

No. 402, S.]

[Published June 18, 1957.

CHAPTER 197

AN ACT to repeal 311.055; and to repeal and recreate 311.05 of the statutes, relating to summary settlement of small estates.

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

SECTION 1. 311.05 of the statutes is repealed and recreated to read:

311.05 SUMMARY SETTLEMENT OF SMALL ESTATES. (1) (a)
The county court may authorize final disposition of the estate of a deceased resident of the county without the appointment of an executor or a general or special administrator whenever the estate does not exceed in value the necessary administration cost, the reasonable funeral expenses, expenses of last illness, and the selections and allowances of any surviving widow or minor child. In each such case the court shall order the estate distributed to persons entitled to receive such costs, expenses, selections and allowances.

(b) General administration or probate may be terminated at any time by summary proceedings.

(2) (a) The petition shall establish facts invoking this section, and shall set forth a detailed statement of the property in which the deceased had an interest including life insurance, joint and life tenancies and gifts made in contemplation of death, or taking effect upon death or made within 2 years prior to death, the estimated value thereof and the names and post-office addresses of all persons entitled to receive any portion of said estate.

(b) The court may hear the matter without notice or order notice to be given pursuant to s. 324.18.

(c) When title to real estate is involved, heirship may be determined on notice.

(d) The department of taxation or public administrator, personally or by representative, may examine the property referred to in any petition under this section at any time.

(3) If the court is satisfied, by sufficient proof, that the estate is one proper to be settled under this section (taking into consideration the rights of creditors in relationship to decedent's estate, gifts made in contemplation of death, ownership of joint interests and life insurance benefits payable upon his death), it may order any person indebted to or holding moneys or personal property of the decedent to pay the indebtedness or deliver the personal property to the persons found by the court entitled to receive the same. The court may also order the transfer of the homestead, interests in real estate, stocks or bonds registered in the name of the deceased, the title of a licensed motor vehicle, or any other form of property whatsoever.

(4) The court may deny the petition if it appears that rights of creditors, taxing bodies, or other interested persons may be jeopardized.

(5) Upon the payment, delivery, transfer or issuance in accordance with the order of the court and the filing with the court of proof thereof, the persons making such delivery, transfer or issuance shall be released to the same extent as if the same had been made to a legally qualified executor or administrator of the deceased.

(6) Before ordering such transfer, issuance or payment, the court may, in its discretion, require a bond of the petitioner in such an amount as the court shall deem sufficient and conditioned to indemnify any person, firm or corporation which may be aggrieved thereby.

SECTION 2. 311.055 of the statutes is repealed.

Approved June 12, 1957.
