

**Instructions for the  
Application for a Decree of Summary Distribution of Real Property – Intestate  
(when someone died without a Will)  
Under Wyoming Statute 2-1-205**

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You can use this form if all of the following are true:

- ✓ The person who died did not have a Last Will and Testament, which is usually just called “a Will.”
- ✓ It has been at least 30 days since the person died.
- ✓ The person who died owned real property – which means things such as houses, land, and mineral interests.
- ✓ The entire estate located in Wyoming (including all of the real property and all personal property – cars, bank accounts, etc.) was, on the date of death, worth no more than \$400,000.00, after debts are subtracted. (This is called a **small estate**.)
- ✓ Nobody has been named the Personal Representative in Wyoming for this estate, and nobody has a case pending (underway) in Wyoming in order to be named the Personal Representative.
- ✓ The person who died was your spouse, sibling, legal parent, legal child, grandparent, grandchild, uncle, aunt, or other qualifying blood relation.
- ✓ You are the only person who has a right to the real property.  
OR: You are prepared to fill out a chart listing the names of all the people who have a right to the property.

If all of the items above are true, you might choose to use this form to ask for the real property to be distributed (given to you and other heirs). The step-by-step instructions below can help you fill out the form.

Important Note: Wyoming law allows a person to ask for both real property distribution and personal property distribution at the same time. However, these forms are not designed to do both things. This form can only be used to ask for the distribution of real property.

If the person who died owned personal property – which means things such as cars, furniture, firearms, or bank accounts – in Wyoming, you might be able to ask for distribution of that property separately under a different statute. You can learn more about that kind of action by reading about Wyoming Statute 2-1-201. Those forms are also available on the [Wyoming Judicial Branch website](#).

**Step-by-step instructions begin on the next page.**

## FORM INSTRUCTIONS

### The top of the page.

You will file the Application at the District Court.

- If the Decedent lived in Wyoming, you will file at the Court in the county where the Decedent lived.
- If the Decedent did not live in Wyoming, you will file at the Court in the county where the real property is located. If there is real property in more than one Wyoming county, you can choose which of those counties to file in.

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). When you file the Application, the Clerk of District Court can give you this information.

The next blank is for the name of the person who died. Write the full legal name on the line labeled Deceased.

The next blank is for the Case Number. When you file the Application, the Clerk of Court will give you the case number. (The Case Number might contain letters.)

Next you will see the title of the document. It's written between the two long bars on the page. The title tells the Court that you are starting a case for summary distribution of real property.

### Section 1.

Fill in the blanks with your name and the name of the person who died (the Decedent).

The name you list for the Decedent must match the name in which the Decedent held the property. That means it must be the exact same name used on titles and deeds. If the Decedent used more than one name (aliases or former names, such as from a previous marriage), you can list all of the names.

Do not make any changes to the other sentences in Section 1. The statute (law) requires those sentences to be included in your Affidavit.

### Section 2.

Write the date the Decedent died.

### Section 3.

This sentence is where you state that the 30-day requirement has been met. Do not make any changes to this sentence.

#### **Section 4.**

This sentence is where you state that the Decedent did not have a Will. Do not make any changes to this sentence.

If the Decedent did have a will, you may be able to use the Testate Application for Decree of Summary Distribution, which is available on the [Wyoming Judicial Branch website forms page](#).

#### **Section 5.**

By filing this Application, you are claiming that you – either alone or along with the other people you list on the form – have a right to all of the Decedent’s real property.

In addition to this Application, you will need to fill out the form called Exhibit A. You will attach Exhibit A to this Application when you file it. Instructions for filling out Exhibit A are at the top of that paper. You will need complete legal descriptions of all of the Decedent’s real property. See the Other Important Things To Know section, below, for information about legal descriptions.

#### **Section 6.**

This sentence is where you state that the value of the Decedent’s real and personal property located in Wyoming is small enough to allow you to use this form. Do not make any changes to this sentence.

To figure out the value of the estate, you will subtract the amount of debts owed by the Decedent, including liens against the real property, from the value of the property. (For this amount, use the total debt on the day the Decedent died.) Read the information in the gray box above Section 6 on the form for important information about the Decedent’s debts.

