

CHAPTER 594.

AN ACT to renumber and revise 238.19 and to amend 72.17 (1) and 238.18 of the statutes, relating to the recording of foreign wills.

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

SECTION 1. 72.17 (1) (first sentence) of the statutes is amended to read:

72.17 (1) (first sentence) * * * *If* no application for administration of the estate of any deceased person is made within 60 days after * * * *his death*, and such estate appears to come under the provisions of the inheritance tax laws, or when administration has been completed without determining the tax, or when no tax is due, and that fact has not been found by the court, or when any certificate of survivorship or of heirship has been applied for or issued under * * * *section 230.47 or 237.09*, or when * * * *a certificate of assignment is applied for under section 310.075*, the public administrator of the proper county, or any person interested in such estate, may make application for such special or general administration as may be necessary for the purpose of the adjustment and payment of such tax, if any, or if no tax is due, for an order determining that fact.

SECTION 2. 238.18 of the statutes is amended to read:

238.18 WILLS MUST BE PROVED. No will shall * * * pass either real or personal * * * *property* unless it * * * *has been* * * * *admitted to probate* as provided in these statutes, * * * *or unless a certificate of assignment has been issued under section 310.075*; and the *admission to probate* of a will * * * shall be conclusive as to its due execution.

SECTION 3. 238.19 of the statutes is renumbered 310.075 and revised to read:

310.075 FOREIGN WILLS; CERTIFICATE OF ASSIGNMENT. (1) PETITION. If a will devising lands in this state, or any interest therein, has been admitted to probate in any state, the county court of any county in which any of such land is situated may, upon petition accompanied by an authenticated copy of such will and its probate, issue a certificate of assignment as provided herein.

(2) CERTIFICATE. If it appears that the foreign will has been so admitted to probate and that no Wisconsin inheritance tax is owing or that the tax has been paid, the court may issue a certificate so showing; the certificate shall give the names of the devisees, a description of the real estate and the interest of each in the real estate. The certificate or a certified copy thereof when recorded in the office of the register of deeds of the county in which such real estate is situated shall be prima facie evidence of the facts therein recited. The notice requirements of section 318.06 (7) shall not apply to proceedings under this section.

Approved July 6, 1951.