

No. 654, A.]

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CHAPTER 425.

AN ACT to amend 268.23 (1) and 268.24, and to create 268.26 (3) of the statutes, relating to disposition of property of absentees, and to provide care for property of persons in the military service of the United States.

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

SECTION 1. 268.23 (1) of the statutes is amended to read:

268.23 (1) (a) When a person domiciled in this state and having an interest in any form of property disappears and is absent from his place of residence without being heard of after diligent inquiry, upon application for a finding of such disappearance and absence and of the necessity for the appointment of a receiver to the circuit court of the county of the absentee's domicile by any person who would have an interest in said property were said absentee deceased or by an insurer or surety or creditor of such absentee, after notice as provided in section 268.24, and upon good cause being shown, the court may find that he was last heard of as of a date certain and may appoint a receiver to take charge of his estate. The absentee shall be made a party to said proceeding; and any other person who would have an interest in said property were said absentee deceased, upon direction by the court, may be made a party to said proceeding.

(b) *When a person in the military service of the United States, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended, is without this state and has an interest in any form of property in this state and no adequate power of attorney on his behalf has been recorded in the office of the register of deeds of the county of his domicile or of the county where such property is situated, upon application for findings establishing the foregoing and the necessity for appointment of a receiver, to the circuit court of the county of such person's domicile or of the county where such property is situated, by any person who would have an interest in said property were such person deceased, or by an insurer or surety or creditor of such person, or by any other person or on the court's own motion, after notice as provided in section 268.24, and upon good cause being shown, the court may, on making such findings, appoint a receiver to take charge of such person's estate. Such person should be made*

a party to such proceedings; and any other person who would have an interest in said property were said person deceased, upon direction by the court, may be made a party to said proceedings. Such person shall be deemed an "absentee" within the meaning of sections 268.23 to 268.34.

SECTION 2. 268.24 of the statutes is amended to read:

268.24 All notices required under sections 268.22 to 268.34 shall be served upon all parties ordered by the court to be served in the manner prescribed by existing statutes or rules, except that in addition thereto the absentee shall be served by publication once a week for 4 successive weeks in a newspaper printed in the English language of general circulation in the county of the absentee's domicile, the last publication to be not less than 10 nor more than 20 days prior to the time set for any hearing. The original notice prescribed in * * * section 268.23 (1) shall require each person claiming an interest in the property of the absentee to file in court within a time fixed by the court a statement of the nature and extent of such interest. *In relation to a person in military service similar notice shall be given; except that where it appears to the court that such person was not domiciled in this state immediately prior to such service, publication may be made in the county where property of such person is situated; publication hereby required shall not exceed 4 weeks.*

SECTION 3. 268.26 (3) of the statutes is created to read:

268.26 (3) At any time, upon proof to the court that a power of attorney has been recorded as provided by section 268.23 (1) (b), the court shall direct termination of the receivership proceedings and transfer of property held thereunder to the person in military service or to the attorney named in such power of attorney upon payment of reasonable expenses and compensation of the receiver in the discretion of the court.

Approved June 30, 1943.