It is common for real property to be mortgaged. It might be difficult to find out how much is owed on a mortgage while the property is still in the Decedent’s name. It is important to try to get this information. If you can’t, you will need to make an informed and honest estimate. Section 13 will ask for information about mortgages.

Remember that this Application is about property in Wyoming. If the Decedent also had property outside Wyoming, do not include its value.

#### **Section 7.**

Check the box that shows your relationship to the Decedent.  
If you check “Other”, write an explanation on the blank line.

## Section 8.

This sentence is where you state that the Decedent did not have a Will and that you have a right to the property because you are related to the Decedent. Do not make any changes to this sentence.

## Section 9.

If you believe that you are the only person who has a legal right to this real property, check the first box. If you are filling out the form for yourself and other family members who also have rights to the real property, check the second box and then fill out the chart. At the end of this instruction sheet, there are examples of what the chart might look like in different situations.

If you need to share information about more people or other real property, check the box under the chart and attach additional pages.

- If you don't know who is entitled to the property, you might choose to consult an attorney to help you identify all the heirs.

Important Note: You must be honest about all of the information you write on this form, including in this section. Remember that you will be under oath when you sign the Affidavit. You are required to include information about all of the heirs. If you try to hide the existence of any heirs, you might get in trouble.

## Section 10.

This sentence is where you state that no one has been named the Personal Representative for the estate in Wyoming and that no one has an application pending (going through the court process) to be named the Personal Representative. Do not make any changes to this sentence.

If the statement in Section 10 is false, you cannot use this form.

If there is a Personal Representative in another state, you will give that information in the next section.

## Section 11.

The Section above was only about cases in Wyoming. This section is only about cases outside of Wyoming.

If you're not aware of anyone asking any Court to make them the Personal Representative, check the first box, and move on to Section 12.

If someone asked a Court in another state to make them the Personal Representative, you can still use this form. But you do need to provide the information you have about the case or cases in other states. Check the second box and fill in the chart as completely as you can. If there is more than one case in another state, check the box under the chart and attach pages with information about the other cases.

## Section 12.

The law requires you to provide a report of the value of the real property. This report must be made by someone who has no legal interest in the property. You can contact a realtor or property appraiser for help with this. A form for the report is available on the [Wyoming Judicial Branch website forms page](#).

On the blank line in this section, write the name of the person or company that gave you a report on the value of the property.

## Section 13.

In this section, check the first box if you know that some or all of the property is subject to a mortgage. If you have information about the mortgages, check the second box and attach copies of any mortgage paperwork you have. If you don't have any paperwork, check the third box.

## Section 14.

Wyoming law requires you to publish a Notice of this Application in a local newspaper. This lets members of the public find out about the legal actions for the Decedent's real property. The publication process has several steps, and you will have to pay for it. You can read the **Instructions for Publishing a Notice** on the [Wyoming Judicial Branch website's forms page](#) to learn more.

In this section, you will write the name of the newspaper you plan to publish the Notice in. If there is more than one newspaper in the county, you might choose to call each one and ask about their prices before you decide which one you will use.

## Section 15.

The law requires you to mail a copy of the Notice (that's the form that will be published) and a copy of the Application to the Decedent's spouse (if there is one and that is not you), to each Distributee (a person who has a right to the property), and to each creditor (if you know who they are or can reasonably find out).

You must send these documents by first class mail within ten days after the first time the Notice is published in the newspaper. You can read the **Instructions for Publishing a Notice** on the [Wyoming Judicial Branch website forms page](#) to learn more.

In this section, check the box and fill in the information for each person (or business) you will mail the documents to. (When you're ready to do the mailing, you can look at this section of the Application to have all the names and addresses in one place.)

**Important Note:** You are required to mail these documents even if some of them are going to family members you visit or live with.

More than one Distributee can sign this Application. (Only adult Distributees should sign.) Even Distributees who signed the Application must be sent a copy of the Notice and a copy of the Application through the mail.

### **Section 16.**

There may be people you don't know who have rights to the real property. This could happen for many different reasons. One common example is half-siblings: Children of the Decedent are Distributees, even if they weren't raised as part of the same family.

