

HOUSE BILL NO. HB0053

Wyoming Probate Code-summary procedure.

Sponsored by: Representative(s) Osborn 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; and  
 3 providing for an effective date.

4

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

6

7 **Section 1.** W.S. 2-1-201(a)(i), 2-1-204(a)(i),  
 8 2-1-205(a) and 2-11-201 are amended to read:

9

10 **2-1-201. Payment of indebtedness and delivery of**  
 11 **tangible personal property or instruments evidencing debt.**

12

13 (a) Not earlier than thirty (30) days after the death  
 14 of a decedent, any person indebted to the decedent or  
 15 having possession of tangible personal property or an  
 16 instrument evidencing a debt, obligation, stock or chose in

1 action belonging to the decedent shall make payment of the  
2 indebtedness or deliver the tangible personal property or  
3 the instrument evidencing the debt, obligation, stock or  
4 chose in action to the person or persons claiming to be the  
5 distributees of the property, upon being presented an  
6 affidavit, filed as provided by subsection (c) of this  
7 section, made by or on behalf of the distributee stating:

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

13

14 **2-1-204. Collection of claims of certain creditors of**  
15 **decedent by affidavit.**

16

17 (a) Not earlier than ninety (90) days after the death  
18 of a decedent, the United States, or any agency or  
19 instrumentality thereof, or the state of Wyoming, or any  
20 agency, instrumentality or political subdivision thereof,  
21 to whom the decedent was indebted or to whom the decedent's  
22 estate would be indebted if the estate were being  
23 administered upon, may collect all of the assets of the  
24 decedent referred to in W.S. 2-1-201, upon presentation of

1 an affidavit to the parties referred to in W.S. 2-1-201,  
2 stating:

3

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

8

9 **2-1-205. Summary procedure for distribution of real**  
10 **property; application for decree; notice by publication;**  
11 **presumptive evidence of title; effect of false statements.**

12

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

22

23 **2-11-201. Probate of estates of nonresidents.**

24

1 In case of a nonresident's estate having property in this  
2 state not exceeding in value the sum of ~~seventy thousand~~  
3 ~~dollars (\$70,000.00)~~ one hundred fifty thousand dollars  
4 (\$150,000.00), which estate has been duly probated and  
5 settled in another state, the probate of the estate in this  
6 state may be dispensed with upon filing with the district  
7 judge in the proper county a petition under oath showing  
8 the facts in the case together with certified copies of the  
9 petition, order of appointment of executor or  
10 administrator, inventory and final decree of distribution  
11 of estate therein, and a full showing that debts of the  
12 estate have been paid and the district judge giving notice  
13 by publication for the period of three (3) weeks of the  
14 intention of the petitioner to have the probate proceedings  
15 admitted in this state as a probate of the estate. If on  
16 the day set for hearing the petition no objection is made,  
17 the judge shall make an order admitting the certified  
18 copies of the proceedings in the estate to record in his  
19 court and they shall be considered and treated from that  
20 time as original proceedings in his court and shall be  
21 conclusive evidence of the facts therein shown. If at such  
22 hearing any creditor objects to the proceedings and shows  
23 that the decedent is indebted to him, his claim not having  
24 been presented in the original state, the matter shall be

1 postponed and the creditor or other person shall be allowed  
2 to petition for letters of administration as in other  
3 cases. This section shall not be construed to prevent the  
4 courts of this state from appointing a temporary  
5 administrator in this state to collect and preserve the  
6 property of the estate of the deceased person which may be  
7 located in this state.

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

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(END)