

lication and that 30 days after the publication the court shall assign the property to creditors and persons interested. The assignments are subject to the rights of unknown creditors and persons interested. Three months after the delivery of the order to a creditor or to a person interested all rights of unknown creditors and persons interested cease. Up to that time the assignees of the property are liable to unknown creditors and persons interested. [Bill 5-S]

867.03 History: 1969 c. 339; Stats. 1969 s. 867.03.

Legislative Council Note, 1969: This section is new. It allows the transfer by affidavit of solely owned property when the entire estate does not exceed \$1,500.00. [Bill 5-S]

867.04 History: 1969 c. 339; Stats. 1969 s. 867.04.

Legislative Council Note, 1969: This section is based upon present ss. 230.47 and 230.48. It deletes provisions applicable to Milwaukee county which have been held to be unconstitutional. [Bill 5-S]

867.05 History: 1969 c. 339; Stats. 1969 s. 867.05.

Legislative Council Note, 1969: This section broadens the existing statute to cover personal as well as real property, but makes it available only after the statute of limitations on claims has run. (893.19 (9)). [Bill 5-S]

867.07 History: 1969 c. 339; Stats. 1969 s. 867.07.

Legislative Council Note, 1969: This section is a restatement of present s. 311.06. [Bill 5-S]

867.09 History: 1969 c. 339; Stats. 1969 s. 867.09.

Legislative Council Note, 1969: This section is new and clarifies who has standing to petition for the appointment of a special administrator. [Bill 5-S]

867.11 History: 1969 c. 339; Stats. 1969 s. 867.11.

Legislative Council Note, 1969: This section is a restatement of present s. 311.07. [Bill 5-S]

867.13 History: 1969 c. 339; Stats. 1969 s. 867.13.

Legislative Council Note, 1969: This section is based upon s. 311.08. However, this section makes bonding optional with the court. [Bill 5-S]

867.15 History: 1969 c. 339; Stats. 1969 s. 867.15.

Legislative Council Note, 1969: This section is based upon present s. 311.075. Language relating to payment of debts by the special administrator has been deleted. See comment to s. 867.17. [Bill 5-S]

867.17 History: 1969 c. 339; Stats. 1969 s. 867.17.

Legislative Council Note, 1969: This section is based upon present s. 311.09 (1) to (6). In s. 311.09 the special administrator is given all sorts of statutory powers plus the power "to do such other things as the court may direct",

this section upon hearing grants special administrators all powers except as specially limited by the court. If no hearing is held the special administrator has only those powers expressly granted to him. [Bill 5-S]

867.19 History: 1969 c. 339; Stats. 1969 s. 867.19.

Legislative Council Note, 1969: This section is based upon present s. 311.09 (7) but does away with the per diem for special administrators. [Bill 5-S]

867.21 History: 1969 c. 339; Stats. 1969 s. 867.21.

Legislative Council Note, 1969: This section is based upon present s. 311.10. Sub. (1) is deleted because the court has these powers without a special section. [Bill 5-S]

CHAPTER 868.

Ancillary Procedures.

Legislative Council Note, 1969: This chapter contains all the sections relating to ancillary probate procedure. [Bill 5-S]

868.01 History: 1969 c. 339; Stats. 1969 s. 868.01.

Legislative Council Note, 1969: This section is present s. 310.07 unchanged. [Bill 5-S]

868.03 History: 1969 c. 339; Stats. 1969 s. 868.03.

Legislative Council Note, 1969: This section is present s. 324.31 unchanged. [Bill 5-S]

868.05 History: 1969 c. 339; Stats. 1969 s. 868.05.

Legislative Council Note, 1969: This broadens the existing statute to cover personal as well as real property, but makes it available only after the statute of limitations on claims has run. (893.19 (9)). [Bill 5-S]

CHAPTER 878.

Probate Court Bonds.

Legislative Council Note, 1969: This chapter replaces chapter 321. [Bill 5-S]

878.01 History: 1969 c. 339; Stats. 1969 s. 878.01.

Legislative Council Note, 1969: This section is a restatement of present s. 321.01. [Bill 5-S]

878.03 History: 1969 c. 339; Stats. 1969 s. 878.03.

Legislative Council Note, 1969: This section is new but has always been the law, what the section does is make cross reference to the bonds of corporate fiduciary under s. 220.09 or 223.02. [Bill 5-S]

878.05 History: 1969 c. 339; Stats. 1969 s. 878.05.

Legislative Council Note, 1969: This section is based upon s. 321.05. [Bill 5-S]

878.07 History: 1969 c. 339; Stats. 1969 s. 878.07.

Legislative Council Note, 1969: This section

is based upon present s. 321.02. However, the statute of limitations has been changed to a straight 6 years. Also the provision for approval of an attorney before suit has been deleted. [Bill 5-S]

878.09 History: 1969 c. 339; Stats. 1969 s. 878.09.

Legislative Council Note, 1969: This section is a restatement of present s. 321.03. [Bill 5-S]

878.11 History: 1969 c. 339; Stats. 1969 s. 878.11.

Legislative Council Note, 1969: This section is a restatement of present s. 321.06. [Bill 5-S]

878.13 History: 1969 c. 339; Stats. 1969 s. 878.13.

Legislative Council Note, 1969: This section is a restatement of present s. 321.08. [Bill 5-S]

CHAPTER 879.

