



**PRELIMINARY DRAFT
No. 3112**

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2014 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 29-1-7-4.5.

Synopsis: Probate administration. Provides that a petition or other document filed in court by a personal representative in an estate proceeding with a written consent to the petition or other document or a written waiver of notice of the proceedings in the estate is not required to include a statement that the personal representative delivered a copy of the petition or other document to each person whose written consent or waiver of notice of proceedings was presented to the court, if the petition or other document contains a statement by the person whose signature appears on the consent or waiver: (1) identifying the petition or other document; and (2) affirming that the person has received a copy of the petition or other document and had a reasonable time to read and understand the petition or other document before signing the consent or waiver.

Effective: July 1, 2014.



A BILL FOR AN ACT to amend the Indiana Code concerning probate.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 29-1-7-4.5, AS ADDED BY P.L.6-2010, SECTION
2 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2014]: Sec. 4.5. **(a)** Except as provided in **subsection (b) and** section
4 4 of this chapter, each petition or other document that a personal
5 representative files in the court with:

6 (1) a written consent to the petition or other document; or

7 (2) a written waiver of notice of proceedings in the estate;

8 must contain a statement that the personal representative has delivered
9 a copy of the petition or other document to each person whose written
10 consent or waiver of notice of proceedings is presented to the court in
11 support of the petition or other document.

12 **(b) A petition or other document described in subsection (a) is**
13 **not required to contain the statement of delivery otherwise**
14 **required by subsection (a) if the written consent or written waiver**
15 **filed with the petition or other document contains a statement by**
16 **the person whose signature appears on the consent or waiver:**

17 **(1) identifying the petition or other document; and**

18 **(2) affirming that the person has:**

19 **(A) received a copy of the petition or other document; and**

20 **(B) had a reasonable time to read and understand the**
21 **nature of the petition or other document before signing the**
22 **consent or waiver.**

23 **(c) A person may appoint in writing an agent (who is not an**
24 **interested person) to do the following under this section:**

25 **(1) Consent to petitions and other documents.**

26 **(2) Receive or waive notice of proceedings.**

