

HOUSE BILL NO. HB0053

Wyoming Probate Code-summary procedure.

Sponsored by: Representative(s) Osborn, Ross and Simpson
and Senator(s) Schiffer

A BILL

for

1 AN ACT relating to probate; increasing the maximum value of
2 an estate which may be subject to summary procedure;
3 providing a method for disposition of property in this
4 state of an estate being probated in another state; and
5 providing for an effective date.

6

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

8

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

10

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

13

14 (a) In case of a nonresident's estate having property
15 in this state not exceeding in value the sum of one hundred
16 fifty thousand dollars (\$150,000.00), which estate is being

1 duly probated and settled in another state, the Wyoming
2 district judge may enter an order for the sale of the
3 property located in this state provided:

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

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

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

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

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

7

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

17

18 **Section 2.** W.S. 2-1-201(a)(i), 2-1-204(a)(i),
19 2-1-205(a) and 2-11-201 are amended to read:

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21 **2-1-201. Payment of indebtedness and delivery of**
22 **tangible personal property or instruments evidencing debt.**

23

1 (a) Not earlier than thirty (30) days after the death
2 of a decedent, any person indebted to the decedent or
3 having possession of tangible personal property or an
4 instrument evidencing a debt, obligation, stock or chose in
5 action belonging to the decedent shall make payment of the
6 indebtedness or deliver the tangible personal property or
7 the instrument evidencing the debt, obligation, stock or
8 chose in action to the person or persons claiming to be the
9 distributees of the property, upon being presented an
10 affidavit, filed as provided by subsection (c) of this
11 section, made by or on behalf of the distributee stating:

12

13 (i) The value of the entire estate, wherever
14 located, less liens and encumbrances, does not exceed
15 ~~seventy thousand dollars (\$70,000.00)~~ one hundred fifty
16 thousand dollars (\$150,000.00);

17

18 **2-1-204. Collection of claims of certain creditors of**
19 **decedent by affidavit.**

20

21 (a) Not earlier than ninety (90) days after the death
22 of a decedent, the United States, or any agency or
23 instrumentality thereof, or the state of Wyoming, or any
24 agency, instrumentality or political subdivision thereof,

1 to whom the decedent was indebted or to whom the decedent's
2 estate would be indebted if the estate were being
3 administered upon, may collect all of the assets of the
4 decedent referred to in W.S. 2-1-201, upon presentation of
5 an affidavit to the parties referred to in W.S. 2-1-201,
6 stating:

7
8 (i) The value of the entire estate, wherever
9 located, less liens and encumbrances, does not exceed
10 ~~seventy thousand dollars (\$70,000.00)~~ one hundred fifty
11 thousand dollars (\$150,000.00);

12
13 **2-1-205. Summary procedure for distribution of real**
14 **property; application for decree; notice by publication;**
15 **presumptive evidence of title; effect of false statements.**

16
17 (a) If any person dies who is the owner of real
18 property, including mineral interests, but whose entire
19 estate including personal property does not exceed ~~seventy~~
20 ~~thousand dollars (\$70,000.00)~~ one hundred fifty thousand
21 dollars (\$150,000.00), the person or persons claiming to be
22 the distributees of the decedent may file, not earlier than
23 thirty (30) days after the decedent's death, an application

1 for a decree in the district court of the county where the
2 property is situated.

3

4 **2-11-201. Probate of estates of nonresidents.**

5

6 In case of a nonresident's estate having property in this
7 state not exceeding in value the sum of ~~seventy thousand~~
8 ~~dollars (\$70,000.00)~~ one hundred fifty thousand dollars
9 (\$150,000.00), which estate has been duly probated and
10 settled in another state, the probate of the estate in this
11 state may be dispensed with upon filing with the district
12 judge in the proper county a petition under oath showing
13 the facts in the case together with certified copies of the
14 petition, order of appointment of executor or
15 administrator, inventory and final decree of distribution
16 of estate therein, and a full showing that debts of the
17 estate have been paid and the district judge giving notice
18 by publication for the period of three (3) weeks of the
19 intention of the petitioner to have the probate proceedings
20 admitted in this state as a probate of the estate. If on
21 the day set for hearing the petition no objection is made,
22 the judge shall make an order admitting the certified
23 copies of the proceedings in the estate to record in his
24 court and they shall be considered and treated from that

1 time as original proceedings in his court and shall be
2 conclusive evidence of the facts therein shown. If at such
3 hearing any creditor objects to the proceedings and shows
4 that the decedent is indebted to him, his claim not having
5 been presented in the original state, the matter shall be
6 postponed and the creditor or other person shall be allowed
7 to petition for letters of administration as in other
8 cases. This section shall not be construed to prevent the
9 courts of this state from appointing a temporary
10 administrator in this state to collect and preserve the
11 property of the estate of the deceased person which may be
12 located in this state.

13

14 **Section 3.** This act is effective July 1, 2002.

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(END)