

SENATE FILE NO. SF0107

Probate code amendments.

Sponsored by: Senator(s) Perkins and Barnard and
Representative(s) Greear and Kirkbride

A BILL

for

1 AN ACT relating to the probate; amending the period for
2 objections to applications for summary probate; providing
3 that notice to an agent or attorney of a party interested
4 in an estate or a summary distribution is notice to the
5 party; amending prerequisite to a decree of final
6 distribution; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 2-1-205(d), (f) and by creating a new
11 subsection (j), 2-7-205(a)(intro) and by creating a new
12 subsection (d) and 2-7-812(a)(iii) are amended to read:

13

14 **2-1-205. Summary procedure for distribution of**
15 **personal or real property; application for decree; notice**

1 by publication; presumptive evidence of title; effect of
2 false statements.

3
4 (d) Subject to subsection (j) of this section, a
5 notice of application for a decree of summary distribution
6 of property shall be published once a week for two (2)
7 consecutive weeks in a newspaper of general circulation in
8 the county in which the application was filed. The notice
9 of application shall be served by first class mail to the
10 last known address, with copy of application attached, to
11 the surviving spouse of the decedent, if any, and to all
12 other distributees, so far as known, or to their guardians
13 if any of them are minors, or to their personal
14 representatives if any of them are deceased and to any
15 reasonably ascertainable creditors not later than ten (10)
16 days after the date of first publication.

17
18 (f) An objection to an application shall be filed
19 before the expiration of thirty (30) days after the mailing
20 required by subsection (d) of this section. An untimely
21 objection is barred. If no timely objection ~~to the~~
22 ~~application has been filed within thirty (30) days of the~~
23 ~~first date of publication~~ is filed, the court shall enter a

1 decree establishing the right and title to the property
2 located in Wyoming. A certified copy of the decree shall be
3 recorded in the office of the county clerk of each county
4 in which the real property, including mineral interests, is
5 located. Upon recording of the decree, the decree and the
6 record thereof shall be presumptive evidence of title to
7 the property. If an objection to the application is filed
8 within ~~thirty (30) days of the first date of publication~~
9 the time provided in this subsection, the court shall set
10 the matter for a hearing, after which the court shall enter
11 an order either denying or granting the application.

12
13 (j) Notice to the agent or attorney of any party
14 entitled to notice under this section is notice to that
15 party.

16
17 **2-7-205. Parties entitled to receive.**

18
19 (a) Subject to subsection (d) of this section, a true
20 copy of the notice required in W.S. 2-7-201 shall be mailed
21 by ordinary United States mail, first class, to:

1 (d) Notice to the agent or attorney of any party
2 entitled to notice under this section is notice to that
3 party.

4
5 **2-7-812. Payment of all taxes prerequisite; filing of**
6 **documents.**

7
8 (a) Before a final decree of distribution is entered
9 the court shall be satisfied by presentation of receipts,
10 cancelled checks, certificates, closing letters and other
11 proof that all federal, state, county and municipal taxes
12 legally levied upon the property of the estate or due on
13 account of the estate or death of the decedent have been
14 fully paid. The court shall not discharge any personal
15 representative nor release his bond nor issue a decree of
16 final distribution of the estate until:

17
18 (iii) The court finds that no inheritance tax or
19 estate tax is chargeable against the estate. ~~and excuses~~
20 ~~the filing of a receipt.~~

21
22 **Section 2.** W.S. 2-7-812(a)(i) is repealed.

