

ORIGINAL SENATE
FILE NO. SF0107

ENROLLED ACT NO. 48, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to the probate; amending the period for objections to applications for summary probate; providing that notice to an agent or attorney of a party interested in an estate or a summary distribution is notice to the party; amending prerequisite to a decree of final distribution; and providing for an effective date.

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

Section 1. W.S. 2-1-205(d), (f) and by creating a new subsection (j), 2-7-205(a)(intro) and by creating a new subsection (d) and 2-7-812(a)(iii) are amended to read:

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

(d) Subject to subsection (j) of this section, a notice of application for a decree of summary distribution of property shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county in which the application was filed. The notice of application shall be served by first class mail to the last known address, with copy of application attached, to the surviving spouse of the decedent, if any, and to all other distributees, so far as known, or to their guardians if any of them are minors, or to their personal representatives if any of them are deceased and to any reasonably ascertainable creditors not later than ten (10) days after the date of first publication.

(f) An objection to an application shall be filed before the expiration of the later of twenty (20) days after the mailing required by subsection (d) of this

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section or thirty (30) days after the date of first publication. An untimely objection is barred. If no timely objection ~~to the application has been filed within thirty (30) days of the first date of publication is filed,~~ the court shall enter a decree establishing the right and title to the property located in Wyoming. A certified copy of the decree shall be recorded in the office of the county clerk of each county in which the real property, including mineral interests, is located. Upon recording of the decree, the decree and the record thereof shall be presumptive evidence of title to the property. If an objection to the application is filed within ~~thirty (30) days of the first date of publication~~ the time provided in this subsection, the court shall set the matter for a hearing, after which the court shall enter an order either denying or granting the application.

(j) Notice to the agent or attorney of any party entitled to notice under this section is notice to that party.

2-7-205. Parties entitled to receive.

(a) Subject to subsection (d) of this section, a true copy of the notice required in W.S. 2-7-201 shall be mailed by ordinary United States mail, first class, to:

(d) Notice to the agent or attorney of any party entitled to notice under this section is notice to that party.

2-7-812. Payment of all taxes prerequisite; filing of documents.

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(a) Before a final decree of distribution is entered the court shall be satisfied by presentation of receipts, cancelled checks, certificates, closing letters and other proof that all federal, state, county and municipal taxes legally levied upon the property of the estate or due on account of the estate or death of the decedent have been fully paid. The court shall not discharge any personal representative nor release his bond nor issue a decree of final distribution of the estate until:

(iii) The court finds that no inheritance tax or estate tax is chargeable against the estate. ~~and excuses the filing of a receipt.~~

Section 2. W.S. 2-7-812(a)(i) is repealed.

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Section 3. This act is effective July 1, 2017.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk