

HOUSE BILL NO. HB0086

Summary probate procedures.

Sponsored by: Representative(s) Greear, Olsen and Pelkey and
Senator(s) Nethercott

A BILL

for

1 AN ACT relating to the probate code; creating a definition
2 for summary probate procedures; specifying how distribution
3 through intervening estates may take place; specifying limits
4 for creditor claims to distributed property; amending
5 procedures for summary probate distribution; specifying
6 applicability; 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. 2-1-209 is created to read:

11

12 **2-1-209. "Distributee" defined.**

13

1 (a) As used in this article, "distributee" means as
2 defined in W.S. 2-1-301(a)(xiii) and includes any person who
3 is a successor in interest to the decedent:

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5 (i) As an heir;

6
7 (ii) As a beneficiary;

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9 (iii) Through the intervening estates of the
10 decedent's heirs, beneficiaries, successors or assigns; or

11
12 (iv) Through an established record of ownership.

13
14 **Section 2.** W.S. 2-1-205(f) and by creating new
15 subsections (k) and (m) is amended to read:

16
17 **2-1-205. Summary procedure for distribution of personal**
18 **or real property; application for decree; notice by**
19 **publication; presumptive evidence of title; effect of false**
20 **statements.**

21
22 (f) An objection to an application shall be filed
23 before the expiration of the later of twenty (20) days after

1 the mailing required by subsection (d) of this section or
2 thirty (30) days after the date of first publication. An
3 untimely objection is forever barred. If no timely objection
4 is filed, the court shall enter a decree establishing the
5 right and title to the property located in Wyoming. A
6 certified copy of the decree shall be recorded in the office
7 of the county clerk of each county in which the real property,
8 including mineral interests, is located. Upon recording of
9 the decree, the decree and the record thereof shall be
10 presumptive evidence of title to the property. If an objection
11 to the application is filed within the time provided in this
12 subsection, the court shall set the matter for a hearing,
13 after which the court shall enter an order either denying or
14 granting the application.

15

16 (k) Distributions of property under this article to a
17 person who claims title to the decedent's property through
18 intervening estates is authorized if the person is a
19 distributee as defined in W.S. 2-1-209.

20

21 (m) A distributee who has satisfied the requirements of
22 this section and W.S. 2-1-201 is entitled to a decree of

1 summary distribution and no further action under this title
2 is required.

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4 **Section 3.** This act shall apply to any application for
5 a decree of summary distribution of property filed under W.S.
6 2-1-205 on or after the effective date of this act.

7

8 **Section 4.** This act is effective July 1, 2019.

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10

(END)