the estate, if any, shall be settled as other

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estates. The property thus set apart, if there be a widow,

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shall by such judgment be decreed her property to be used and

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expended by her for the maintenance of herself and the minor children of deceased, if any, or, if there be no widow, it shall be decreed the property of the minor child or, if there be more than one, of the minor children, in such proportion as the commissioner shall deem proper, taking into consideration their age and the expense of maintenance, to be used and expended in the nurture, maintenance and support of such child or children, until they become of legal age, by the guardian thereof, as the law may direct. Said judgment, decree and award shall specifically describe the property so set apart and shall be final, except in case of appeal or for fraud.

Sec. 2. This Act does not apply to any probate proceedings commenced before the effective date of this Act.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.