

No. 345, A.]

[Published August 6, 1955.]

CHAPTER 519

AN ACT to repeal and recreate 318.06 (7) of the statutes, relating to proof of heirs.

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

318.06 (7) of the statutes is repealed and recreated to read:

318.06 (7) PROOF OF HEIRSHIP. (a) Proof of who are the heirs of a deceased and a determination thereof shall be made in every estate of a decedent where notice to creditors is required, and no order or final decree may be made assigning the property of such estate until such determination has been made.

(b) No determination of heirship shall be made until proof is filed that notice of the hearing for determination of heirship has been given as hereinafter provided, nor until the testimony or deposition of one or more witnesses is reduced to writing and filed, and the court is, from such evidence, fully satisfied who the heirs of the deceased are. Application for determination of heirship may be included in the petition for administration, petition for probate, petition for final settlement or in a separate petition; and the notice may be included in the notice of the hearing on any of said petitions, or in the notice to creditors, as the court shall order.

(c) Notice of the hearing for determination of heirship shall be given to all persons interested in the manner provided in s. 324.18 unless such notice is dispensed with by waiver or general appearance. Service of such notice by mail or personal service can be waived, but publication of such notice cannot be waived.

Approved August 2, 1955.