

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]