

*Ullrich*

IN THE HOUSE

BY *Mr. Ullrich*  
*By Request*

HOUSE BILL NO. 168

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act to Amend Sec. 61-11-1; Sec. 61-11-3; Sec. 61-11-5 and Sec. 61-11-6 ACLA 1949, relating to the Administration of Small Estates."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. That Section 61-11-1 of ACLA 1949 be amended to read as follows:

Section 61-11-1. ESTATES VALUED AT LESS THAN (\$1,000.) \$1,500.; SALE OF PROPERTY; REPRESENTATIVE'S REPORT AND ACCOUNT; CLAIMS TO HEIRSHIP; If in the administration of the estate of any deceased person in the Territory of Alaska the appraisal of the property shall show the value of all of the property of the estate to be less than (ONE THOUSAND (\$1,000.00) DOLLARS) One Thousand Five Hundred (\$1,500.00) Dollars, the Commissioner may in his discretion order that no notice to creditors be published as is required by law in the administration of estates of deceased persons, and the Commissioner may order that the notices to creditors be posted instead in three (3) public places in the precinct in which the estate is so being administered. The notices so posted shall require all persons having claims against the estate to present them to the executor or administrator with proper vouchers within sixty (60) days from date of posting such notices. At any time after the

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expiration of ten (10) days from the date when the notices to creditors are so posted, if it appears to the Commissioner that the real or personal property, or either, of the estate should be sold for any of the purposes or reasons specified in the law governing the general administration of estates of deceased persons in the Territory of Alaska, the Commissioner without notice or citation to the heirs, devisees, creditors or other persons interested in the estate, may order all or any of the property of the estate, both real and personal, to be sold for cash at the best price obtainable; the real property shall be sold upon posting notice thereof in three public places within the precinct in which it is situated for a period of not less than twenty days prior to the day of sale; the personal property may be sold at public or private sale, as the Commissioner may deem best; if he order it sold at public ~~sale~~ notice thereof shall be given as in the case of sale of personal property on execution; all notices of sale shall contain a description of the property to be sold and the time, place and conditions of the sale.

It shall be the duty of the executor or administrator to make return on each sale within ten days after the date thereof. At the expiration of sixty (60) days from the date of posting the notices to creditors, the executor or administrator shall file in court his final report and account with proper vouchers such report and account to be in the form and contain the same information as is required by law in case of estates having been valued at more than (ONE THOUSAND (\$1,000.00) DOLLARS) One Thousand Five Hundred

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(\$1,500.00) Dollars. Upon the filing of such report and account, the Commissioner shall require that notice of the same be given by posting notices to that effect in three (3) public places in the said precinct which notices shall also state that at a certain time not less than ten (10) days after the date of posting the notices, a hearing will be had by said Commissioner upon said final report and account and of any objections thereto, and upon the day appointed the Commissioner shall examine into said final report and account and shall hear all objections thereto and shall give his decision thereon, which shall be final, except in case of appeal.

Every administrator shall include in the final account the names and addresses, as far as known to him, of the heirs, of the deceased, and the notice of hearing of objections to such account shall further contain a notification to all that the court at such hearing will adjudicate and decree who are the heirs and distributees of the deceased person.

On or before the day appointed for the hearing of said objections any person or corporation may file his or its claim to heirship, and after a full hearing the court shall, either as part of the decree as to the final account or as a separate decree, adjudicate and determine who are the heirs of the deceased person and in what proportion they are entitled to descent and distribution of the estate.

The said adjudication shall be conclusive in favor of any innocent purchaser relying upon its verity, and as to other, it shall be prima facie evidence of the facts therein.

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1 contained; provided, however, that for purposes of appeal,  
2 said adjudication shall be deemed a part of the decree  
3 allowing or disallowing the final account.\*

4 Section 2. That Section 51-11-3 of AOLA 1949 be amended to  
5 read as follows:

6 \*Section 51-11-3 ADMINISTRATION BY COMMISSIONER: INVENTORY  
7 AND APPRAISAL. Whenever any Commissioner shall receive  
8 information from any officer or inhabitant of his precinct  
9 or otherwise that any person has died leaving an estate  
10 within such precinct subject to administration estimated  
11 to be of the value of less than (ONE THOUSAND DOLLARS  
12 (\$1,000.00)), One Thousand Five Hundred (\$1,500.00) Dollars,  
13 and if no executor, heir, creditor or other qualified  
14 person appear and take charge of the assets of the estate,  
15 the Commissioner shall forthwith take charge of the assets  
16 of the estate, the Commissioner shall forthwith take charge  
17 of the estate, and if no executor, heir, creditor or other  
18 qualified person apply for administration within forty (40)  
19 days after the date of the death of such person, the  
20 Commissioner shall proceed with the administration of said  
21 estate and make or cause to be made a full and complete  
22 inventory of the property of such estate, following as  
23 nearly as possible the provisions of the probate law of  
24 the Territory in so doing, and file the same in his office,  
25 together with an appraisal of said property, which is to be  
26 made by three appraisers in accordance with the provisions  
27 of the probate law of said Territory, and thereupon said  
28 Commissioner shall take charge of and administer the estate  
29 in the same manner as if he were appointed administrator

