



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2017 Senate Bill 101**

**Senate  
Amendments 1 and 2**

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*Contact: David Moore, Senior Staff Attorney*

### **2017 SENATE BILL 101**

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. Senate Bill 101 provides that the transfer by affidavit procedure may also be used by a person named in the will to act as personal representative.

### **SENATE AMENDMENT 1**

Senate Amendment 1 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.

### **SENATE AMENDMENT 2**

Senate Amendment 2 modifies Senate Bill 101 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.

### **BILL HISTORY**

Senate Amendment 1 was offered by Senator Feyen on May 8, 2017, and Senate Amendment 2 was offered by the Senate Committee on Judiciary and Public Safety on May 9,

2017. On May 10, 2017, the Senate Committee on Judiciary and Public Safety voted unanimously to recommend adoption of Senate Amendments 1 and 2 and passage of Senate Bill 101, as amended.

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