

H.297

An act relating to miscellaneous court operations procedures

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 4 V.S.A. § 357 is amended to read:

§ 357. ~~REGISTERS OF PROBATE; APPOINTMENT AND REMOVAL;~~
~~COMPENSATION; CLERKS~~

The ~~court administrator~~ Superior Court clerk or court operations manager, in consultation with the ~~probate~~ Probate judge, and following the approval of the Court Administrator, shall ~~appoint~~ hire a register of probate for each ~~district~~ unit. The ~~probate~~ Probate judge may request that the ~~court administrator~~ Court Administrator designate one or more staff persons as additional registers.

Sec. 2. 14 V.S.A. § 2 is amended to read:

§ 2. ~~DEPOSIT OF WILL FOR SAFEKEEPING; DELIVERY; FINAL~~
~~DISPOSITION~~

(a) A testator may deposit a will for safekeeping in the Probate Division of the Superior Court for the district in which the testator resides on the payment to the ~~Court~~ court of the fee required by 32 V.S.A. § 1434(a)(17). The ~~register~~ Probate Division shall give to the testator a certificate of deposit, shall safely keep each will so deposited, and shall keep an index of the wills so deposited.

* * *

(c) During the life of the testator that will shall be delivered only to the testator, or in accordance with the testator's order in writing duly proved by oath of a subscribing witness, but the testator's duly authorized legal guardian may at any time inspect and copy the will in the presence of the judge, court operations manager, or register. ~~After the death of the testator it shall be delivered on demand to the person named in the indorsement.~~

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Sec. 3. 15 V.S.A. § 816 is amended to read:

§ 816. CERTIFICATE OF CHANGE; CORRECTION OF BIRTH AND
CIVIL MARRIAGE RECORDS

Whenever a person changes his or her name, as provided in this chapter, he or she shall provide the ~~probate division of the superior court~~ Probate Division of the Superior Court with a copy of his or her birth certificate and, if married, a copy of his or her civil marriage certificate, and a copy of the birth certificate of each minor child, if any. The ~~register of with whom~~ Probate Division where the change of name is filed and recorded shall transmit the certificates and a certified copy of such instrument of change of name to the supervisor of vital records registration. The supervisor of vital records registration shall forward such instrument of change of name to the town clerk in the town where the person was born within the ~~state~~ State, or wherein the original certificate is

filed, with instructions to amend the original certificate and all copies thereof in accordance with the provisions of 18 V.S.A. chapter 101 ~~of Title 18~~. Such amended certificates shall have the words “Court Amended” stamped, written, or typed at the top and shall show that the change of name was made pursuant to this chapter.

Sec. 4. 15A V.S.A. § 6-102 is amended to read:

§ 6-102. RECORDS CONFIDENTIAL, ~~COURT RECORDS SEALED~~

* * *

(d) All records on file with the court or agency shall be retained permanently and ~~sealed~~ kept confidential for 99 years after the date of the adoptee’s birth. ~~Sealed Confidential~~ records and indices are not open to inspection or copying by any person except as provided in this title.

(e) The records of an agency ~~which~~ that ceases operation in this ~~state~~ State shall be transferred to the ~~department~~ Department for retention under the provisions of this title.

Sec. 5. 27 V.S.A. § 341 is amended to read:

§ 341. REQUIREMENTS GENERALLY; RECORDING

(a) Deeds and other conveyances of lands, or of an estate or interest therein, shall be signed by the party granting the same and acknowledged by the grantor before a town clerk, notary public, master, or county clerk, ~~or judge or register of probate~~ and recorded at length in the clerk’s office of the town in

which such lands lie. Such ~~acknowledgement~~ acknowledgment before a notary public shall be valid without an official seal being affixed to his or her signature.

* * *

Sec. 6. 27 V.S.A. § 463 is amended to read:

§ 463. BY SEPARATE INSTRUMENT

(a) Mortgages may be discharged by an acknowledgment of satisfaction, executed by the mortgagee or his or her attorney, executor, administrator, or assigns, which shall be substantially in the following form:

I hereby certify that the following described mortgage is paid in full and satisfied, viz: _____ mortgagor to _____ mortgagee, dated _____ 20____, and recorded in book _____, page _____, of the land records of the town of _____.

(b) When such satisfaction is acknowledged before a town clerk, notary public, master, or county clerk, ~~or judge or register of probate~~ and recorded, it shall discharge such mortgage and bar actions brought thereon.

Sec. 7. 32 V.S.A. § 7449 is amended to read:

§ 7449. ~~REGISTER OF PROBATE~~ DIVISION TO SEND COMMISSIONER
NOTICE OF ESTATE

The ~~register of the Probate Court~~ Division shall send to the Commissioner by mail at the time of granting letters of administration in any estate and upon

forms to be furnished by the Commissioner, the name of the decedent, the date of his or her death, and the name and address of the administrator or executor.

Sec. 8. REPEAL

12 V.S.A. chapter 216 (Windsor County Youth Court) is repealed.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.