

1 S.116

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Probate proceedings; service by publication; notice to interested
6 parties

7 Statement of purpose: This bill proposes to reduce the amount of time notice
8 by publication is required to be in newspapers with respect to probate
9 proceedings, and to provide the court in a proceeding involving a decedent's
10 estate with the discretion to determine that an interested party need not be
11 served with notice if the court finds that not providing such notice is in the best
12 interests of the decedent and the estate.

13 An act relating to probate proceedings

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. Rule 4(e) of the Vermont Rules of Probate Procedure is amended
16 to read:

17 (e) Service by publication. When service by publication is required by this
18 rule or by order of the court, the person directed by the court shall cause the
19 substance of the notice prescribed by subdivision (a) of this rule, and a brief
20 statement of the object of the petition, to be published ~~once a week for two~~

1 ~~successive weeks and at least seven days apart~~ in a designated newspaper of
2 general circulation in the probate district where the petition was filed, or such
3 other location as the court may direct. The ~~first~~ publication of the notice shall
4 be made within 20 days after the petition is filed or the order is granted.
5 Service by publication is complete on the day of ~~the last~~ publication.

6 Sec. 2. Rule 17 of the Vermont Rules of Probate Procedure is amended
7 to read:

8 Rule 17. PARTIES GENERALLY

9 (a) Parties at commencement. At the commencement of a probate
10 proceeding all interested persons shall be considered parties and shall be
11 served with notice pursuant to Rule 4.

12 (1) Decedent's estates. At commencement of a probate proceeding
13 involving a decedent's estate, the term "interested person" includes heirs,
14 devisees, legatees, children, spouses, and such other persons as the court
15 directs. The term "interested person" also includes the trustees of any trusts to
16 which assets of the decedent's estate may be distributed. Notice to a trustee
17 shall be sufficient to notify the trust's beneficiaries. It also includes persons
18 having priority for appointment as executor or administrator, and other
19 fiduciaries representing interested persons. Notwithstanding this rule, in a
20 proceeding involving a decedent's estate, the court shall have discretion to
21 determine that an interested party need not be served with notice pursuant to

1 Rule 4 if the court finds that not providing such notice is in the best interests of
2 the decedent and the estate.

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4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on passage.