

1999 ASSEMBLY BILL 750

February 15, 2000 – Introduced by Representatives STASKUNAS, BOCK, STONE, SHERMAN, SYKORA, LADWIG, SPILLNER, LA FAVE, MUSSER, GUNDERSON, RYBA, PETTIS, KREUSER, JESKEWITZ, CULLEN and HUBER, cosponsored by Senators GEORGE, RISSER, HUELSMAN, BURKE, ROESSLER and FARROW. Referred to Committee on Judiciary and Personal Privacy.

1 **AN ACT to repeal** 865.08 (1) (a) 1., 2. and 3.; and **to renumber and amend** 865.08
2 (1) (intro.) and 865.08 (1) (a) (intro.) of the statutes; **relating to:** who may be
3 appointed personal representative in informal administration.

Analysis by the Legislative Reference Bureau

Under current law, in the informal administration of an estate, the probate registrar may appoint a personal representative. If there is a will, the personal representative appointed by the probate registrar must be the person nominated in the will or a person requested by the parties interested in the estate, subject to qualification and acceptance. If no person is nominated in the will, if the person nominated in the will fails to qualify or if there is no will, the personal representative appointed by the probate registrar must be either a bank or trust company that is entitled to exercise fiduciary powers in this state or a natural person. In either case, the personal representative must have the consent of all of the parties interested in the estate. In addition, if the personal representative is a natural person, he or she must be an attorney admitted to practice law in this state or someone who takes under the will if there is a will or an heir of the decedent if there is no will.

This bill changes the natural persons who may be appointed personal representative in informal administration if no person is nominated in the will, if the person nominated in the will fails to qualify or if there is no will. Under the bill, any person who has the consent of all interested parties and who qualifies may be