1 of such estate and as is otherwise provided in this Act.  
2 In determining whether or not any estate subject to  
3 administration hereunder is of the value of less than  
4 (ONE THOUSAND DOLLARS (\$1,000.00)), One Thousand Five  
5 Hundred Dollars (\$1,500.00), the Commissioner may base  
6 his estimate upon his own personal knowledge, or upon any  
7 reliable information which he may, in any manner, receive,  
8 and the written statement of the Commissioner filed in  
9 his court in the matter of the estate of any deceased per-  
10 son that the total value of the estate of said decedent  
11 is estimated by the said Commissioner to be of the value  
12 of less than (ONE THOUSAND DOLLARS (\$1,000.00)) One Thous-  
13 and Five Hundred Dollars (\$1,500.00), shall be sufficient  
14 to give the Commissioner jurisdiction over said estate,  
15 and to administer the same under the provisions of this  
16 Act, unless and until it shall appear during the course of  
17 administration, as hereinafter provided, that the value  
18 of said estate is more than (ONE THOUSAND DOLLARS (\$1,000.00)  
19 One Thousand Five Hundred Dollars (\$1,500.00)).

20 The provisions of this Act shall also apply to and  
21 govern the administration of estate of persons dying  
22 testate, if no executor is named in the will of the decedent  
23 or if the executor named in said will refuses to act or is  
24 not competent or qualified to administer the estate of  
25 such decedent in the Territory of Alaska. In all such  
26 cases, if no application for the proof and probate of said  
27 will be made within forty days after the death of said  
28 testator, the Commissioner shall require the bringing in  
29 and proof of the will and thereupon proceed in the same

1 manner as if such person had died intestate."

2 Section 3. That Section 61-11-5 of ACLA 1949 be amended to  
3 read as follows:

4 "Section 61-11-5 HEARING TO DETERMINE VALUE; NOTICE.

5 Whenever in the course of the administration of an estate  
6 under any of the provisions of this Act the decision or  
7 finding of the Commissioner that the value of the estate  
8 is less than (ONE THOUSAND DOLLARS (\$1,000.00)) One Thou-  
9 sand Five Hundred Dollars (\$1,500.00) shall be questioned  
10 by any creditor, heir, devisee or other interested person,  
11 the Commissioner shall order a hearing to determine the  
12 value of the estate, giving all of the interested persons  
13 such reasonable notice of the time and place thereof as  
14 he may deem proper, and at such hearing all interested  
15 persons may appear and be heard and give testimony as to  
16 the value of such estate, and the Commissioner shall there-  
17 upon make his finding thereon in accordance with the facts  
18 as shown at said hearing."

19 Section 4. That Section 61-11-6 of ACLA 1949 be amended to  
20 read as follows:

21 "Section 61-11-6. PROCEEDINGS WHEN ESTATE APPEARS TO  
22 EXCEED (\$1,000) \$1,500. Whenever in the course of the  
23 administration of an estate under any of the provisions  
24 of the Act it becomes evident to the Commissioner, either  
25 upon the appraisal made by the appraisers as herein pro-  
26 vided, or upon the hearing in this section provided for  
27 or otherwise, that the value of the property of an estate  
28 exceeds the sum of (ONE THOUSAND DOLLARS (\$1,000.00)) One  
29 Thousand Five Hundred Dollars (\$1,500.00), or in the event

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that any such estate during the course of administration thereof shall increase in value by the discovery of additional property or otherwise so that the value of the estate shall be more than (ONE THOUSAND DOLLARS (\$1,000.00)) One Thousand Five Hundred Dollars, then and in any of such events all further proceedings for the administration of said estate shall be had and taken under the general laws of the Territory of Alaska relating to estates of deceased persons, and the provisions of this Act shall not further apply thereto, but all proceedings for the administration of said estate theretofore taken under the provisions of this Act shall nevertheless be deemed in all respects valid."

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