

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: kahlepj

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Addl. Drafters:

Subject: Probate - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN1125,

Topic:

Specifying who may be appointed personal representative in informal administration

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 06/16/2001	jdyer 06/16/2001		_____			
/1			jfrantze 06/16/2001	_____	lrb_docadmin 06/16/2001		

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1?	kahlepj	1 6/16 jld	206/16	76/pg 6/16			

FE Sent For:

<END>

Agency: General Provisions

caucus number 1125

duplicate flag:

duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number: AB 123	
LRB draft #	LRB P-draft:

1763

description: Add the provisions of AB 123. which 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.

other notes

Description2: Add the provisions of AB 123, which 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 provision, any person who has the consent of all interested parties and who qualifies may be appointed. The person does not have to be an attorney, a beneficiary under the will if there is a will, or an heir if there is no will.

drafting instructions:

more instructions:

Agency: **General Provisions**

Number of Amendments: 1

[Handwritten mark]

PTK

CN1185

GENERAL PROVISIONS

Add the provisions of AB 123, which 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 provision, any person who has the consent of all interested parties and who qualifies may be appointed. The person does not have to be an attorney, a beneficiary under the will if there is a will, or an heir if there is no will.

ASSEMBLY BILL 123

appointed. The person does not have to be an attorney, a beneficiary under the will if there is a will, or an heir if there is no will.

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

#. Page 1209, line 3 : after that line insert :

1 SECTION ^{3842d} §. 865.08 (1) (intro.) of the statutes is renumbered 865.08 (1) (ac) and
2 amended to read:

3 865.08 (1) (ac) Upon receipt of an application and making the determinations
4 required by s. 865.07, the probate registrar may enter a statement of informal
5 administration, admit a will to informal probate, and may appoint the personal
6 representative nominated by the will or requested by the interested parties, subject
7 to qualification and acceptance.

8 SECTION ^{3842f} §. 865.08 (1) (a) (intro.) of the statutes is renumbered 865.08 (1) (am)
9 (intro.) and amended to read:

10 865.08 (1) (am) (intro.) ~~Where~~ If no personal representative is named or ~~where~~
11 if the named personal representative fails to qualify, the personal representative
12 shall be either a any of the following:

13 1. A bank or trust company that is entitled to exercise fiduciary powers in this
14 state ~~which and that~~ and that has the consent of all interested persons, other than creditors
15 of the deceased, ~~or a~~.

16 2. A natural person who has the consent of all interested parties, other than
17 creditors of the deceased, and ~~is~~ who is not disqualified under s. 856.23.

18 SECTION ^{3842h} §. 865.08 (1) (a) 1., 2. and 3. of the statutes are repealed.))

19 SECTION 4. Initial applicability.

#. Page 1416, line 16 : after that line insert :

X

ASSEMBLY BILL 123

1

~~shall~~ first applies to informal administrations commenced as a result of

2

deaths occurring on the effective date of this subsection.)

3

(END)

CS

" (12^e ~~*~~) PERSONAL REPRESENTATIVES IN INFORMAL ADMINISTRATION. The treatment of section 865.08(1)(intro.) and (a)(intro.), 1., 2., and 3. of the statutes ^{NO} ¶

SDC:.....Keckhaver – CN1125, Specifying who may be appointed personal representative in informal administration

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1209, line 3: after that line insert:

3 “**SECTION 3842d.** 865.08 (1) (intro.) of the statutes is renumbered 865.08 (1) (ac)

4 and amended to read:

5 865.08 (1) (ac) Upon receipt of an application and making the determinations
6 required by s. 865.07, the probate registrar may enter a statement of informal
7 administration, admit a will to informal probate, and may appoint the personal
8 representative nominated by the will or requested by the interested parties, subject
9 to qualification and acceptance.

