

1 IN THE HOUSE

BY MR. KUBLEY

2 HOUSE BILL NO. 18

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the award of support  
7 in probate amending Sec. 61-12-2, ACLA  
8 1949; and providing for an effective date."

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

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

11 Sec. 61-12-2. AWARD FOR SUPPORT. After the filing of  
12 the inventory, should the deceased have died leaving a widow  
13 or minor children, the commissioner, upon such notice as  
14 may be by him fixed, upon being satisfied that the funeral  
15 expenses, expenses of last illness and of administration  
16 have been paid or provided for, and upon petition for that  
17 purpose, shall award and set off to the surviving widow or  
18 minor children property of the estate not exceeding the value  
19 of \$8,000.00 [FOUR THOUSAND DOLLARS (\$4,000.00)], exclusive  
20 of any mortgage or mechanic's, laborer's, or other lien upon  
21 the property so set off, which property so set off shall in-  
22 clude the home and household goods, if any, and all property  
23 of deceased exempt from execution, and such award shall be by  
24 an order or judgment of the Commissioner and vest the absolute  
25 title, and there shall be no further administration upon such  
26 portion of the estate so set off and awarded, but the re-  
27 mainder of the estate, if any, shall be settled as other  
28 estates. The property thus set apart, if there be a widow,  
29 shall by such judgment be decreed her property to be used and

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

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

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