

SENATE FILE NO. SF0054

Summary probate procedures-notice.

Sponsored by: Senator(s) Case

A BILL

for

1 AN ACT relating to probate; requiring notice under summary
2 probate procedures as specified; specifying and modifying
3 procedures for notice to and objection to the summary
4 distribution of a decedent's estate; eliminating a
5 presumption as specified; and providing for an effective
6 date.

7

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

9

10 **Section 1.** W.S. 2-1-206 is created to read:

11

12 **2-1-206. Parties entitled to receive notice.**

13

14 (a) A true copy of the notice required in W.S.
15 2-1-205(c) shall be mailed by ordinary United States mail,
16 first class, to the surviving spouse, if any, to all of the
17 known heirs at law of the decedent, to all beneficiaries

1 under the decedent's will if the decedent died testate and
 2 to all known creditors of the decedent. The mailings shall
 3 be made not later than one (1) week after the first
 4 publication of the notice in the newspaper.

5

6 (b) The notice required in W.S. 2-1-205(c) and
 7 subsection (a) of this section shall be substantially in
 8 the following form:

9

10 State of Wyoming) In the District Court
 11) ssJudicial District
 12 County of) Probate No.
 13 In the Matter of the Estate)
 14)
 15 of) Notice of Summary Distribution
 16)
 17, Deceased.)

18

19 TO ALL PERSONS INTERESTED IN SAID ESTATE:

20

21 You are hereby notified that on the day of,
 22 (year), a petition for summary distribution of the estate
 23 of the above-named decedent was filed.

24

1 Dated , (year). Petitioner

2

3 PUBLISH: (once a week for four (4) successive weeks).

4

5 (c) The proof of publication of the notice required
6 in W.S. 2-1-205(c) shall be by affidavit of the publisher.

7

8 (d) The proof of mailing or delivery of all notices
9 required by subsection (a) of this section shall be by
10 affidavit of the petitioner or his attorney.

11

12 (e) The affidavits for proof of publication and
13 mailing notices shall be filed with the clerk of court from
14 which the letters were issued.

15

16 **Section 2.** W.S. 2-1-205(c) is amended to read:

17

18 **2-1-205. Summary procedure for distribution of real**
19 **property; application for decree; notice by publication;**
20 **effect of false statements.**

21

22 (c) After thirty (30) days following the last
23 publication of the notice of application once a week for
24 two (2) consecutive weeks in a newspaper of general

1 circulation in the county, or otherwise as the court may
2 order, the court shall consider the application. If the
3 decedent received medical assistance pursuant to W.S.
4 42-4-101 through 42-4-114, the state department of health
5 shall be provided a copy of the application for a decree
6 within five (5) days of its filing. If it appears that the
7 facts stated in the application are not in dispute, the
8 court shall enter a decree establishing the right and title
9 to the property. A certified copy of the decree shall be
10 recorded in the office of the county clerk. ~~and thereafter~~
11 ~~the decree and the record thereof shall be presumptive~~
12 ~~evidence of title to the property.~~

13

14 **Section 3.** This act is effective July 1, 2003.

15

16

(END)