



General Assembly

February Session, 2006

Raised Bill No. 645

LCO No. 2980

02980_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT EXTENDING THE TIME LIMITATION FOR FILING A WILL
WITH THE PROBATE COURT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-283 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) [Every] Each person having knowledge of his or her designation
4 in a will as an executor of a testator's estate shall, [within thirty] not
5 later than sixty days [next] after the death of the testator, apply for
6 probate of the will to the court of probate of the district where the
7 testator was domiciled at his or her death.

8 (b) [Every] Each such person neglecting to [do so] apply for probate
9 of a will in accordance with subsection (a) of this section shall be fined
10 not more than one hundred dollars or imprisoned not more than thirty
11 days, or both.

12 Sec. 2. Section 45a-282 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective October 1, 2006*):

14 (a) Any person having in his or her possession any will or codicil

15 shall, forthwith, after he or she has knowledge of the death of the
16 testator, deliver such will either to the person designated to be the
17 executor of the testator's estate or one of the persons designated to be
18 an executor [thereof] of the testator's estate, or to the judge, clerk or
19 assistant clerk of the court of probate which by law has jurisdiction of
20 the testator's estate. [of such deceased person.]

21 (b) On the neglect of such person to [do so] comply with the
22 requirements of subsection (a) of this section within the period of
23 [thirty] forty-five days after [he] the person has knowledge of the
24 death of the testator, [he] the person shall be fined not more than one
25 thousand dollars or imprisoned not more than one year, or both.

26 Sec. 3. Section 45a-127 of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective October 1, 2006*):

28 (a) Any person who is interested in any estate, trust or other matter
29 pending in any court of probate, or who is interested in any
30 application that may be made to any court of probate for the probating
31 of a will or the granting of administration, may, in person or by
32 attorney, file with the court a written request for special notice to be
33 given to [him] the person or [his] the person's attorney of any
34 application to the court and of any order passed by the court of
35 probate in such estate, trust or other matter. The request shall state the
36 estate, trust or other matter, cause or proceeding of which notice is
37 desired and the post-office address of the person desiring the notice.
38 [Thereupon] Upon receipt of the request, the court of probate shall
39 give notice to [such] the person or [his] the person's attorney of any
40 hearing in such estate, trust or other matter at least seven days before
41 the time assigned for the hearing, in whatever manner the court finds
42 to be reasonable under the circumstances.

43 (b) Any request for a special notice in the matter of probating a will
44 or granting administration, before any application is made therefor,
45 shall be obligatory upon the court for a period of [thirty] sixty days
46 [from] after the date [of filing the same] the written request for special

47 notice is filed with the court.

48 Sec. 4. Section 45a-275 of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective October 1, 2006*):

50 Sections 45a-273 and 45a-274 shall apply only to estates of decedents
51 for whom no will is presented for probate or no application for
52 administration is filed within [thirty] sixty days after death.

53 Sec. 5. Section 12-365 of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2006*):

55 (a) If no person applies for administration within [thirty] sixty days
56 after the death of any transferor, the commissioner may apply to the
57 court of probate for the district within which the transferor died a
58 resident or, if the transferor was not a resident of this state, to the court
59 of probate for the district wherein the real estate and tangible personal
60 property owned by the transferor is situated, for the appointment of an
61 administrator and, after notice and hearing, such court may appoint an
62 administrator.

63 (b) If no administration has been granted upon the estate of the
64 transferor because of the fact that the transferor died without leaving
65 property which could pass by his or her will or by the laws of this state
66 relating to descent and distribution, the court of probate for the district
67 within which the transferor resided at the date of his or her death or, if
68 the transferor died a nonresident of this state, the court of probate for
69 the district within which the real estate or tangible personal property is
70 situated, may, upon its own motion or upon the written application of
71 the Commissioner of Revenue Services, the transferee or any party in
72 interest appoint an administrator for the purpose of determining and
73 collecting the tax due under the provisions of this chapter. Such
74 fiduciary shall have the same duties and powers relating to the filing
75 of a return and relating to the collection and payment of any such tax
76 as if such property had belonged to the transferor at the date of his or
77 her death.

