

April 10, 2001

The Honorable Thomas M. Moncure, Jr.
Clerk of the Circuit Court
County of Stafford

Board of Supervisors
County of Stafford

We have audited the cash receipts and disbursements of the Clerk of the Circuit Court of the County of Stafford for the period of July 1, 1998 through December 31, 2000.

Our primary objectives were to test the accuracy of financial transactions recorded on the Court's financial management system; evaluate the Court's internal controls; and test its compliance with significant state laws, regulations, and policies. However, our audit was more limited than would be necessary to provide assurance on the internal controls or on overall compliance with applicable laws, regulations, and policies.

The results of our tests found the Court properly stated, in all material respects, the amounts recorded and reported in the financial management system. However, we noted weaknesses in internal controls and noncompliance with state laws, regulations, and policies that the Clerk needs to address as described below.

Improve Management of Wills

The Court does not properly assess and collect fees or provide proper documentation for recording and indexing wills. We found the following conditions.

- In three of ten wills tested, the Clerk did not properly assess and collect correct qualification fees based on total estate value. The Clerk assessed and collected the qualification fee based solely on the value of the decedent's personal property. Section 17.1-275, Code of Virginia outlines that the Clerk should assess and collect the fee on all estate personal and real property for appointing and qualifying any personal representative, trustee, or other fiduciary.
- In two of ten wills tested, when the value of the estate exceeded \$10,000, the Clerk did not properly file a probate tax return at the time the will was offered for probate in accordance with Section 58.1-1714 of the Code of Virginia. As a result, we could not determine the value of the estate and could not determine

whether the Clerk properly assessed and collected state and local probate taxes based on the value of the estate.

- In one of ten will instruments tested, the Clerk did not properly assess and collect the Clerk fee for recording and indexing in the Will Book based on the number of pages recorded as outline by Section 17.1275A (2) of the Code of Virginia.

The Clerk should properly assess and collect the taxes on wills. The Clerks should also properly file a probate tax return as required by the Code of Virginia.

We discussed these comments with the Clerk on April 18, 2001, and we acknowledge the cooperation extended to us by the court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK:whb

cc: The Honorable Horace A. Revercomb, III, Chief Judge
C. M. Williams, Jr., Stafford County Administrator
Bruce Haynes, Executive Secretary
Compensation Board
Don Lucido, Director of Technical Assistance
Supreme Court of Virginia
Martin Watts, Court Analyst
Supreme Court of Virginia
Paul Delosh, Technical Assistance
Supreme Court of Virginia