



1995 SENATE BILL 490

January 16, 1996 - Introduced by Senators HUELSMAN, FITZGERALD, RUDE and BUETTNER, cosponsored by Representatives WARD, GOETSCH, MUSSER, CULLEN, LA FAVE, OLSEN, HASENOHRL, BALDWIN, WILDER, GREEN, F. LASEE, LORGE and KLUSMAN, by request of Real Property, Probate and Trusts Section of the State Bar of Wisconsin. Referred to Committee on Judiciary.

1 **AN ACT to amend** 30.541 (3) (d) 2. d., 214.37 (4) (k) 1., 215.26 (8) (e) 1., 342.17 (4)
2 (b) 4. and 867.03 (1) (intro.) of the statutes; **relating to:** transfers of estates by
3 affidavit.

Analysis by the Legislative Reference Bureau

Under current law, estates that do not have a value of more than \$10,000 may be transferred by affidavit to an heir. Under this bill, that procedure may be used for estates that do not have a value of more than \$30,000. Transfers may also be made to trustees of the decedent.

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

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

4 **SECTION 1.** 30.541 (3) (d) 2. d. of the statutes is amended to read:
5 30.541 (3) (d) 2. d. The limit in subd. 2. c. does not apply if the surviving spouse
6 proceeds under s. 867.03 (1) and the total value of the decedent's solely-owned proper-
7 ty in the state, including boats transferred under this subdivision, does not exceed
8 \$10,000 \$30,000 in value and is held, as defined in s. 766.01 (9), by the decedent or
9 titled solely in the decedent's name.
10 **SECTION 2.** 214.37 (4) (k) 1. of the statutes is amended to read:

1 214.37 (4) (k) 1. An affidavit stating that the person has standing under s.
2 867.01 (3) or 867.02 (2) to petition for summary settlement or assignment of a dece-
3 dent's estate or that the person is an heir or a trustee of the decedent who may obtain
4 transfer of property of a decedent under s. 867.03.

5 **SECTION 3.** 215.26 (8) (e) 1. of the statutes is amended to read:

6 215.26 (8) (e) 1. Submits an affidavit stating that the person has standing un-
7 der s. 867.01 (3) or 867.02 (2) to petition for summary settlement or assignment of
8 a decedent's estate or that the person is an heir or a trustee of the decedent who may
9 obtain transfer of property of a decedent under s. 867.03; and

10 **SECTION 4.** 342.17 (4) (b) 4. of the statutes is amended to read:

11 342.17 (4) (b) 4. The limit in subd. 3. does not apply if the surviving spouse is
12 proceeding under s. 867.03 (1) and the ~~total value of the decedent's solely owned prop-~~
13 erty in the state, including the vehicles transferred under this paragraph, does not
14 exceed ~~\$10,000~~ \$30,000 in value and is held, as defined in s. 766.01 (9), by the dece-
15 dent or titled solely in the decedent's name.

16 **SECTION 5.** 867.03 (1) (intro.) of the statutes is amended to read:

17 867.03 (1) GENERALLY. (intro.) ~~When~~ If a decedent leaves ~~solely owned property~~
18 in this state ~~which~~ that does not exceed ~~\$10,000~~ \$30,000 in value and that is held,
19 as defined in s. 766.01 (9), by the decedent or that is titled solely in the decedent's
20 name, any heir or trustee of the decedent may collect any money due the decedent,
21 receive the property of the decedent if it is not an interest in or lien on real property
22 and have any evidence of interest, obligation to or right of the decedent transferred
23 to the affiant upon furnishing the person owing the money, having custody of the
24 property or acting as registrar or transfer agent of the evidences of interest, obliga-

