

SENATE FILE NO. SF0104

Probate code revisions.

Sponsored by: Senator(s) Crago, Olsen and Pearson and  
Representative(s) Brady, Chestek, Lawley,  
Lucas, Nicholas and Washut

A BILL

for

1 AN ACT relating to the probate code; amending maximum  
2 values for certain proceedings relating to the probate of  
3 estates; clarifying the effect of certain disclaimers of  
4 property; and providing for an effective date.

5

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

7

8       **Section 1.** W.S. 2-1-201(a)(i), 2-1-204(a)(i),  
9 2-1-205(a), 2-1-403 by creating a new subsection (d),  
10 2-11-201 and 2-11-202(a)(intro) are amended to read:

11

12       **2-1-201. Payment of indebtedness and delivery of**  
13 **tangible personal property or instruments evidencing debt.**

14

1           (a) Not earlier than thirty (30) days after the death  
2 of a decedent, any person indebted to the decedent or  
3 having possession of tangible personal property or an  
4 instrument evidencing a debt, obligation, stock or chose in  
5 action belonging to the decedent shall make payment of the  
6 indebtedness or deliver the tangible personal property or  
7 the instrument evidencing the debt, obligation, stock or  
8 chose in action to the person or persons claiming to be the  
9 distributee or distributees of the property or the attorney  
10 for the distributee or distributees, upon being presented  
11 an affidavit, filed as provided by subsection (c) of this  
12 section, made by or on behalf of the distributee or  
13 distributees stating:

14

15           (i) The value of the entire estate located in  
16 Wyoming subject to administration, either testate or  
17 intestate, less liens and encumbrances, does not exceed ~~two~~  
18 ~~hundred thousand dollars (\$200,000.00)~~ four hundred  
19 thousand dollars (\$400,000.00);

20

21           **2-1-204. Collection of claims of certain creditors of**  
22 **decedent by affidavit.**

23

1           (a) Not earlier than ninety (90) days after the death  
2 of a decedent, the United States, or any agency or  
3 instrumentality thereof, or the state of Wyoming, or any  
4 agency, instrumentality or political subdivision thereof,  
5 to whom the decedent was indebted or to whom the decedent's  
6 estate would be indebted if the estate were being  
7 administered upon, may collect all of the assets of the  
8 decedent referred to in W.S. 2-1-201, upon presentation of  
9 an affidavit to the parties referred to in W.S. 2-1-201,  
10 stating:

11

12           (i) The value of the entire estate, wherever  
13 located, less liens and encumbrances, does not exceed ~~two~~  
14 ~~hundred thousand dollars (\$200,000.00)~~ four hundred  
15 thousand dollars (\$400,000.00);

16

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

21

22           (a) If any person dies who is the owner of personal  
23 or real property, including mineral interests, but whose

1 entire estate including personal property does not exceed  
2 ~~two hundred thousand dollars (\$200,000.00)~~ four hundred  
3 thousand dollars (\$400,000.00), less liens and  
4 encumbrances, the person or persons claiming to be the  
5 distributee or distributees of the decedent may file, not  
6 earlier than thirty (30) days after the decedent's death,  
7 an application for a decree of summary distribution of  
8 property.

9

10 **2-1-403. Qualification; effective date.**

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12 (d) A written irrevocable disclaimer of an interest  
13 in property that does not otherwise qualify as a disclaimer  
14 or qualified disclaimer under subsection (a) or (b) of this  
15 section shall be effective to terminate and pass an  
16 interest in property if the disclaiming party acknowledges  
17 in a prior or contemporaneous writing that the disclaimer  
18 does not qualify as a disclaimer for federal or other tax  
19 purposes under this section.

20

21 **2-11-201. Probate of estates of nonresidents.**

22

1 In case of a nonresident's estate having property in this  
2 state not exceeding in value the sum of ~~two hundred~~  
3 ~~thousand dollars (\$200,000.00)~~ four hundred thousand  
4 dollars (\$400,000.00), which estate has been duly probated  
5 and settled in another state, the probate of the estate in  
6 this state may be dispensed with upon filing with the  
7 district judge in the proper county a petition under oath  
8 showing the facts in the case together with certified  
9 copies of the petition, order of appointment of executor or  
10 administrator, inventory and final decree of distribution  
11 of estate therein, and a full showing that debts of the  
12 estate have been paid and the district judge giving notice  
13 by publication for the period of three (3) weeks of the  
14 intention of the petitioner to have the probate proceedings  
15 admitted in this state as a probate of the estate. If on  
16 the day set for hearing the petition no objection is made,  
17 the judge shall make an order admitting the certified  
18 copies of the proceedings in the estate to record in his  
19 court and they shall be considered and treated from that  
20 time as original proceedings in his court and shall be  
21 conclusive evidence of the facts therein shown. If at such  
22 hearing any creditor objects to the proceedings and shows  
23 that the decedent is indebted to him, his claim not having

1 been presented in the original state, the matter shall be  
2 postponed and the creditor or other person shall be allowed  
3 to petition for letters of administration as in other  
4 cases. This section shall not be construed to prevent the  
5 courts of this state from appointing a temporary  
6 administrator in this state to collect and preserve the  
7 property of the estate of the deceased person which may be  
8 located in this state.

9

10 **2-11-202. Nonresident property in Wyoming;**  
11 **disposition.**

12

13 (a) In case of a nonresident's estate having property  
14 in this state not exceeding in value the sum of ~~two hundred~~  
15 ~~thousand dollars (\$200,000.00)~~ four hundred thousand  
16 dollars (\$400,000.00), which estate is being duly probated  
17 and settled in another state, the Wyoming district judge  
18 may enter an order for the sale of the property located in  
19 this state provided:

20

21 **Section 2.** This act is effective July 1, 2025.

22

23

(END)