



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2017 Assembly Bill 152

**Assembly
Amendments 1 and 2**

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2017 ASSEMBLY BILL 152

Current law provides that when a decedent leaves property subject to administration in this state which does not exceed \$50,000 in value, any heir of the decedent, trustee of a revocable trust created by the decedent, or person who was guardian of the decedent at the time of the decedent's death may collect assets of the decedent by submitting an affidavit to the person, bank, or other institution holding the decedent's assets. Assembly Bill 152 provides that the transfer by affidavit procedure may also be used by a person named in the will to act as personal representative.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 modifies Assembly Bill 152 to provide that when a person who is named in the will to act as a personal representative submits an affidavit to collect a decedent's assets under the transfer by affidavit procedure, the person who holds the decedent's assets may not transfer the assets until 30 days after the day on which the affidavit is received. The amendment further provides that a person holding the assets may then only transfer the assets under this procedure if that person has not received another affidavit for the same decedent from another person during that time period.

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 provides that real property may not be transferred to a person named in the will to act as personal representative through the transfer by affidavit procedure.

BILL HISTORY

Assembly Amendment 1 was offered by Representative Doyle on April 25, 2017, and Assembly Amendment 2 was offered by Representatives Wachs, Summerfield, and Hebl on May 5, 2017. On June 8, 2017, the Assembly Committee on Judiciary recommended adoption of the amendments and passage of the bill, as amended, on votes of Ayes, 8; Noes, 0.

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