
PRELIMINARY DRAFT
No. 3323

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2007 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 29-1-17-2.

Synopsis: Probate administration. Provides that the notice requirements applying to hearings on filed estate accountings also apply to a hearing on a petition for a court to decree the final distribution of an estate.

Effective: July 1, 2007.



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 29-1-17-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) After the
3 expiration of the time limit for the filing of claims, and after all claims
4 against the estate, including state and federal inheritance and estate
5 taxes, have been determined, paid, or provision made therefor, except
6 contingent and unmatured claims which cannot then be paid, the
7 personal representative shall, if the estate is in a condition to be closed,
8 render ~~his~~ a final account and at the same time petition the court to
9 decree the final distribution of the estate. Notice of the hearing of the
10 petition shall be given ~~to all interested persons~~. **pursuant to**
11 **IC 29-1-16-6.**

12 (b) In its decree of final distribution, the court shall designate the
13 persons to whom distribution is to be made, and the proportions or
14 parts of the estate, or the amounts, to which each is entitled under the
15 will and the provisions of this probate code, including the provisions
16 regarding advancements, election by the surviving spouse, lapse,
17 renunciation, adjudicated compromise of controversies, and retainer.
18 Every tract of real property so distributed shall be specifically
19 described therein. The decree shall find that all state and federal
20 inheritance and estate taxes are paid, and if all claims have been paid,
21 it shall so state; otherwise, the decree shall state that all claims except
22 those therein specified are paid and shall describe the claims for the
23 payment of which a special fund is set aside, and the amount of such
24 fund. If any contingent claims which have been duly allowed are still
25 unpaid and have not become absolute, such claims shall be described
26 in the decree, which shall state whether the distributees take subject to
27 them. If a fund is set aside for the payment of contingent claims, the
28 decree shall provide for the distribution of such fund in the event that
29 all or a part of it is not needed to satisfy such contingent claims. If a
30 decree of partial distribution has been previously made, the decree of
31 final distribution shall expressly confirm it, or, for good cause, shall



1 modify said decree and state specifically what modifications are made.
2 (c) If a distributee dies before distribution to ~~him~~ **the distributee** of
3 ~~his the distributee's~~ share of the estate, ~~such the distributee's~~ share
4 may be distributed to the personal representative of ~~his the~~
5 **distributee's** estate, if there ~~be is~~ one; or if no administration on ~~his the~~
6 **deceased distributee's** estate is had and none is necessary according
7 to IC ~~1971~~, 29-1-8, the share of ~~such the deceased~~ distributee shall be
8 distributed in accordance ~~therewith.~~ **with IC 29-1-8.**
9 (d) The decree of final distribution shall be a conclusive
10 determination of the persons who are the successors in interest to the
11 estate of the decedent and of the extent and character of their interest
12 therein, subject only to the right of appeal and the right to reopen the
13 decree. It shall operate as the final adjudication of the transfer of the
14 right, title, and interest of the decedent to the distributees therein
15 designated; but no transfer before or after the decedent's death by an
16 heir or devisee shall affect the decree, nor shall the decree affect any
17 rights so acquired by grantees from the heirs or devisees.
18 (e) Whenever the decree of final distribution includes real property,
19 a certified copy thereof shall be recorded by the personal representative
20 in every county of this state in which any real property distributed by
21 the decree is situated except the county in which the estate is
22 administered. The cost of recording such decree shall be charged to the
23 estate.

