



## 1997 SENATE BILL 330

October 22, 1997 - Introduced by Senators HUELSMAN, ROESSLER, FITZGERALD, DARLING and WEEDEN, cosponsored by Representatives GREEN, STASKUNAS, GOETSCH, R. YOUNG, NASS, MURAT, RUTKOWSKI, GROTHMAN and HUBER. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1     **AN ACT to repeal** 814.66 (1) (a) 2m. and 814.66 (2) (a), (b) and (e); and **to amend**  
2             814.66 (1) (a) 2., 814.66 (1) (b) 2. and 858.07 of the statutes; **relating to:**  
3             calculating the probate filing fee.

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### *Analysis by the Legislative Reference Bureau*

Current law requires the register in probate to collect certain fees, including a fee for filing a petition to commence the administration of an estate. The amount of this fee is based upon the value of the gross estate or the value of the property. To determine the value of the property, the register in probate must: exclude the value of property that passes under a revocable inter vivos trust (a trust that becomes effective during the life of the person making the trust); exclude life insurance, retirement benefits and annuities, unless paid or payable to the estate or personal representative; include United States government bonds payable to another person upon the death of the original registered owner; and diminish the value of the decedent's interest in real estate by the unpaid balance on recorded liens and mortgages. Current law also directs the personal representative to include in the decedent's inventory filed with the probate court all property subject to probate administration, a list of joint and life tenancies and a statement of any encumbrance, lien or other charge upon each item of the decedent's property.

This bill repeals these provisions for determining the value of the property and provides that the probate filing fee is based upon the value of the property subject to administration, less the value of encumbrances, liens or other charges. The bill also repeals the requirement that the personal representative include a list of joint and life tenancies in the inventory.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 814.66 (1) (a) 2. of the statutes is amended to read:

2           814.66 (1) (a) 2. For filing a petition whereby any proceeding in estates of  
3           deceased persons is commenced, if the ~~gross estate or~~ value of the property included  
4           in the inventory under s. 858.07, less encumbrances, liens or charges, is \$10,000 or  
5           less, a fee of \$10; ~~if the gross estate is~~ and if more than \$10,000, a fee of 0.1% of the  
6           ~~amount of the gross estate~~ value of the property included in the inventory under s.  
7           858.07, less encumbrances, liens or charges.

8           **SECTION 2.** 814.66 (1) (a) 2m. of the statutes is repealed.

9           **SECTION 3.** 814.66 (1) (b) 2. of the statutes is amended to read:

10           814.66 (1) (b) 2. For filing a petition for guardianship of the estate under ch.  
11           880 or an application for conservatorship under ch. 880, if the ~~gross estate or~~ value  
12           of the property, less encumbrances, liens or charges, is \$10,000 or less, a fee of \$10;  
13           ~~if the gross estate is~~ and if more than \$10,000, a fee of 0.1% of the ~~amount of the gross~~  
14           ~~estate~~ value of the property, less encumbrances, liens or charges.

15           **SECTION 4.** 814.66 (2) (a), (b) and (e) of the statutes are repealed.

16           **SECTION 5.** 858.07 of the statutes is amended to read:

17           **858.07 Contents of inventory.** The personal representative shall include in  
18           the inventory all property subject to administration, ~~and shall list joint and life~~  
19           ~~tenancies.~~ The personal representative shall include a statement of any  
20           encumbrance, lien or other charge upon each item.

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(END)