

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 66

AN ACT to amend the Indiana Code concerning probate.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 29-1-17-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 13.5. (a) This section applies to a solvent supervised estate if:**

- (1) a decree of final distribution has been entered by the court under section 2 of this chapter;**
- (2) the personal representative has filed a supplemental report of distribution and the court has entered an order of discharge under section 13 of this chapter; and**
- (3) one (1) or more than one (1) estate assets shown on hand in the personal representative's final account remain undistributed after the entry of the order of discharge.**

(b) If the undistributed assets of the estate are specifically described in the decree of final distribution, distribution of any of the assets may be accomplished or documented by:

- (1) the distributee who is entitled to receive the asset filing or recording of an affidavit under subsection (c); or**
- (2) the personal representative's execution and recording or filing of a personal representative's deed or other transfer document under subsection (e).**

(c) If the decree of final distribution under section 2 of this chapter identifies one (1) or more distributees who are entitled to

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receive distribution of an asset that remains undistributed, any distributee may sign and file with the court an affidavit that:

- (1) states the cause number and the caption for the estate;
- (2) states the date on which the decree of final distribution was entered by the court;
- (3) identifies the undistributed asset described in the decree and to which the distributee is entitled;
- (4) states the interest in the asset that has passed to the distributee who signs the affidavit and to each other distributee who has an interest in that asset; and
- (5) states that the undistributed asset has passed by operation of law under IC 29-1-7-23(a) to the distributee who signs the affidavit, as a result of the decedent's death and the entry of the decree of final distribution.

(d) If an undistributed asset consists of an interest in real property, the distributee must record a copy of the affidavit and a copy of the decree of final distribution with the county recorder of the county in which the real property is situated. If the decree of final distribution does not include the full legal description of the real property, the distributee who signs the affidavit must include in the affidavit the legal description of the real property and the property tax parcel identification number for the real property.

(e) Notwithstanding the filing of a supplemental report of distribution and the court's entry of an order of discharge under section 13 of this chapter, the personal representative's powers to complete distribution and delivery of all undistributed estate assets continue for a period of ninety (90) days beginning on the day after the date of entry of the order of discharge in the chronological case summary. During that ninety (90) day period:

- (1) the personal representative may proceed, without any further court order, to sign and deliver any assignment or transfer document to complete the distribution of personal property and may sign and record a personal representative's deed to complete the distribution of real property of the estate; and
- (2) any distributee who has an interest in an undistributed estate asset may petition the court for an order compelling the personal representative to sign and deliver or to sign and record a personal representative's deed or other assignment or transfer document to complete the distribution of that estate asset.

If a petition under subdivision (2) is filed before the ninety (90) day



period ends and if the court issues an order, the order will be effective without notice to any persons other than the personal representative and the distributee who filed the petition, even if the order is issued after the ninety (90) day period ends.

SECTION 2. IC 29-1-17-14, AS AMENDED BY P.L.79-2017, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. (a) If, after an estate has been settled and the personal representative discharged, other property of the estate shall be discovered, or if it shall appear that any necessary act remains unperformed on the part of the personal representative, or for any other proper cause, the court, upon the petition of the discharged personal representative or any person interested in the estate and, without notice or upon such notice as it may direct, may order that said estate be reopened. It may reappoint the personal representative or appoint another personal representative to administer such property or perform such act as may be deemed necessary. Unless the court shall otherwise order, the provisions of this article as to an original administration shall apply to the proceedings had in the reopened administration so far as may be, but no claim which is already barred can be asserted in the reopened administration.

(b) **Except as provided in section 13.5 of this chapter**, whenever any solvent estate has been closed, and it thereafter appears that any assets thereof have not been fully administered upon, the court may, if it appears practicable, order such assets distributed to, or title vested in, the persons entitled thereto in lieu of reopening the estate as provided in the preceding subsection. No additional notice of such proceedings shall be necessary unless so ordered by the court.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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