

No. 604, S.]

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CHAPTER 699.

AN ACT to repeal 318.03 (3); to renumber and amend 318.03 (1) and (2); to amend 318.03 (4) and to create 253.035, 318.03 (1) and (2) of the statutes, relating to estates of nonresident foreign deceased persons.

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

SECTION 1. 253.035 of the statutes is created to read:

253.035 JURISDICTION OF ESTATES OF DECEASED FOREIGN PERSONS.

(1) The jurisdiction of the county court shall also extend to a determination of the heirs

and next of kin of nonresident foreign deceased persons who at the time of their death had an interest in real or personal property within such county and the state.

(2) The jurisdiction of the county court shall also extend to the administration of estates of nonresident foreign deceased persons who at the time of their death had an interest in real or personal property within such county and the state. A claim against the state school fund under section 318.03 (4) shall be deemed an interest in real or personal property.

(3) For the purposes of this section the situs of intangible personal property found in this state belonging to nonresident foreign deceased persons shall be deemed to be within the state.

(4) All matters arising in this section shall be administrated in accordance with the statutes, rules and procedure of the county court applicable to the statutes of deceased residents of the state.

(5) All such nonresident foreign persons who have not been heard from for 10 years, shall be presumed to be dead.

SECTION 2. 318.03 (2) of the statutes is renumbered 238.135 and amended to read:

238.135 * * * (1) If any legacy other than a bequest of the residue or any interest therein * * * is renounced or refused, such legacy shall not escheat but in the absence of other directions in the will, shall become part of the residue of the estate.

* * * (2) If any legacy consisting of the residue of an estate or any interest therein including legacies which have become a part of the residue under * * * subsection (1) shall be renounced or refused, such residue or legacy of an interest therein shall not escheat but in the absence of other directions in the will, shall descend or be distributed as intestate property.

SECTION 3. 318.03 (1) of the statutes is renumbered 238.136 and amended to read:

238.136 * * * If there * * * is no known heir of the decedent, the residue of the estate, not disposed of by will, shall escheat and shall be ordered paid into the state school fund.

SECTION 4. 318.03 (3) of the statutes is repealed.

SECTION 5. 318.03 (1) and (2) of the statutes are created to read:

318.03 (1) If any intestate property is not claimed by the heir within 120 days after entry of final judgment (or within the time designated in such judgment) it shall be converted into money and paid to the state school fund.

(2) If notice is given to a foreign legatee or heir in the manner provided in sections 310.05 and 324.18 and such person is not heard from within 120 days after entry of final judgment (or within a longer time designated in such judgment) the property which such foreign legatee or heir would take shall not escheat, but shall descend as intestate property.

SECTION 6. 318.03 (4) of the statutes is amended to read:

318.03 (4) The moneys received by the state treasurer pursuant to * * * sections 237.01, 238.136 and 318.03 (1) shall be paid to the owner on proof of his right thereto. The claimant may, within 7 years after the date of publication by the treasurer of notice of receipt thereof as provided by section 14.42 (15), file in the county court in which the estate was settled, a petition alleging the basis of his claim to the residue or to the legacy or share. The court shall order a hearing upon the petition; and 20 days' notice thereof shall be given by the claimant to the attorney-general, who shall appear for the state at the hearing. If the claim is established it shall be allowed without interest; and the court shall so certify to the director of budget and accounts, who shall audit and the state treasurer shall pay the same. If real property has been adjudged to escheat to the state pursuant to section 237.01 (7) the county court which made the adjudication may adjudge at any time before title has been transferred from the state that the title shall be transferred to the proper owners pursuant to proceedings brought in the manner provided in this subsection.

Approved July 19, 1951.