



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 90
[2017 Senate Bill 101]

**Transfer by Affidavit for Small
Estates**

Under current law, when a decedent leaves property subject to administration in this state which does not exceed \$50,000 in value, an individual with one of certain statutorily specified relationships to the decedent may collect assets of the decedent by submitting an affidavit to the person, bank, or other institution holding the decedent's assets. Prior law permitted this procedure to be used by any heir of the decedent, trustee of a revocable trust created by the decedent, or person who was guardian of the decedent at the time of the decedent's death.

2017 Wisconsin Act 90 provides that the transfer by affidavit procedure may also be used by a person named in the will to act as personal representative. Under the Act, when a person who is named in the will to act as a personal representative submits an affidavit to collect a decedent's assets under the transfer by affidavit procedure, the person who holds the decedent's assets may not transfer the assets until 30 days after the day on which the affidavit is received. A person holding the assets may then transfer the assets under this procedure if that person has not received another affidavit for the same decedent from another person during that time period. The Act provides that the transfer by affidavit process may not be used to transfer real property by a person named in the will to act as a personal representative.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.