

- For article, "Uniform Probate Code for Wyoming to Reconsider," 93 (2002).

te the following purposes and decedents, missing persons,

distribution of his property; the estate of the decedent and

the principles of law and equity

subject matter and no part of which can reasonably be avoided.

in probate brought after the proceedings in probate then proceedings or parts thereof is not shall apply. (Laws 1979, ch.

us. — In a challenge to a will, the language of the will was apparent reflected the testatrix's intent solely in her name, located in the estate distributed to the sister, and did not mention that the stocks were to pass by clause. *Baker v. Enis* (In re 2005 WY 74, 114 P.3d 1246, 2005 (5)).

undertakes to probate decedent's estate. — In a challenge to a will, the language of the will was apparent reflected the testatrix's intent solely in her name, located in the estate distributed to the sister, and did not mention that the stocks were to pass by clause. *Baker v. Enis* (In re 2005 WY 74, 114 P.3d 1246, 2005 (5)).

equitable adoption. — Based on ambiguous language of the last will, there was no indication that the testator intended to have decedent's stepchild inherit the share the stepchild would have received if the decedent never officially adopted the stepchild. The Wyoming Supreme Court declined to find equitable adoption to affect the testate estate and to avoid the will-lapse statute, *Wyo. Stat. Ann. § 2-1-101*. *In re Estate of Bathrick* (In re Estate of 9, 76 P.3d 1236, 2003 Wyo. LEXIS 1000).

In re Estate of Croft, 713 P.2d 782, 1986 Wyo. 1986).

In re Estate of Scott, 642 P.2d 1287, 1982 Wyo. 1982).

In re Estate of Taylor (In re Estate of 158, 101 P.3d 931, 2004 Wyo. 2004).

For article, "The Ungrateful Liv- nner's Nightmare — The Trial see XXIV Land & Water L. Rev.

ARTICLE 2. DISTRIBUTION BY AFFIDAVIT AND SUMMARY PROCEDURE

§ 2-1-201. Payment of indebtedness and delivery of tangible personal property or instruments evidencing debt.

(a) Not earlier than thirty (30) days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or the instrument evidencing the debt, obligation, stock or chose in action to the person or persons claiming to be the distributees of the property, upon being presented an affidavit, filed as provided by subsection (c) of this section, made by or on behalf of the distributee stating:

(i) The value of the entire estate, wherever located, less liens and encumbrances, does not exceed one hundred fifty thousand dollars (\$150,000.00);

(ii) Thirty (30) days have elapsed since the death of the decedent;

(iii) No application for appointment of a personal representative is pending or has been granted in any jurisdiction; and

(iv) The claiming distributees are entitled to payment or delivery of the property; the facts concerning the distributees' relationship to the decedent, and there are no other distributees of the decedent having a right to succeed to the property under probate proceedings.

(b) The transfer agent for any security shall change the registered ownership on the books of a corporation from the decedent to the distributee or distributees upon presentation of an affidavit as provided in subsections (a) and (c) of this section.

(c) When filed with the county clerk and a certified copy is presented to a party with custody of assets the affidavit shall be honored and have the same effects as provided for in subsections (a), (b) and (d) of this section and W.S. 2-1-202. The county clerk of the county in which any vehicle is registered shall transfer title of the vehicle from the decedent to the distributee or distributees upon presentation of an affidavit as provided in subsection (a) of this section.

(d) Upon presentation of an affidavit as provided in subsections (a) and (c) of this section, any bank, savings and loan institution, credit union or any other like depository shall pay any deposit in the sole name of the decedent, together with the interest and dividends thereon, to the distributee or distributees. A receipt for the payment by the distributee paid is a valid and sufficient release and discharge for the payment made. (Laws 1979, ch. 142, § 3; 1980, ch. 54, § 1; 1983, ch. 15, § 1; 1991, ch. 98, § 1; 2002 Sp. Sess., ch. 60, § 2.)

Law reviews. — For article, "The Ungrateful Liv- Attorney's Dream," see XXIV Land & Water L. Rev. 401 (1989).

§ 2-1-202. Effect; refusal to pay, deliver.

The person paying, delivering, transferring or issuing personal property or the evidence thereof pursuant to affidavit is discharged and released to the same extent as if he dealt with a personal representative of the decedent. He is not required to see to the application of the personal property or evidence thereof or to inquire into the truth of any statement in the affidavit. If any person to whom an affidavit is delivered refuses to pay, deliver, transfer or issue any personal property or evidence thereof, it may be recovered or its payment, delivery, transfer or issuance compelled upon proof of right in an action by or on behalf of the persons entitled thereto. Any person to whom payment, delivery, transfer or issuance is made is answerable and accountable to a personal representative of the estate or to any other person having a superior right. (Laws 1979, ch. 142, § 2; 1980, ch. 54, § 1.)

§ 2-1-203. Deposits by minors or persons under a disability; joint and trust deposits; pay-on-death accounts.

(a) Deposits by minors or other persons under a legal disability may be paid on the order of the depositor and the payments are legally valid.