

CHAPTER 315.

DETERMINATION OF DESCENT OF LANDS.

315.02	Petition to determine descent of lands.	315.04	Defense; continuance; guardian.
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[315.01 Stats. 1933 renumbered section 316.01 (2) by 1935 c. 176 s. 6]

315.02 Petition to determine descent of lands. (1) Sixty days after any person dies intestate, seized of an estate of inheritance in lands in this state, the widow or husband of such decedent or any heir or grantee of any heir of such decedent or any person entitled to any interest in such lands may petition the county court of the county in which such decedent was a resident at the time of death, or if such decedent was not an inhabitant of this state, to the county court of any county in which such lands or some part thereof is situated, to determine the descent of such lands. Such petition shall be verified and shall show, as particularly as known or can be with due diligence ascertained, the time and place of death and last place of residence of such decedent, and the other facts which authorize the proceeding, the names, residences and relationship to the decedent of all heirs and their grantees entitled to any interest in said lands, stating who, if any, are minors or under legal disabilities, and the names and residences of their guardians, if any in this state, and a description of all such lands.

(2) Proceedings under this section and under section 72.17 may be combined.

315.03 Heirship; hearing, notice. The court shall, by order, fix a time and place of hearing such petition, and notice thereof shall be given as provided by section 324.18.

315.04 Defense; continuance; guardian. At or before the time fixed for the hearing any person interested may appear and answer such petition and set up any proper defense to the same or any part thereof or intervene to assert and protect any interest he may have. If it shall appear that any person interested has not been duly notified or appeared the hearing may be continued to give the proper notice. Before any testimony is taken a guardian ad litem shall be appointed and appear for any minor interested for whom no general guardian appears.

315.05 Determining rights of heirs. Any question as to advancement in real estate alleged to have been made by such decedent to any heir may be heard and determined by the county court as upon the assignment of the residue of a settled estate. After hearing the evidence, if it shall appear to the satisfaction of the court who are all the heirs of such decedent and what are the respective rights and interests of the parties in the title of such decedent in such lands, the court shall, by its judgment, find and determine the same and in such judgment shall name the persons entitled to interest therein and the part to which each shall be entitled.

315.06 Judgment to be recorded. A certified copy of such judgment shall be recorded in the office of the register of deeds of any county in which any such lands are situated, and such judgment or the record thereof shall be presumptive evidence of the facts found and determined therein in all courts and places and conclusive evidence against the persons to whom notice shall have been given as provided in section 324.18 or who have appeared in such proceedings and those claiming under them.