

## CHAPTER 858

## INVENTORY

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**858.01 Inventory must be filed by personal representative.** Except as provided by s. 865.11, every personal representative, within a reasonable time but no later than 6 months after his appointment unless the court has by order extended or shortened the time, shall file with the court an inventory of all property owned by the decedent. The inventory shall also separately include all property which is required to be listed for inheritance tax purposes only. The inventory when filed shall show the value of all property as of the date of the decedent's death. If a special administrator or personal representative has filed an inventory, no personal representative who is later appointed need file a further inventory unless additional property is found or the court orders otherwise.

**History:** 1973 c. 39

**Cross reference:** See 72.11 and 72.12 which describe property subject to inheritance tax

**858.03 Persons interested may be informed of inventory.** Not more than 5 days after filing an inventory with the court the personal representative shall mail or deliver to the surviving spouse and to all other persons interested, except those whose only interest is as a beneficiary of a monetary bequest or a bequest or devise of specific property, a statement indicating that the inventory has been filed and that a copy of the inventory or a summary indicating the value of each item of property in which the person has an interest, will be sent to him upon his written request to the personal representative. If any person to whom the statement is required to be sent makes a request, the personal representative shall comply within 5 days after receipt of the request. If a person interested to whom the statement is required to be sent is represented by a guardian of the estate or by a guardian ad litem, the statement shall be mailed or delivered to the guardian of the estate or the guardian ad litem but not to the person interested. If the person interested is represented by an attorney for persons in military service the statement shall be sent to both the attorney for

persons in military service and the person interested. Failure of the personal representative to comply with this section does not affect the jurisdiction of the court as to persons interested.

**Cross reference:** See 879.26 which provides for waiver of this requirement

**858.05 Order to file inventory.** If any personal representative neglects to file his inventory when required by law, the court shall call his attention to his neglect. If he still neglects to file, the court shall order him to file his inventory. If, without reasonable cause shown, he refuses or neglects to comply with the order for 20 days after service of the order upon him he may be held in contempt of court.

**858.07 Contents of inventory.** The personal representative shall include in the inventory all property subject to administration. For information purposes the personal representative also shall include all property over which the decedent had a power of appointment, life insurance payable to beneficiaries other than the estate, benefits payable on decedent's death under annuities or under a retirement plan, joint and life tenancies, gifts which may have been made in contemplation of death or taking effect upon death or made within 2 years prior to death and any other property which may be subject to inheritance tax as a result of the decedent's death. He shall include a statement of all encumbrances, liens and other charges on any item.

**858.09 Inventory, verification, examination in court.** Every personal representative shall verify every inventory required of him. The verification is to the effect that to the best of his knowledge the inventory includes all property of his decedent which is subject to administration and all property which may be subject to inheritance tax as a result of his decedent's death. The court, at the request of any person interested in the estate or the property listed or on its own motion, may examine the personal

representative on oath in relation thereto or in relation to any proposed addition thereto or deletion therefrom.

**858.11 Inventory of partnership property and liabilities by survivor.** The surviving partner of any deceased person whose estate is being administered shall, whenever required by order of the probate court, file with the court a verified inventory of the partnership property and liabilities. If, after service of the order upon him, he without reasonable cause shown refuses or neglects to comply with the order for 20 days after the day set for compliance, he may be held in contempt of court.

**858.13 When appraisal necessary.** Except as provided in s. 858.15 all inventoried property shall be appraised by disinterested persons appointed by the court. The appraisers shall appraise each item in the inventory which is required to be appraised and certify to its value. Where the estate is situated in 2 or more counties, appraisers may be appointed for each county.

**858.15 When appraisal not necessary.** Assets, the value of which is readily ascertainable without the exercise of judgment on the part of an appraiser, shall not be appraised. The value of these assets shall be shown in the inventory and verified by the personal representative, and he shall provide evidence of value as the court requires. Where evidence satisfactory to the court is produced to establish the value of any inventoried assets, no appraisal shall be required of the assets, unless a formal appraisal is requested by persons interested, the department of revenue, or by the court on its own motion.

History: 1973 c. 90.

**858.17 Supplemental inventory and appraisal.** If any property not included in the inventory comes to the knowledge of the personal representative, he shall file a supplemental inventory or include the same in his accounting. He shall have the property appraised unless it is of the type described in s. 858.15.