

decendent's" for "his" in two places, "such person" for "he", and "owned by such person" for "owned by him".

Subsec. (b). Pub. L. 99-576, §701(99)(B), substituted "such person's" for "his".

1982—Subsec. (a). Pub. L. 97-258 substituted "section 1321(a)(45) of title 31" for "section 725s(a)(45) of title 31".

1976—Subsec. (a). Pub. L. 94-581 inserted " , or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title," after "(admitted as a veteran)".

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

### § 8521. Presumption of contract for disposition of personalty

The fact of death of a veteran (admitted as such), or a dependent or survivor of a veteran receiving care under the penultimate sentence of section 1781(b) of this title, in a facility or hospital, while being furnished care or treatment therein by the Department, leaving no spouse, next of kin, or heirs, shall give rise to a conclusive presumption of a valid contract for the disposition in accordance with this subchapter, but subject to its conditions, of all property described in section 8520 of this title owned by said decedent at death and as to which such person dies intestate.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1260, §5221; Pub. L. 94-581, title II, §208(c), Oct. 21, 1976, 90 Stat. 2860; Pub. L. 99-576, title VII, §701(100), Oct. 28, 1986, 100 Stat. 3300; renumbered §8521 and amended Pub. L. 102-40, title IV, §402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-83, §§4(a)(3), (4), 5(c)(1), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 107-135, title II, §208(e)(9), Jan. 23, 2002, 115 Stat. 2464.)

#### AMENDMENTS

2002—Pub. L. 107-135 substituted "the penultimate sentence of section 1781(b)" for "the last sentence of section 1713(b)".

1991—Pub. L. 102-40 renumbered section 5221 of this title as this section and substituted "8520" for "5220".

Pub. L. 102-83 substituted "1713(b)" for "613(b)" and "Department" for "Veterans' Administration".

1986—Pub. L. 99-576 substituted "such person" for "he".

1976—Pub. L. 94-581 inserted " , or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title," after "(admitted as such)".

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

### § 8522. Sale of assets accruing to the Fund

Any assets heretofore or hereafter accruing to the benefit of the Fund, other than money, but including jewelry and other personal effects, may be sold at the times and places and in the manner prescribed by regulations issued by the Secretary. Upon receipt of the purchase price the Secretary is authorized to deliver at the place of sale, said property sold, and upon request to execute and deliver appropriate assignments or other conveyances thereof in the name

of the United States, which shall pass to the purchaser such title as decedent had at date of death. The net proceeds after paying any proper sales expense as determined by the Secretary shall forthwith be paid to the Treasurer of the United States to the credit of the Fund; and may be disbursed as are other moneys in the Fund by the Division of Disbursements, Treasury Department, upon order of said Secretary. Articles of personal adornment which are obviously of sentimental value, shall be retained and not sold or otherwise disposed of until the expiration of five years from the date of death of the veteran, without a claim therefor, unless for sanitary or other proper reasons it is deemed unsafe to retain same, in which event they may be destroyed forthwith. Any other articles coming into possession of the Secretary or the Secretary's representative by virtue of this subchapter which, under regulations promulgated by the Secretary, are determined to be unsalable may be destroyed forthwith or at the time prescribed by regulations, or may be used for the purposes for which disbursements might properly be made from the Fund, or if not usable, otherwise disposed of in accordance with regulations.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1260, §5222; Pub. L. 99-576, title VII, §701(101), Oct. 28, 1986, 100 Stat. 3300; renumbered §8522, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

#### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5222 of this title as this section.

Pub. L. 102-83 substituted "Secretary" for "Administrator" and "Secretary's" for "Administrator's" wherever appearing.

1986—Pub. L. 99-576 substituted "the Administrator" for "he" in second sentence, and "the Administrator's" for "his" in last sentence.

#### TRANSFER OF FUNCTIONS

Division of Disbursements of Treasury Department consolidated into Fiscal Service of Treasury Department by section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees. See section 306 of Title 31, Money and Finance.

