

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.**

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 heirs at law of the decedent, to all beneficiaries under

1 the decedent's will if the decedent died testate and to all
 2 known creditors of the decedent. The mailings shall be made
 3 not later than one (1) week after the first publication of
 4 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 Probate
 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. Any action to object
 24 to the summary distribution of the decedent's estate or any

1 claim by a creditor shall be filed in the Court with a copy
2 to the petitioner within thirty (30) days from the date of
3 the first publication of this notice, or thereafter be
4 forever barred.

5

6 Dated, (year). Affiant

7

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

9

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

12

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

16

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

20

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

22

