

January 30, 1998

SENATE BILL No. 162

DIGEST OF SB0162 (Updated January 28, 1998 6:32 pm - DI 76)

Citations Affected: IC 29-1-8-3.

Synopsis: Small estates. Provides that a personal representative or a person acting on behalf of the distributees of a decedent whose gross estate, less liens and encumbrances, does not exceed \$25,000 in value may close the estate under the summary procedures for small estates. (Current law allows a person to close an estate under the summary procedures if the gross estate, less liens and encumbrances, does not exceed \$15,000 in value.) (The introduced version of this bill was prepared by the probate code study commission.)

Effective: July 1, 1998.

Landske

January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
January 29, 1998, reported favorably — Do Pass.

SB 162—LS 6250/DI 92



C
O
P
Y

January 30, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

SENATE BILL No. 162

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

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

- 1 SECTION 1. IC 29-1-8-3, AS AMENDED BY P.L.118-1997,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 3. (a) If it appears that the value of a decedent's
4 gross probate estate, less liens and encumbrances, does not exceed the
5 sum of:
6 (1) ~~fifteen~~ **twenty-five** thousand dollars (~~\$15,000~~); (**\$25,000**);
7 (2) the costs and expenses of administration; and
8 (3) reasonable funeral expenses;
9 the personal representative or a person acting on behalf of the
10 distributees, without giving notice to creditors, may immediately
11 disburse and distribute the estate to the persons entitled to it and file a
12 closing statement as provided in section 4 of this chapter.
13 (b) If an estate described in subsection (a) includes real property, an
14 affidavit may be recorded in the office of the recorder in the county in
15 which the real property is located. The affidavit must contain the
16 following:
17 (1) The legal description of the real property.

SB 162—LS 6250/DI 92



C
O
P
Y

- 1 (2) The following statement: "It appears that the decedent's gross
- 2 probate estate, less liens and encumbrances, does not exceed the
- 3 sum of the following: ~~the allowance, if any, provided by~~
- 4 ~~IC 29-1-4-1,~~ **twenty-five thousand dollars (\$25,000)**, the costs
- 5 and expenses of administration, and reasonable funeral
- 6 expenses."
- 7 (3) The name of each person entitled to at least a part interest in
- 8 the real property as a result of a decedent's death, the share to
- 9 which each person is entitled, and whether the share is a divided
- 10 or undivided interest.
- 11 (4) A statement which explains how each person's share has been
- 12 determined.

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill 162, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 162 as introduced.)

MEEKS, Chairperson

Committee Vote: Yeas 8, Nays 0.

C
o
p
y

