

1977 Senate Bill 10

Date published: August 2, 1977

CHAPTER 73, Laws of 1977

AN ACT to amend 859.05, 859.07, 865.05 (1) and 879.03 (1) of the statutes, relating to notice to creditors and examination and adjustment of claims by probate registrars.

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

SECTION 1. 859.05 of the statutes is amended to read:

859.05 Time to file. Upon the filing of an application for administration, the court or the probate registrar under informal administration proceedings shall by order fix the time within which claims against the decedent shall be presented or be forever barred. The time shall be 3 months from the date of the order.

SECTION 2. 859.07 of the statutes is amended to read:

859.07 Notice; publication. Notice of the time within which creditors may present their claims and of the time when the claims, as set by the court or probate registrar under informal administration proceedings, will be examined and adjusted by the court shall be given by publication, under s. 879.05 (4), and may be given with the notice for granting letters. No date for examination and adjustment need be given in informal administration proceedings. The first insertion shall be made within 15 days of the

date of the order setting the time. In addition to the foregoing, ~~in any case wherein~~ if the decedent was at the time of death or at any time prior thereto a patient or inmate of any state or county hospital or institution, notice in writing of the time within which creditors may present their claims and of the time when the ~~same claims~~ will be examined, shall be sent by registered or certified mail to the department of health and social services and the county clerk of the county of legal settlement not less than 30 days before such examination, upon such blanks and containing such information as the department may provide.

SECTION 3. 865.05 (1) of the statutes is amended to read:

865.05 (1) Notice of application to initiate administration of an estate under this chapter shall be given to the persons entitled thereto under s. 879.03 (2) and (3) in accordance with s. 879.05, unless waived under s. 879.09. Notice to creditors shall be given in accordance with ~~s. ss. 859.05 and~~ 859.07.

SECTION 4. 879.03 (1) of the statutes is amended to read:

879.03 (1) HOW GIVEN. If notice of any proceeding in probate court or informal administration is required by law or deemed necessary by the court or the probate registrar under informal administration proceedings and the manner of giving notice is not directed by law, the court or the probate registrar shall order notice to be given under s. 879.05. The court or the probate registrar may order both service by publication and personal service on designated persons.
