

**59-1505. Conditions precedent to discharge.** Whenever any bequest or devise is made to a testamentary trustee, the executor or administrator shall not be discharged, unless the will provides otherwise, until a trustee has qualified in a court of competent jurisdiction and until proof of such qualification has been made and a receipt by the trustee has been filed, except as otherwise provided. No executor or administrator who has received any funds for death by wrongful act shall be discharged until he or she has filed a certified copy of the order, judgment or decree of distribution of the court wherein such funds were recovered, and receipts from the persons entitled to such funds, or copies thereof certified by the clerk of such court. No executor or administrator who has been served with an order of garnishment, seeking to attach any funds or property of the estate to which the defendant in the garnishment proceedings is or may become entitled as a legatee or distributee of the estate, shall be discharged until obligations as garnishee shall have been satisfied in compliance with the order of garnishment and any further orders of the court from which said order of garnishment was issued.

**History:** L. 1939, ch. 180, § 116; L. 1972, ch. 222, § 14; March 25.