

fire insurance proceeds? In a somewhat analogous case our Supreme Court again prevented hardship by giving the insurance proceeds to the surviving joint tenant. *Rock County Savings & Trust Co. v. London Assurance Co.*, 17 Wis. 2d 618, 117 N.W. 2d 676 (1962). The existing law not only involves uncertainty but requires costly litigation to reach a decision in each new case. This section is intended to settle the law.

The Committee decided that specific kinds of situations should be covered by the statute, rather than a broad statute abolishing the doctrine entirely. The resulting statute is only partly drawn from legislation in other states. The need for an antiademption statute was considered as great as the need for the anti-lapse statute which has been on the books for many years. The statute is intended to carry out the normal intent of the testator. [Bill 5-S]

CHAPTER 856.

Opening Estates.

Legislative Council Note, 1969: This chapter deals with procedure from the initial petition through the appointment and bonding of the personal representative. It replaces chs. 310 and 311. [Bill 5-S]

856.01 History: 1969 c. 339; Stats. 1969 s. 856.01.

Legislative Council Note, 1969: This is a restatement of present s. 311.01. [Bill 5-S]

856.03 History: 1969 c. 339; Stats. 1969 s. 856.03.

Legislative Council Note, 1969: This section is based upon present s. 310.01. [Bill 5-S]

856.05 History: 1969 c. 339; Stats. 1969 s. 856.05.

Legislative Council Note, 1969: Sub. (1) is a restatement of s. 310.02 (1) and (2).

Sub. (2) is new and places upon a person who has information concerning an unfiled will the duty to give this information to the court. It is intended to enable a person in this position to act without being considered an intermeddler.

Sub. (3) is a restatement of present s. 310.031.

Sub. (4) is a restatement of present s. 310.03. [Bill 5-S]

856.07 History: 1969 c. 339; Stats. 1969 s. 856.07.

Legislative Council Note, 1969: This section is based upon present ss. 311.01 and 311.02, however the section simplifies the classification of those who may petition for administration. [Bill 5-S]

856.09 History: 1969 c. 339; Stats. 1969 s. 856.09.

Legislative Council Note, 1969: This section is new and codifies present practice. [Bill 5-S]

856.11 History: 1969 c. 339; Stats. 1969 s. 856.11.

Legislative Council Note, 1969: This section is based upon present ss. 310.04 and 311.03.

Present law is changed so that a copy of the will need not be sent to persons who receive only a specific or monetary bequest, but provides that they shall be informed of the nature and amount of the bequest. [Bill 5-S]

856.13 History: 1969 c. 339; Stats. 1969 s. 856.13.

Legislative Council Note, 1969: This section is based upon present s. 238.18. [Bill 5-S]

856.15 History: 1969 c. 339; Stats. 1969 s. 856.15.

Legislative Council Note, 1969: This section is a restatement of present s. 310.06. [Bill 5-S]

856.17 History: 1969 c. 339; Stats. 1969 s. 856.17.

Legislative Council Note, 1969: This section is a restatement of present s. 310.10. [Bill 5-S]

856.19 History: 1969 c. 339; Stats. 1969 s. 856.19.

Legislative Council Note, 1969: This section is based upon present s. 238.20, however, it has been modified to eliminate the need for one form in the administration of estates. [Bill 5-S]

856.21 History: 1969 c. 339; Stats. 1969 s. 856.21.

Legislative Council Note, 1969: This section is a restatement of ss. 310.12 and 311.02 and current practice. [Bill 5-S]

856.23 History: 1969 c. 339; Stats. 1969 s. 856.23.

Legislative Council Note, 1969: This section is based upon and is a consolidation of ss. 310.16, 310.17, 311.02 and 324.35. [Bill 5-S]

856.25 History: 1969 c. 339; Stats. 1969 s. 856.25.

Legislative Council Note, 1969: This section gives the court complete discretion to determine whether a bond will be required and the amount of the bond if one is required. [Bill 5-S]

856.27 History: 1969 c. 339; Stats. 1969 s. 856.27.

Legislative Council Note, 1969: This section is intended to expedite the administration of an estate when there is delay in the appointment of the personal representative. [Bill 5-S]

856.29 History: 1969 c. 339; Stats. 1969 s. 856.29.

Legislative Council Note, 1969: This section is new. As a testamentary trust is directly affected by proceedings in the administration of an estate (such as a will construction or accounting) the testamentary trustee is given standing to be heard in such matters. [Bill 5-S]

856.31 History: 1969 c. 339; Stats. 1969 s. 856.31.

Legislative Council Note, 1969: This section is based upon present s. 310.25. However, it requires the corporate fiduciary to notify those persons who have the right to name the

attorney of that right. The last sentence is new and gives a beneficiary of a trust the same standing as a person who receives an outright bequest. [Bill 5-S]

CHAPTER 857.

