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State of Misconsin 2017 - 2018 LEGISLATURE

LRBa1830/1 FFK:amn

ASSEMBLY AMENDMENT 2, TO ASSEMBLY BILL 607

January 22, 2018 - Offered by Representative Ballweg.

At the locations indicated, amend the bill as follows:

1. Page 7, line 17: after that line insert:

"Section 13d. 867.03 (1h) of the statutes, as created by 2017 Wisconsin Act 90, is amended to read:

867.03 (1h) EXCEPTION FOR REAL PROPERTY. A person named in the will as personal representative may not receive any real property of the decedent by providing an affidavit under sub. (1g) or have any evidence of interest, obligation to, or right of the decedent in any real property of the decedent transferred to the person named in the will as personal representative by providing an affidavit under sub. (1g). This subsection does not apply to a person named in the will to act as personal representative if the person is also an heir of the decedent, a trustee of a revocable trust created by the decedent, or a person who was guardian of the decedent at the time of the decedent's death.

SECTION 13g. 867.03 (1j) of the statutes, as created by 2017 Wisconsin Act 90, is renumbered 867.03 (1j) (a) and amended to read:

867.03 (1j) (a) A Subject to par. (b), a person who receives an affidavit under sub. (1g) from a person named in the will to act as personal representative may not transfer any money due the decedent, the property of the decedent, or any evidence of interest, obligation to, or right of the decedent to the affiant until 30 days after the day on which the affidavit is received. This paragraph does not apply to an affidavit under sub. (1g) received from a person named in the will to act as personal representative if the person is also an heir of the decedent, a trustee of a revocable trust created by the decedent, or a person who was guardian of the decedent at the time of the decedent's death.

(b) If, during the 30-day period <u>under par. (a)</u>, the person who received the affidavit <u>under par. (a)</u> receives an affidavit under sub. (1g) for the same decedent from another person, the person who received the affidavits may not transfer any money due the decedent, the property of the decedent, or any evidence of interest, obligation to, or right of the decedent under this section unless ordered to do so by a court.

(c) Subsection (2) does not apply to a transfer if the transferor did not comply with this subsection.".

(END)