

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 340
98TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 11, 2015, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1760S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 473.663, RSMo, and to enact in lieu thereof one new section relating to the determination of heirship.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 473.663, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 473.663, to read as follows:

473.663. 1. If a person has died leaving property or any interest in
2 property in this state and if no administration has been commenced on the estate
3 of such decedent in this state within one year after the date of decedent's death,
4 and if no written will of such decedent has been presented for probate in this
5 state within the time period provided in subsection [2] 3 of section 473.050, then
6 any person claiming an interest in such property as heir or through an heir may
7 file a petition in the probate division of the circuit court which would be of proper
8 venue for the administration of the estate of such decedent to determine the heirs
9 of the decedent at the date of the decedent's death and their respective interests
10 or interests as heirs in the estate. The petition shall include all of the following
11 known by, or can with reasonable diligence be ascertained by, the petitioner:

12 (1) The name, age, domicile, last residence address and the fact and date
13 of death of the decedent;

14 (2) The names, relationship to the decedent and residence addresses of the
15 heirs of the decedent at the time of the decedent's death;

16 (3) The names and residence addresses of any persons claiming through
17 an heir of the decedent when such heir has died after the decedent;

18 (4) A particular description of the property of the decedent in this state

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 with respect to which the determination is sought and the value of such property.

20 2. Upon the filing of the petition, the court shall set the time for the
21 hearing of the petition, notice of which shall be given to:

22 (1) All persons known or believed to claim any interest in the property as
23 heir or through an heir of the decedent;

24 (2) All persons who may at the date of the filing of the petition be shown
25 by the records of conveyances of the county in which any real property described
26 in such petition is located to claim any interest in such real property through the
27 heirs of the decedent; and

28 (3) Any unknown heirs of the decedent.

29 3. The notice shall be given by publication by publishing the notice once
30 each week for four consecutive weeks, the last insertion of publication to be at
31 least seven days before the date set for the hearing. In addition, notice under
32 subdivision (1) of subsection 2 of section 472.100, or notice by registered or
33 certified mail, as the court shall direct, shall be given to every person named in
34 the petition whose address is known to the petitioner.

35 4. Upon the hearing of the petition, the court shall make a decree
36 determining the person or persons entitled to the property with respect to which
37 a determination is sought, and their respective interest in the property as heirs
38 or successors in interest to such heirs. The decree is conclusive evidence of the
39 facts determined in such decree as against all parties to the proceedings.

40 5. A certified copy of the decree shall be recorded at the expense of the
41 petitioner in each county in which any real property described in the decree is
42 situated.

43 6. This section shall apply to those persons whose deaths occur on or after
44 July 13, 1989.