Powers and Duties of Personal Representatives.

Legislative Council Note, 1969: This chapter contains the sections pertaining to the personal representative which are presently scattered throughout the probate chapters. [Bill 5-S]

857.01 History: 1969 c. 339; Stats. 1969 s. 857.01.

Legislative Council Note, 1969: This section gives the personal representative title to both the real and personal property of the decedent and is consistent with the policy of treating real and personal property in the same way in all phases of probate procedure. Historically in Wisconsin a personal representative has had title to personal property but not to real property, while a trustee has had title to both real and personal property. [Bill 5-S]

857.03 History: 1969 c. 339; Stats. 1969 s. 857.03.

Legislative Council Note, 1969: This section is based upon and is a consolidation of present ss. 310.14, 312.04, 317.04 and 317.105. [Bill 5-S]

857.05 History: 1969 c. 339; Stats. 1969 s. 857.05.

Legislative Council Note, 1969: This section is based upon present s. 317.08. Sub. (2) has been changed so that the percentage rate is increased somewhat and per diem charge is eliminated. Sub. (3) is new and codifies existing case law and increases court discretion. [Bill 5-S]

857.07 History: 1969 c. 339; Stats. 1969 s. 857.07.

Legislative Council Note, 1969: This section is a restatement of present s. 317.09. [Bill 5-S]

857.09 History: 1969 c. 339; Stats. 1969 s. 857.09.

Legislative Council Note, 1969: This procedure has been used for dormant estates since 1953 under 324.355. This section makes the procedure available in the discretion of the court whenever a personal representative fails to perform. [Bill 5-S]

857.10 History: 1969 c. 339; Stats. 1969 s. 857.10.

857.11 History: 1969 c. 339; Stats. 1969 s. 857.11.

Legislative Council Note, 1969: This section is new and makes a personal representative personally responsible for all costs incurred by the court as it forces the personal representative to perform his duties. [Bill 5-S]

857.13 History: 1969 c. 339; Stats. 1969 s. 857.13.

857.15 History: 1969 c. 339; Stats. 1969 s. 857.15.

Legislative Council Note, 1969: This section is a restatement and consolidation of present ss. 310.20 (1), 312.11 and 324.35. [Bill 5-S]

857.17 History: 1969 c. 339; Stats. 1969 s. 857.17.

Legislative Council Note, 1969: This section is new and is based upon present case law. [Bill 5-S]

857.19 History: 1969 c. 339; Stats. 1969 s. 857.19.

Legislative Council Note, 1969: This section is a restatement of present ss. 311.12, 311.13 and 311.14. [Bill 5-S]

857.21 History: 1969 c. 339; Stats. 1969 s. 857.21.

Legislative Council Note, 1969: This section is a restatement of present s. 310.20 (1) (part). [Bill 5-S]

857.23 History: 1969 c. 339; Stats. 1969 s. 857.23.

Legislative Council Note, 1969: This section is a restatement and consolidation of ss. 310.18, 310.19, 311.11 and 311.13. [Bill 5-S]

857.25 History: 1969 c. 339; Stats. 1969 s. 857.25.

Legislative Council Note, 1969: This section is new and authorizes the personal representative to continue in operation the business of the decedent after approval of the court and notice to interested persons. [Bill 5-S]

857.27 History: 1969 c. 339; Stats. 1969 s. 857.27.

Legislative Council Note, 1969: This section is a restatement of present s. 310.27. [Bill 5-S]

857.29 History: 1969 c. 339; Stats. 1969 s. 857.29.

Legislative Council Note, 1969: This section is based upon present s. 316.10. [Bill 5-S]

CHAPTER 858.

Inventory.

Legislative Council Note, 1969: This chapter replaces chapter 312. [Bill 5-S]

858.01 History: 1969 c. 339; Stats. 1969 s. 858.01.

Legislative Council Note, 1969: This section is based upon present s. 312.01 (1). It has been modified somewhat to allow greater flexibility in the filing of inventories. [Bill 5-S]

858.03 History: 1969 c. 339; Stats. 1969 s. 858.03.

Legislative Council Note, 1969: This is one of the new requirements adopted for the purpose of keeping the persons interested in the estate periodically informed of the progress of the administration and aware of the facts which affect the share of the estate which they will receive. [Bill 5-S]