

1977 Assembly Bill 446

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## CHAPTER 214, Laws of 1977

AN ACT to amend 851.55 (1) and 852.01 (2); and to create 851.58 of the statutes, relating to intestate succession where husband and wife die within 30 days of each other.

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

SECTION 1. 851.55 (1) of the statutes is amended to read:

851.55 (1) Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he or she had survived, except as provided otherwise in this section or in s. 851.58.

SECTION 2. 851.58 of the statutes is created to read:

**851.58 Husband and wife die within 30 days of each other; intestate succession.** Where a husband and wife die within 30 days of each other and where neither person has

disposed of any property by a will and there are no common surviving children, grandchildren or great-grandchildren, one-half of all property held by them as joint tenants shall be distributed to the husband's heirs at law and one-half of the property shall be distributed to the wife's heirs at law as provided under s. 852.01.

SECTION 3. 852.01 (2) of the statutes is amended to read:

852.01 (2) (title) REQUIREMENT THAT HEIR SURVIVE DECEDENT FOR A CERTAIN TIME. If any person who would otherwise be an heir under sub. (1) dies within 72 hours of the time of death of the decedent, or within 30 days of the time of death if the person is the spouse of the decedent, the net estate not disposed of by will passes under this section as if that person had predeceased the decedent. ~~In any case where~~ If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the decedent by at least 72 hours or by 30 days, whichever is applicable, it is presumed that ~~such~~ the person died within 72 hours or within 30 days, whichever is applicable, of the decedent's death. In computing time for purposes of this subsection, local standard time at the place of death of the decedent is used.

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