Notice, Appearance, Appeal and Miscellaneous Procedure.

Legislative Council Note, 1969: This chapter replaces chapter 324 and also contains many related provisions that are scattered throughout the probate chapters. [Bill 5-S]

879.01 History: 1969 c. 339; Stats. 1969 s. 879.01.

Legislative Council Note, 1969: This section is a restatement of present s. 310.045 (1). [Bill 5-S]

879.03 History: 1969 c. 339; Stats. 1969 s. 879.03.

Legislative Council Note, 1969: Sub. (1) is based upon present ss. 324.18 (1) (a) and 324.19. Sub. (2) (a) is based on s. 324.18 (1) (a). Sub. (2) (b) is new, but is based upon case law. Sub. (2) (c) is based upon present ss. 318.02 and 324.18 (1) (b). Sub. (3) is based upon present s. 310.05 (2). Sub. (4) is based upon present s. 324.18 (1) (a). [Bill 5-S]

879.05 History: 1969 c. 339; Stats. 1969 s. 879.05.

Legislative Council Note, 1969: The only change from existing procedure is to require publication as a class 3 notice only once in most estates. [Bill 5-S]

879.07 History: 1969 c. 339; Stats. 1969 s. 879.07.

Legislative Council Note, 1969: Sub. (1) is based upon present s. 324.18 (5) (d). Sub. (2) is based upon present s. 324.18 (5) (a), (b). Sub. (3) is based upon present s. 324.18 (5) (c). [Bill 5-S]

879.09 History: 1969 c. 339; Stats. 1969 s. 879.09.

Legislative Council Note, 1969: This section is based upon present ss. 310.05 (1) and 324.18 (2). [Bill 5-S]

879.11 History: 1969 c. 339; Stats. 1969 s. 879.11.

Legislative Council Note, 1969: This section

is based upon present s. 324.14 (3) and existing case law. [Bill 5-S]

879.13 History: 1969 c. 339; Stats. 1969 s. 879.13.

Legislative Council Note, 1969: This section is based upon present s. 324.36. The last sentence is new to allow persons to waive notice after the fact. [Bill 5-S]

879.15 History: 1969 c. 339; Stats. 1969 s. 879.15.

Legislative Council Note, 1969: This section is based upon present s. 324.29 (1) and existing case law. [Bill 5-S]

879.17 History: 1969 c. 339; Stats. 1969 s. 879.17.

Legislative Council Note, 1969: This section is based upon present s. 324.29 (3) but requires the use of the s. 256.27 (3) procedure for the substitution of attorneys. [Bill 5-S]

879.19 History: 1969 c. 339; Stats. 1969 s. 879.19.

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

879.21 History: 1969 c. 339; Stats. 1969 s. 879.21.

Legislative Council Note, 1969: This section is a restatement of present s. 311.16 (3). [Bill 5-S]

879.23 History: 1969 c. 339; Stats. 1969 s. 879.23.

879.25 History: 1969 c. 339; Stats. 1969 s. 879.25.

Legislative Council Note, 1969: This section is a restatement of present s. 324.29 (4). [Bill 5-S]

879.26 History: 1969 c. 339; Stats. 1969 s. 879.26.

Legislative Council Note, 1969: This section is new. It provides for the waiver of the new requirements for giving information to persons interested. [Bill 5-S]

879.27 History: 1969 c. 339; Stats. 1969 s. 879.27.

Legislative Council Note, 1969: This section is based upon present ss. 324.01, 324.04 and 324.16. Several archaic and duplicitious provisions have been deleted. [Bill 5-S]

879.31 History: 1969 c. 339; Stats. 1969 s. 879.31.

Legislative Council Note, 1969: This provision reduces to 6 months the time during which it is possible to bring an appeal. This is consistent with the procedure in civil actions. [Bill 5-S]

879.33 History: 1969 c. 339; Stats. 1969 s. 879.33.

Legislative Council Note, 1969: This section is based upon present s. 324.11. The provision limiting attorney fees, as taxable cost, to \$25 has been deleted. [Bill 5-S]

879.35 History: 1969 c. 339; Stats. 1969 s. 879.35.