

SENATE BILL NO. 145

INTRODUCED BY HAGER

IN THE SENATE

January 15, 1981	Introduced and referred to Committee on Judiciary.
January 23, 1981	Committee recommend bill do pass. Report adopted.
January 24, 1981	Bill printed and placed on members' desks.
January 26, 1981	Second reading, do pass.
January 27, 1981	Correctly engrossed.
January 28, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

January 29, 1981	Introduced and referred to Committee on Judiciary.
March 10, 1981	Committee recommend bill be concurred in. Report adopted.
March 11, 1981	Second reading, concurred in.
March 14, 1981	Third reading, concurred in. Ayes, 93; Noes, 0.

IN THE SENATE

March 16, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Amended* BILL NO. 145
 2 INTRODUCED BY Hager
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FROM \$1,500
 5 TO \$7,500 THE VALUE OF AN ESTATE THAT MAY BE ADMINISTERED
 6 USING THE SMALL ESTATE SUMMARY PROCEDURE; AMENDING SECTIONS
 7 72-3-1101, 72-3-1103, AND 72-3-1104, MCA."

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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 72-3-1101, MCA, is amended to read:

11 "72-3-1101. Collection of property by affidavit. (1)
 12 Thirty days after the death of a decedent, any person
 13 indebted to the decedent or having possession of tangible
 14 personal property or an instrument evidencing a debt,
 15 obligation, stock, or chose in action belonging to the
 16 decedent shall make payment of the indebtedness or deliver
 17 the tangible personal property or an instrument evidencing a
 18 debt, obligation, stock, or chose in action to a person
 19 claiming to be the successor of the decedent upon being
 20 presented an affidavit made by or on behalf of the successor
 21 stating that:

22 (a) the value of the entire estate, wherever located,
 23 less liens and encumbrances, does not exceed ~~\$1,500~~ \$7,500;

24 (b) 30 days have elapsed since the death of the
 25 decedent;

1 (c) no application or petition for the appointment of
 2 a personal representative is pending or has been granted in
 3 any jurisdiction; and

4 (d) the claiming successor is entitled to payment or
 5 delivery of the property.

6 (2) A transfer agent of any security shall change the
 7 registered ownership on the books of a corporation from the
 8 decedent to the successor or successors upon the
 9 presentation of an affidavit as provided in subsection (1)."

10 Section 2. Section 72-3-1103, MCA, is amended to read:

11 "72-3-1103. Summary procedure for disbursement and
 12 distribution. If it appears from the inventory and appraisal
 13 that the value of the net distributable estate does not
 14 exceed ~~\$1,500~~ \$7,500 or the value of the entire estate, less
 15 liens and encumbrances, does not exceed homestead allowance,
 16 exempt property, family allowance, costs and expenses of
 17 administration, reasonable funeral expenses, and reasonable
 18 and necessary medical and hospital expenses of the last
 19 illness of the decedent, the personal representative,
 20 without giving notice to creditors, may immediately disburse
 21 and distribute the estate to the persons entitled thereto
 22 and file a closing statement as provided in 72-3-1104."

23 Section 3. Section 72-3-1104, MCA, is amended to read:

24 "72-3-1104. Closing by sworn statement of personal
 25 representative -- termination of appointment. (1) Unless

1 prohibited by order of the court and except for estates
 2 being administered by supervised personal representatives, a
 3 personal representative may close an estate administered
 4 under the summary procedures of 72-3-1103 by filing with the
 5 court, at any time after disbursement and distribution of
 6 the estate, a verified statement stating that:

7 (a) to the best knowledge of the personal
 8 representative, the value of the net distributable estate
 9 did not exceed ~~\$17,500~~ \$7,500 or the value of the entire
 10 estate, less liens and encumbrances, did not exceed
 11 homestead allowance, exempt property, family allowance,
 12 costs and expenses of administration, reasonable funeral
 13 expenses, and reasonable, necessary medical and hospital
 14 expenses of the last illness of the decedent;

15 (b) the personal representative has fully administered
 16 the estate by payment of inheritance taxes and by disbursing
 17 and distributing it to the persons entitled thereto; and

18 (c) the personal representative has sent a copy of the
 19 closing statement to all distributees of the estate and to
 20 all creditors or other claimants of whom he is aware whose
 21 claims are neither paid nor barred and has furnished a full
 22 account in writing of his administration to the distributees
 23 whose interests are affected.

24 (2) If no actions or proceedings involving the
 25 personal representative are pending in the court 1 year

1 after the closing statement is filed, the appointment of the
 2 personal representative terminates.

3 (3) A closing statement filed under this section has
 4 the same effect as one filed under 72-3-1004."

5 Section 4. Applicability. This act applies to
 6 decedents dying after the effective date of this act.

-End-

Approved by Committee
on Judiciary

Senator BILL NO. 145
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