

amount of property passing to the family ahead of creditors. Thus the total escaping from legitimate creditor claims may be a staggering amount or a very small amount depending upon the composition of the estate, and may also have no relation to the need of the recipient.

This section makes a fresh approach. It bases the exemption directly on the need of the surviving spouse for support ahead of payment of creditors. It is limited to the surviving spouse, since the court can protect minor children under 861.35 ahead of creditors. There is no reason to protect adult children; they should have no right prior to creditors. Furthermore, the exemption does not depend on the presence or absence of a home in the estate, although under sub. (4) the court may assign the home (or a life estate) against the exemption. But if there is no home, the surviving spouse can be allocated other property.

The amount is limited to \$10,000. However, the court is not required to allot this amount but may give a lesser amount or no exemption at all. In making this determination the court is directed to consider other assets available to the surviving spouse. This would include assets already owned by the survivor as well as assets acquired as surviving joint tenant or proceeds of life insurance or any other assets passing at death. [Bill 5-S]

CHAPTER 862.

Accounts.

Legislative Council Note, 1969: This chapter replaces chapter 317. [Bill 5-S]

862.01 History: 1969 c. 339; Stats. 1969 s. 862.01.

Legislative Council Note, 1969: This section is based upon and is a consolidation of ss. 310.20 (2), 312.11 and 317.05. [Bill 5-S]

862.03 History: 1969 c. 339; Stats. 1969 s. 862.03.

Legislative Council Note, 1969: This section is based upon present ss. 310.20 (2), 317.13 and 317.14, but it provides a complete procedure for getting accounts filed in estates when the original personal representative has failed to file. [Bill 5-S]

862.05 History: 1969 c. 339; Stats. 1969 s. 862.05.

Legislative Council Note, 1969: This section is a restatement of present s. 317.01 (1). [Bill 5-S]

862.07 History: 1969 c. 339; Stats. 1969 s. 862.07.

Legislative Council Note, 1969: This section is based upon present ss. 317.01 (2) and 317.02. [Bill 5-S]

862.09 History: 1969 c. 339; Stats. 1969 s. 862.09.

Legislative Council Note, 1969: This section is based upon present ss. 317.01 (2) and 317.11. [Bill 5-S]

862.11 History: 1969 c. 339; Stats. 1969 s. 862.11.

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. Persons interested "whose distribution is affected by the information, other than inheritance tax information, contained in the account" includes all those who receive a residual or fractional share of the estate, but does not include those who receive only specific or monetary bequests unless their bequest is subject to abatement. [Bill 5-S]

862.13 History: 1969 c. 339; Stats. 1969 s. 862.13.

Legislative Council Note, 1969: This section is based upon s. 317.15. [Bill 5-S]

862.15 History: 1969 c. 339; Stats. 1969 s. 862.15.

Legislative Council Note, 1969: This section is based upon present s. 317.05. [Bill 5-S]

862.17 History: 1969 c. 339; Stats. 1969 s. 862.17.

Legislative Council Note, 1969: This section is based upon present ss. 324.35 and 324.351. [Bill 5-S]

CHAPTER 863.

Closing Estates.

Legislative Council Note, 1969: This chapter replaces chapter 318. [Bill 5-S]

863.01 History: 1969 c. 339; Stats. 1969 s. 863.01.

Legislative Council Note, 1969: This section is new. The provision gives more power to the personal representative to speed distribution and reflects current practice. [Bill 5-S]

863.05 History: 1969 c. 339; Stats. 1969 s. 863.05.

Legislative Council Note, 1969: This section is new. See comment to s. 859.27. [Bill 5-S]

863.07 History: 1969 c. 339; Stats. 1969 s. 863.07.

Legislative Council Note, 1969: This section permits a person interested to assign his interest in the estate, but protects any personal representative who distributes property before he has knowledge of the assignment. [Bill 5-S]

863.09 History: 1969 c. 339; Stats. 1969 s. 863.09.

Legislative Council Note, 1969: This section is a restatement of present s. 318.01 (3) and (4). [Bill 5-S]

863.11 History: 1969 c. 339; Stats. 1969 s. 863.11.

Legislative Council Note, 1969: This section is a restatement of ss. 313.26, 313.27, and 313.28 and existing case law. [Bill 5-S]

863.13 History: 1969 c. 339; Stats. 1969 s. 863.13.

Legislative Council Note, 1969: Under this