

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]

**858.05 History:** 1969 c. 339; Stats. 1969 s. 858.05.

**Legislative Council Note, 1969:** This section is based upon present s. 312.03 (2). [Bill 5-S]

**858.07 History:** 1969 c. 339; Stats. 1969 s. 858.07.

**Legislative Council Note, 1969:** This section is based upon present s. 312.01 (1). [Bill 5-S]

**858.09 History:** 1969 c. 339; Stats. 1969 s. 858.09.

**Legislative Council Note, 1969:** This section is based upon present s. 312.03 (1). [Bill 5-S]

**858.11 History:** 1969 c. 339; Stats. 1969 s. 858.11.

**Legislative Council Note, 1969:** This section is based upon present s. 312.02. [Bill 5-S]

**858.13 History:** 1969 c. 339; Stats. 1969 s. 858.13.

**858.15 History:** 1969 c. 339; Stats. 1969 s. 858.15.

**Legislative Council Note, 1969:** This broadens the provisions of present s. 312.01 (3) by eliminating the necessity for the appraisal of many types of property. [Bill 5-S]

**858.17 History:** 1969 c. 339; Stats. 1969 s. 858.17.

#### CHAPTER 859.

##### Claims.

**Legislative Council Note, 1969:** This chapter replaces chapter 313. [Bill 5-S]

**859.01 History:** 1969 c. 339; Stats. 1969 s. 859.01.

**Legislative Council Note, 1969:** This section is a restatement of present ss. 313.08 and 313.10. [Bill 5-S]

**859.03 History:** 1969 c. 339; Stats. 1969 s. 859.03.

**Legislative Council Note, 1969:** This section is a restatement of present s. 313.10 (part). [Bill 5-S]

**859.05 History:** 1969 c. 339; Stats. 1969 s. 859.05.

**Legislative Council Note, 1969:** This section reduces the maximum time which can presently be set for filing claims and eliminates the possibility of extending the time beyond the day set by the court as the last day for filing claims. [Bill 5-S]

**859.07 History:** 1969 c. 339; Stats. 1969 s. 859.07.

**859.09 History:** 1969 c. 339; Stats. 1969 s. 859.09.

**Legislative Council Note, 1969:** This section is based upon present s. 313.03 (6). [Bill 5-S]

**859.13 History:** 1969 c. 339; Stats. 1969 s. 859.13.

**Legislative Council Note, 1969:** This section is based upon present s. 313.05 (1) with the additional requirement that the claim must

show the post-office address of the claimant. [Bill 5-S]

**859.15 History:** 1969 c. 339; Stats. 1969 s. 859.15.

**Legislative Council Note, 1969:** This section is a restatement of present s. 313.05 (2). [Bill 5-S]

**859.17 History:** 1969 c. 339; Stats. 1969 s. 859.17.

**Legislative Council Note, 1969:** This section is a restatement of present s. 313.07. [Bill 5-S]

**859.19 History:** 1969 c. 339; Stats. 1969 s. 859.19.

**Legislative Council Note, 1969:** This section is new. It adopts the procedure which has been generally used in the absence of a statute. [Bill 5-S]

**859.21 History:** 1969 c. 339; Stats. 1969 s. 859.21.

**Legislative Council Note, 1969:** This section is a restatement of ss. 313.22 and 313.23. This section changes present law by defining contingent claims and by providing a more specific procedure for their satisfaction. [Bill 5-S]

**859.23 History:** 1969 c. 339; Stats. 1969 s. 859.23.

**Legislative Council Note, 1969:** This section is based upon present s. 313.25. See also comment to s. 859.21. [Bill 5-S]

**859.25 History:** 1969 c. 339; Stats. 1969 s. 859.25.

**Legislative Council Note, 1969:** This section is based upon present s. 313.16, except that this section refers to the family provisions of ch. 861, and gives priority to claims of governmental subdivisions and municipalities. [Bill 5-S]

**859.27 History:** 1969 c. 339; Stats. 1969 s. 859.27.

**Legislative Council Note, 1969:** This section is new. It requires procedures consistent with estate administration in enforcing claims and to protect assets in an estate. [Bill 5-S]

**859.29 History:** 1969 c. 339; Stats. 1969 s. 859.29.

**Legislative Council Note, 1969:** This is one of the new requirements adopted for the purpose of keeping the persons interested in the estate 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]

**859.31 History:** 1969 c. 339; Stats. 1969 s. 859.31.

**Legislative Council Note, 1969:** This section is new. It increases the powers and responsibilities of the personal representative. It is consistent with a major thrust of the code, namely the reduction of time involved in the administration of estates. [Bill 5-S]

**859.33 History:** 1969 c. 339; Stats. 1969 s. 859.33.

**Legislative Council Note, 1969:** This section