78 Sec. 6. Section 47a-11d of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective October 1, 2006*):

80 (a) If the sole occupant of a dwelling unit subject to a monthly lease
81 or a lease for a term has died and the landlord has complied with any
82 provisions of any such lease permitting termination upon the death of
83 the occupant, the landlord may elect to act in accordance with the
84 provisions of this section. If the landlord elects to act in accordance
85 with the provisions of this section, such landlord shall send notice to
86 the next of kin, if known, of such occupant at the last-known address
87 both by regular mail, postage prepaid, and by certified mail, return
88 receipt requested, stating that (1) the occupant has died, (2) the
89 landlord intends to remove any possessions and personal effects
90 remaining in the premises and to rerent the premises, and (3) if the
91 next of kin does not reclaim such possessions and personal effects
92 within sixty days after the date of such notice, such possessions and
93 personal effects will be disposed of as permitted by this section. The
94 notice shall be in clear and simple language and shall include a
95 telephone number and a mailing address at which the landlord can be
96 contacted.

97 (b) (1) If notice is sent by the landlord to the next of kin, if known, as
98 provided in subsection (a) of this section, or (2) if the landlord does not
99 know any next of kin, the landlord shall file an affidavit with the
100 probate court having jurisdiction concerning the possessions and
101 personal effects of the deceased occupant. Such affidavit shall include
102 the name and address of the deceased occupant, the date of death, the
103 terms of the lease, and the names and addresses of the next of kin, if
104 known.

105 (c) If the landlord acts in accordance with the provisions of this
106 section, the landlord shall not be required to serve a notice to quit as
107 provided in section 47a-23 and bring a summary process action as
108 provided in section 47a-23a to obtain possession or occupancy of the
109 dwelling unit. Nothing in this section shall relieve a landlord from

110 complying with the provisions of sections 47a-1 to 47a-20a, inclusive,
111 and sections 47a-23 to 47a-42, inclusive, if the landlord knows, or
112 reasonably should know, that the dwelling unit has not been
113 abandoned.

114 (d) On or after thirty days after the date of the filing of the affidavit
115 pursuant to subsection (b) of this section, the landlord shall inventory
116 any possessions and personal effects of the deceased occupant in the
117 premises and shall file a copy of such inventory with the court of
118 probate under subsection (b) of this section. The landlord may not
119 remove [them] such possessions or personal effects until fifteen days
120 after such inventory is taken. Thereafter, the landlord may remove and
121 store such possessions and personal effects for an additional fifteen
122 days. The next of kin may reclaim such possessions and personal
123 effects from the landlord within such sixty-day period. If the next of
124 kin does not reclaim such possessions and personal effects by the end
125 of such sixty-day period, the landlord may dispose of them in
126 accordance with section 47a-42.

127 (e) If an application for probate of a will or letters of administration
128 is filed with the court of probate having jurisdiction concerning the
129 possessions and personal effects of the deceased occupant within [fifty-
130 five] eighty-five days of the filing of the affidavit of the landlord as
131 provided in subsection (b) of this section, the probate court shall
132 immediately notify the landlord of such filing and any action of the
133 landlord pursuant to the provisions of this section shall cease.

134 (f) No action shall be brought under section 47a-43 against a
135 landlord who takes action in accordance with the provisions of this
136 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	45a-283
Sec. 2	<i>October 1, 2006</i>	45a-282

Sec. 3	<i>October 1, 2006</i>	45a-127
Sec. 4	<i>October 1, 2006</i>	45a-275
Sec. 5	<i>October 1, 2006</i>	12-365
Sec. 6	<i>October 1, 2006</i>	47a-11d

Statement of Purpose:

To (1) extend from thirty days to sixty days the amount of time for an executor of an estate to apply for probate of a will, and (2) make corresponding changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]