

the estate or probating the will of a decedent, or at any time thereafter the court shall by order fix the time (not less than * * * 3 months nor more than one year from the date of the order) within which claims against the decedent may be presented; and designate the term at which claims shall be examined and adjusted. The time limited for filing claims may be extended (but not beyond 2 years from the date of the letters) upon the application of a claimant filed not later than 60 days after the expiration of the time limited for presenting claims, and upon a showing satisfactory to the court and upon such notice as the court shall direct. Such extension may be general or may be limited to the applicant:

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CHAPTER 509.

AN ACT to renumber 311.04 to be 311.05 and 311.05 to be 311.04; to repeal and recreate 311.06, 311.07, 311.08, 311.09 and 311.10; and to create 311.075 of the statutes, relating to the appointment, powers and duties, and discharge of special administrators.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 311.04 of the statutes is renumbered 311.05.

SECTION 2. 311.05 of the statutes is renumbered 311.04.

SECTION 3. 311.06 and 311.07 of the statutes are repealed and recreated to read:

311.06 SPECIAL ADMINISTRATOR. Whenever it shall appear by petition to the county court that a resident of the county has died a special administrator may be appointed where one or more of the following circumstances are shown to exist:

(1) That the decedent has left no debts, or that his debts have been fully paid, or that there are no assets available for the payment of his debts and an act remains unperformed on the part of the deceased person, the performance of which affects or is of importance to the petitioner or any other person.

(2) That the final judgment in the estate has been rendered and an act remains unperformed in said estate, or that unadmin-

istered assets have come to said estate or have been found or may be found belonging to it.

(3) That it appears that the estate can be settled in accordance with the provisions of section 311.05.

(4) That it appears to be necessary to conserve or administer the estate of a decedent before letters testamentary or of administration can be issued.

(5) That the circumstances provided for in section 72.17 exist.

311.07 NOTICE OF HEARING ON PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR. The court shall determine whether notice of the hearing for the appointment of a special administrator shall be given. If the court shall deem notice of such hearing unnecessary, inexpedient, or if the appointment should be made without delay the court shall proceed to hear the matter without notice. If notice of hearing is required it shall be given pursuant to the provisions of section 324.18.

SECTION 4. 311.075 of the statutes is created to read:

311.075 WHEN SPECIAL ADMINISTRATOR NOT LIABLE TO SUIT; APPEAL, WHEN ALLOWED. A special administrator appointed pursuant to the provisions of section 311.06 (4) shall not be liable to an action by any creditor or to be called upon in any way to pay the debts of the deceased and no appeal shall be allowed from the order appointing him.

SECTION 5. 311.08 to 311.10 of the statutes are repealed and recreated to read:

311.08 BOND OF SPECIAL ADMINISTRATOR. The court shall in all cases where money or property shall come into his hands require the special administrator to give bond to the judge of said court in such sum and with such conditions and with such sureties as said court shall direct or approve. If it shall appear that no money, or property, or things of value will come into the hands of such special administrator the court may appoint such special administrator without bond.

311.09 POWERS, DUTIES AND LIABILITIES OF SPECIAL ADMINISTRATOR. (1) Such special administrator, if his appointment has been made pursuant to the provisions of either section 311.06 (1) or (2) shall have the following powers:

(a) To release or discharge a mortgage or judgment which remains undischarged of record;

(b) To convey lands pursuant to a contract for the conveyance

of lands, the performance of which remains unfulfilled on the part of the decedent;

(c) To receive and distribute pursuant to the order of the court any unadministered assets of the estate;

(d) To perform such other acts as may be deemed necessary in the premises.

(2) Such special administrator, if his appointment has been made pursuant to section 311.06 (3) shall have the authority to carry out the duties imposed upon him by section 311.05.

(3) Such special administrator, if his appointment has been made pursuant to the provisions of section 311.06 (4) shall have the following powers:

(a) To collect all goods, chattels and credits of the deceased;

(b) To care for, gather and secure crops;

(c) With leave of the court to commence and maintain actions as such special administrator;

(d) With leave of the court to lease for a term not exceeding one year the real property of the deceased;

(e) With leave of the court to sell such personal property of the deceased as the court may direct;

(f) With leave of the court to carry on an existing business of the decedent until an executor or administrator is appointed;

(g) To do such other things as the court may direct for the best interests of the estate.

(4) Such special administrator, if his appointment has been made pursuant to the provisions of section 311.06 (5) shall have authority to discharge the duties imposed by section 72.17.

(5) It shall be the duty of the special administrator to preserve the property of the deceased for such purpose and in such manner as the court may direct or as required by law. Such special administrator shall execute his duties with diligence and he shall make to said court without delay a full report of his acts under such appointment and such further reports as the court shall require. Upon filing of such report such further proceedings shall be had and such further order may be made by said court as it shall deem necessary or proper in the premises according to law.

(6) Such special administrator shall exercise no powers except those expressly granted to him by law or by the order of the court, which order may expressly limit his authority and powers.

(7) Such special administrator shall be allowed all necessary expenses incurred in the care and management of the estate and for his services \$2.50 per day and such further compensation as the court shall judge to be reasonable.

311.10 TERMINATION OF AUTHORITY AND DISCHARGE OF SPECIAL ADMINISTRATOR. (1) The court may at any time require such special administrator to make a report. It may instruct him, at any time, concerning his duties and obligations. It may revoke his appointment whenever it shall be deemed best.

(2) Such special administrator shall be entitled to be discharged whenever the court shall be satisfied that he has properly performed his duties. Such discharge may be granted with or without notice as the court may determine. If notice of hearing upon the application for discharge is required such notice shall be given pursuant to the provisions of section 324.18.

(3) Upon the granting of letters testamentary, or of administration of the estate of the decedent, the power of the special administrator shall cease and such special administrator shall forthwith deliver to the executor or administrator all the goods, chattels, moneys and affects of the deceased in his hands. The court may accept the receipt in writing of the duly appointed executor or administrator of the estate as evidence of such delivery. If it is satisfied that he has properly performed his duties the court may discharge such special administrator, with or without notice. If notice of hearing upon the application for discharge is required it shall be given pursuant to the provisions of section 324.18.

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CHAPTER 510.

AN ACT to repeal and recreate 196.20 of the statutes, relating to changes in public utility rate schedules.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 196.20 of the statutes is repealed and recreated to read:

196.20 CHANGES IN RATES; APPROVAL OF INCREASES REQUIRED. No change shall be made by any utility in its schedules except by