

SENATE FILE NO. SF0027

Discovered property-probate procedures.

Sponsored by: Senator(s) Von Flatern and Representative(s)
Barlow

A BILL

for

1 AN ACT relating to wills and probate; specifying the
2 determination of heirship and distribution of a decedent's
3 known and unknown real property; specifying procedures;
4 making conforming amendments; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 2-9-203 and 34-11-101(c) are amended
10 to read:

11

12 **2-9-203. Application by petition two years after**
13 **death; hearing; determination and decree.**

14

1 (a) Upon hearing, if it appears to the court that
2 more than two (2) years have elapsed since the death of the
3 deceased, that he died seized of an interest in lands in
4 this state or that he died intestate having entered
5 government lands and not having received a patent therefor,
6 and there has been no previous record judicial
7 determination of the decedent's heirs or the right of
8 descent of the real property interest, the court shall
9 determine the date of the decedent's death, who were the
10 heirs of the deceased upon the date of death, their degree
11 of kinship, ~~and~~ the right of descent of the real property
12 or interest therein of which the deceased died seized or on
13 which he had made an entry but had not yet received a
14 patent therefor and the distribution each heir is entitled
15 to receive from the known and unknown real property
16 interests of the decedent based on the determination of the
17 right of descent, and shall make and enter its decree
18 accordingly.

19

20 (b) The findings of the court relating to a
21 decedent's date of death, intestacy, heirs, degree of
22 kinship and right of descent shall apply to any other real
23 property in this state subsequently discovered in which the

1 decedent had a property interest at the time of his death
2 as identified by an affidavit recorded pursuant to W.S.
3 34-11-101, provided that:

4
5 (i) A copy of the judicial determination of the
6 decedent's heirs or right of descent shall be included with
7 an affidavit filed under W.S. 34-11-101 for the
8 subsequently discovered property;

9
10 (ii) No other recorded judicial determination
11 has been made relating to the right of descent for that
12 property.

13
14 **34-11-101. Recorded affidavit as evidence; subjects;**
15 **facts.**

16
17 (c) The affidavits shall include a description of the
18 land, title to which may be affected by facts stated in the
19 affidavit, and shall state the name of the person appearing
20 by the record to be the owner of the land at the time of
21 the recording of the affidavit. For affidavits involving
22 subsequently discovered real property under W.S. 2-9-203,
23 the affidavit shall also include a copy of the judicial

1 determination of the decedent's heirs or right of descent.

2 The county clerk shall index the affidavit in the name of
3 the record owner and in the same manner as deeds are
4 recorded.

5

6 **Section 2.** This act is effective July 1, 2020.

7

8

(END)