

SENATE BILL 995

By Henry

AN ACT to amend Tennessee Code Annotated, Title 30, Chapter 3, relative to the Uniform Absence as Evidence of Death and Absentees' Property Law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 30-3-102, is amended by deleting subsections (a) and (b) in their entirety, by redesignating the subsequent subsection as new subsection (b), and adding the following as new subsection (a):

(a) A person who has been absent from that person's place of residence, unheard of for seven (7) years, whose absence is not satisfactorily explained after diligent search and inquiry, is presumed to be dead; provided, however, such presumption may be rebutted by proof.

SECTION 2. Tennessee Code Annotated, Section 30-3-108, is amended by deleting subsections (a) and (b) in their entirety and by substituting instead the following:

(a) At any time during the proceedings, upon application to the court and presentation of satisfactory evidence of the absentee's death, the court may make a final finding and decree that the absentee is dead. In such event, the decree and a transcript of all of the receivership proceedings shall be certified to the probate court for any

administration required by law upon the estate of a decedent, and the receivership court shall proceed no further except for the purposes in § 30-3-110.

(b) After the lapse of seven (7) years from the date of the finding in § 30-3-104, if the absentee has not appeared, the court may make a final finding and decree that the absentee is dead. In such event, the decree and a transcript of all of the receivership proceedings shall be certified to the probate court for any administration required by law upon the estate of a decedent, and the receivership court shall proceed no further except for the purposes in § 30-3-110.

SECTION 3. Tennessee Code Annotated, Section 30-3-110, is amended by deleting the section in its entirety and by substituting instead the following:

Upon the entry of any final finding and decree as provided in § 30-3-108, the court shall proceed to wind up the receivership and terminate the proceedings:

- (1) By satisfying all outstanding debts and charges of the receivership;
- (2) By then certifying the proceedings to the probate court; and
- (3) By requiring the receiver's account and upon its approval discharging the receiver and such receiver's bondsmen and entering a final decree terminating the receivership.

SECTION 4. Tennessee Code Annotated, Sections 30-3-111 through 30-3-113, are amended by deleting the sections in their entirety and by adding the following as a new Section 30-3-111:

(a) Any absentee whose estate was distributed under a final finding and judgment as provided herein before January 1, 2001, shall appear before the court and make claim for reimbursement from the fund for reimbursement of appearing absentees before July 1, 2001. The court may, in a proceeding against the treasurer of the state, order payment to the claimant of such part of the accumulated fund from all sources as may, in its opinion, be fair and adequate under the circumstances.

(b) On July 1, 2001, any funds remaining unclaimed in the fund for reimbursement of appearing absentees shall be paid into the general fund of the state treasury, and no action may thereafter be brought by an absentee to recover any payment from the general fund.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply in any case regardless of the date of disappearance or absence.