

HOUSE BILL NO. HB0107

Ancillary probate.

Sponsored by: Representative(s) Osborn

A BILL

for

1 AN ACT relating to ancillary probate; providing a method
2 for disposition of property in this state of an estate
3 being probated in another state; and providing for an
4 effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 2-11-202 is created to read:

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10 **2-11-202. Nonresident property in Wyoming;**
11 **disposition.**

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13 (a) In case of a nonresident's estate having property
14 in this state not exceeding in value the sum of seventy
15 thousand dollars (\$70,000.00), which estate is being duly
16 probated and settled in another state, the Wyoming district

1 judge may enter an order for the sale of the property
2 located in this state provided:

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4 (i) The petitioner files with the district judge
5 in the proper county a petition under oath showing the
6 facts in the case together with certified copies of the
7 petition, order of appointment of executor or
8 administrator, notice to creditors showing that the time
9 for filing claims has expired, and inventory of the Wyoming
10 estate;

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12 (ii) The petitioner files a certified copy of an
13 order authorizing sale or other disposition of Wyoming
14 property issued by the court having jurisdiction over the
15 estate being probated in another state;

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17 (iii) The district judge gives notice by
18 publication for three (3) weeks of the intention of the
19 petitioner to have the property located in this state
20 subject to sale or other disposition; and

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22 (iv) If on the day set for hearing the petition
23 no objection is made, the judge shall make an order
24 admitting the certified copies of the proceedings in the

1 estate and the order authorizing sale or other disposition
2 of Wyoming property to record in his court and they shall
3 be considered and treated from that time as original
4 proceedings in his court and shall be conclusive evidence
5 of the facts therein shown.

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7 (b) If on the day set for hearing the petition any
8 creditor objects to the sale or other disposition of the
9 Wyoming property, his claim not having been presented in
10 the original state, the matter shall be postponed and the
11 petition denied. This section shall not be construed to
12 prevent the courts of this state from appointing a
13 temporary administrator in this state to collect and
14 preserve the property of the estate of the deceased person
15 which may be located in this state.

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17 **Section 2.** This act is effective July 1, 2002.

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(END)