### § 8523. Disbursements from the Fund

Disbursements from the Fund shall be made by the Division of Disbursements, Treasury Department, upon the order and within the discretion of the Secretary for the benefit of members and patients while being supplied care or treatment by the Department in any facility or hospital. The authority contained in the preceding sentence is not limited to facilities or hospitals under direct administrative control of the Department. There shall be paid out of the assets of the decedent so far as may be the valid claims of creditors against the decedent's estate that would be legally payable therefrom in the absence of this subchapter and without the benefit of any exemption statute, and which may be presented to the Department within one year from the date of death, or within the time, to the person, and in the manner required or permitted by the law of the State wherein adminis-

tration, if any, is had upon the estate of the deceased veteran; and also the proper expenses and costs of administration, if any. If the decedent's estate is insolvent the distribution to creditors shall be in accordance with the laws of the decedent's domicile, and the preferences and priorities prescribed thereby shall govern, subject to any applicable law of the United States.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1260, §5223; Pub. L. 99-576, title VII, §701(102), Oct. 28, 1986, 100 Stat. 3300; renumbered §8523, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

#### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5223 of this title as this section.

Pub. L. 102-83 substituted "Secretary" for "Administrator" and "Department" for "Veterans Administration" wherever appearing.

1986—Pub. L. 99-576 substituted "the decedent's" for "his" in two places.

#### TRANSFER OF FUNCTIONS

Division of Disbursements of Treasury Department consolidated into Fiscal Service of Treasury Department by section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees. See section 306 of Title 31, Money and Finance.

#### § 8524. Disposal of remaining assets

The remainder of such assets or their proceeds shall become assets of the United States as trustee for the Fund and disposed of in accordance with this subchapter. If there is administration upon the decedent's estate such assets, other than money, upon claim therefor within the time required by law, shall be delivered by the administrator of the estate to the Secretary or the Secretary's authorized representative, as upon final distribution; and upon the same claim there shall be paid to the Treasurer of the United States for credit to the Fund any such money, available for final distribution. In the absence of administration, any money, chose in action, or other property of the deceased veteran held by any person shall be paid or transferred to the Secretary upon demand by the Secretary or the Secretary's duly authorized representative, who shall deliver itemized receipt therefor. Such payment or transfer shall constitute a complete acquittance of the transferor with respect to any claims by any administrator, creditor, or next of kin of such decedent.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1261, §5224; Pub. L. 99-576, title VII, §701(103), Oct. 28, 1986, 100 Stat. 3300; renumbered §8524, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

#### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5224 of this title as this section.

Pub. L. 102-83 substituted "Secretary" for "Administrator" and "Secretary's" for "Administrator's" wherever appearing.

1986—Pub. L. 99-576 substituted "the Administrator's" for "his" in two places, and "the Administrator" for "him".

#### § 8525. Court actions

If necessary to obtain such assets the Secretary, through the Secretary's authorized attorneys, may bring and prosecute appropriate actions at law or other legal proceedings, the costs and expenses thereof to be paid as are other administrative expenses of the Department.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1261, §5225; Pub. L. 99-576, title VII, §701(104), Oct. 28, 1986, 100 Stat. 3301; renumbered §8525, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

#### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5225 of this title as this section.

Pub. L. 102-83 substituted "Secretary" for "Administrator", "Secretary's" for "Administrator's", and "Department" for "Veterans Administration".

1986—Pub. L. 99-576 substituted "the Administrator's" for "his".

#### § 8526. Filing of claims for assets

Notwithstanding the crediting to said Fund of the assets, or proceeds thereof, of any decedent, whether upon determination by a court or the Department pursuant to the provisions of section 8520 of this title, any person claiming a right to such assets may within five years after the death of the decedent file a claim on behalf of such person and any other claiming with the Secretary. Upon receipt of due proof that any person was at date of death of the veteran entitled to the veteran's personal property, or a part thereof, under the laws of the State of domicile of the decedent, the Secretary may pay out of the Fund, but not to exceed the net amount credited thereto from said decedent's estate less any necessary expenses, the amount to which such person, or persons, was or were so entitled, and upon similar claim any assets of the decedent which shall not have been disposed of shall be delivered in kind to the parties legally entitled thereto. If any person so entitled is under legal disability at the date of death of such decedent, such five-year period of limitation shall run from the termination or removal of legal disability. In the event of doubt as to entitlement, the Secretary may cause administration or other appropriate proceedings to be instituted in any court having jurisdiction. In determining questions of fact or law involved in the adjudication of claims made under this section, no judgment, decree, or order entered in any action at law, suit in equity, or other legal proceeding of any character purporting to determine entitlement to said assets or any part thereof, shall be binding upon the United States or the Secretary or determinative of any fact or question involving entitlement to any such property or the proceeds thereof, or any part of the Fund, unless the Secretary has been seasonably served with notice and permitted to become a party to such suit or proceeding if the Secretary makes a request therefor within thirty days after such notice. Notice may be served in person or by registered mail or by certified mail upon the Secretary, or upon the Secretary's au-