

No. 85, S.]

[Published August 13, 1959.

CHAPTER 278

AN ACT to renumber 253.03 (2); and to create 231.36 and 253.03 (2) (b) of the statutes, relating to nontestamentary trust proceedings in county court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 231.36 of the statutes is created to read:

231.36 NONTESTAMENTARY TRUST PROCEEDINGS IN COUNTY COURT. (1) (a) The county court and the circuit court shall have power and authority to hear and determine all matters and proceedings, to perform all deeds and acts, and to grant all relief and remedies as to inter vivos trusts as provided in ss. 231.24 to 231.33.

(b) When any such matter or proceeding has been commenced in the circuit court, it may by order transfer the same and the record thereof to the county court for disposition, and the county court may in like manner transfer such a matter or proceeding to the circuit court.

(c) With respect to s. 231.24, such power of the county court shall include the power to appoint successor trustees upon petition of any interested party as hereafter provided.

(2) The county court and the circuit court shall have power and authority to construe trusts and determine the duties and powers of trustees, to examine accounts presented for allowance, and upon the termination of any trust and such allowance of accounts, to order disposition of the trust and to discharge the trustee.

(3) The county court, in exercising its power and authority to authorize or require a sale, mortgage or lease of real estate or any interest therein of any such trust, shall not be required to follow the procedures set out in ch. 296 but shall be empowered to enter its order with respect thereto following hearing thereon upon notice given to all trustees and interested persons as hereafter prescribed, provided that no order for such sale, mortgage or lease shall be made in violation of the terms of the trust.

(4) Any proceeding hereunder shall be commenced by the filing of a petition with the county court by any trustee or any person interested in any such trust, and all the procedure governing county courts shall apply to such proceeding, but nothing herein shall require any judicial determination or adjudication as to inter vivos trusts in county court unless such petition be filed therein. Notice of all proceedings commenced under this section shall be given to all trustees and all persons interested as prescribed in ss. 324.18 to 324.20.

(5) Any proceeding brought pursuant to this section shall be governed by the provisions of ch. 261 so far as applicable and shall be regarded as a civil action for that purpose.

SECTION 2. 253.03 (2) of the statutes is renumbered 253.03 (2) (a).

SECTION 3. 253.03 (2) (b) of the statutes is created to read:

253.03 (2) (b) The county court shall also have concurrent jurisdiction to hear and determine all matters and proceedings involving inter vivos trusts, and the administration thereof, in the manner provided in ch. 231.

Approved July 31, 1959.
