

No. 470, S.]

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CHAPTER 384.

AN ACT to create 311.055 of the statutes, relating to summary settlement of small estates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

311.055 of the statutes is created to read:

311.055 SUMMARY SETTLEMENT OF SMALL ESTATES. (1) If a resident of the state dies leaving property which does not exceed in value the selections and allowances provided by section 313.15 for the widow and minor children and the reasonable funeral expenses; or which does not exceed the reasonable funeral expenses if there are neither widow nor minor children surviving, said estate may be disposed of without the appointment of an administrator, either general or special, if the court shall deem it proper to do so, and such property may be ordered distributed to the persons entitled to receive such selections and allowances and payment of such funeral expenses may be directed in the order provided for in section 313.15. A petition for settlement under this section shall be verified upon personal knowledge of the petitioner; it shall set forth facts sufficient to bring it within this section, a detailed statement of the property owned by the deceased, including any property held in joint tenancy, the estimated value of all property owned and the names and residences of all persons entitled to receive any portion of said estate under the provisions of this section.

(2) If the court is satisfied, by sufficient proof, that the estate is one proper to be settled under this section, it may order any person indebted to or holding moneys or personal property of the decedent to pay the indebtedness or deliver the personal property to the persons found by the court entitled to receive the same. The court may also order the transfer of real estate, stocks or bonds registered in the name of the deceased, the title of a licensed motor vehicle or any other form of property whatsoever.

(3) Upon the payment, delivery, transfer or issuance in accordance with the order of the court and the filing with the court of proof thereof, the persons making such delivery, transfer or issuance shall be released to the same extent as if the same had been made to a legally qualified executor or administrator of the deceased.

(4) Before ordering such transfer, issuance or payment, the court may, in its discretion, require a bond of the petitioner in such an amount as the court shall deem sufficient and conditioned to indemnify any person, firm or corporation which may be aggrieved thereby.

(5) The department of taxation or public administrator, personally or by representative, may examine the property referred to in any petition under this section at any time.

Approved June 27, 1949.
