

ORIGINAL SENATE
FILE NO. SF0027

ENROLLED ACT NO. 26, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to wills and probate; specifying the determination of heirship and distribution of a decedent's known and unknown real property; specifying procedures; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 2-9-203 and 34-11-101(c) are amended to read:

2-9-203. Application by petition two years after death; hearing; determination and decree.

(a) Upon hearing, if it appears to the court that more than two (2) years have elapsed since the death of the deceased, that he died seized of an interest in lands in this state or that he died intestate having entered government lands and not having received a patent therefor, and there has been no previous record judicial determination of the decedent's heirs or the right of descent of the real property interest, the court shall determine the date of the decedent's death, who were the heirs of the deceased upon the date of death, their degree of kinship, ~~and~~ the right of descent of the real property or interest therein of which the deceased died seized or on which he had made an entry but had not yet received a patent therefor and the distribution each heir is entitled to receive from the known and unknown real property interests of the decedent based on the determination of the right of descent, and shall make and enter its decree accordingly.

(b) The findings of the court relating to a decedent's date of death, intestacy, heirs, degree of

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kinship and right of descent shall apply to any other real property in this state subsequently discovered in which the decedent had a property interest at the time of his death as identified by an affidavit recorded pursuant to W.S. 34-11-101, provided that:

(i) A copy of the judicial determination of the decedent's heirs or right of descent shall be included with an affidavit filed under W.S. 34-11-101 for the subsequently discovered property;

(ii) No other recorded judicial determination has been made relating to the right of descent for that property.

34-11-101. Recorded affidavit as evidence; subjects; facts.

(c) The affidavits shall include a description of the land, title to which may be affected by facts stated in the affidavit, and shall state the name of the person appearing by the record to be the owner of the land at the time of the recording of the affidavit. For affidavits involving subsequently discovered real property under W.S. 2-9-203, the affidavit shall also include a copy of the judicial determination of the decedent's heirs or right of descent. The county clerk shall index the affidavit in the name of the record owner and in the same manner as deeds are recorded.

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Section 2. This act is effective July 1, 2020.

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