If you think there may be people who have rights to the real property, but you don't know who they are or where they live, check the box and explain the situation on the blank lines.

Important Note: You must be honest about all of the information you write on this form, including in this section. Remember that you will be under oath when you sign the Affidavit. You are required to include information about all of the heirs. If you try to hide the existence of any heirs, you might get in trouble.

### **Section 17.**

If there are (or might be) Distributees you don't know or don't have an address for, you are required to try to locate them. If you cannot locate them, you have to tell the Court that there are "missing distributees."

You can learn more about this process by reading the **Instructions for Notice to the Court of Missing Distributees** on the [Wyoming Judicial Branch website forms page](#).

### **Section 18.**

If the Decedent received money from the government for medical assistance (Medicaid), then the State of Wyoming might have a right to some of the value of the Decedent's property. You may or may not know whether this applies in your case.

Unless you are completely sure that the Decedent did not receive medical assistance, you should mail a copy of the Application to the Wyoming Department of Health. It is always better to send the document to the Department of Health and let them determine whether they have a claim against the property. You might choose to call the Department of Health first and let them know you will be sending them a copy.

Read the four options in this section carefully, and check the correct one.

On the [Wyoming Judicial Branch website forms page](#), you can find a cover letter to include when you mail the copy.

### **Section 19.**

This sentence is where you state what you want the Court to do. Do not make any changes to this sentence.

## **The Gray Box Before Section 20.**

Everyone who is going to sign the Application should read the information in the Gray Box very carefully. Anyone who doesn't understand the seriousness of the Application or who doesn't know if the information on the form is true, should not sign the Application.

## **Section 20.**

This is the oath. Read the information below and be sure you understand what it means to sign this document under oath.

### **Signature Section – Important!**

Do not sign this form until you are in front of a Notary. The Notary must witness you signing the form.

By signing the form, you are stating that everything you wrote on the form is true. If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.

Review your answers carefully before you sign the Application.

You can attach more signature pages if several Distributees are signing the Application. Most Notaries will notarize each signature separately.

Each Distributee who signs will be under oath and could get in trouble if the Application contains false statements.

Important Note: Many libraries offer notary services for free. You can call your local library to find out when the notary is available. If you use a bank that has a location near you, you may be able to get free notary services there. You will probably need to show the notary your driver's license or other photo ID.

**FOR YOUR OWN RECORDS, MAKE A COPY OR TAKE CLEAR PICTURES  
OF ALL FORMS YOU FILE WITH THE CLERK.**

## **Next Steps.**

Read the [Instructions for Publishing a Notice](#) and fill out the Notice of Application form.

Take the complete, signed, and notarized Application to the District Court Clerk's Office in the county you named at the top of the Application. Be sure to take any other papers you need, including the Exhibit A form, any mortgage documents you have, and the Notice of Application for Summary Distribution. You will also need money to pay the filing fee.

The Clerk will file the Application and sign the Notice of Application. Your next steps will be:

- Having the Notice published in the newspaper.
- Mailing copies of the Application and the Notice, along with a Notice of Application and Publication, to everyone you listed in Section 15.

## **Other Important Things To Know**

### **About Legal Descriptions**

When you file your Application, you will also need to include Exhibit A. On Exhibit A, you will need to fill in the complete legal descriptions for all of the Decedent's real property. Legal descriptions often sound strange and confusing. (You can see a couple examples on the first page of Exhibit A.) It is important that you write them down accurately and completely.

If you are working with a realtor or title company, they can help you get the legal descriptions. Other places where you can find legal descriptions are the county assessor's office and the county clerk's office. You might be able to use the county assessor's website or the county clerk's website. It will be important to look at deeds and chains of title for the properties.

### **About Death Certificates**

It is recommended that you have a death certificate when you file the Application. You may be able to request a copy of the death certificate from the vital statistics agency in the state where the Decedent died.

In Wyoming, this will be the Wyoming Department of Health Vital Statistics Services. The application for a death certificate is available online.

Examples Charts for Section 9 are on the next page.

### Example Charts for Section 9.

If the decedent has a living spouse, two living children, and no deceased children.

| Full Legal Name        | Relationship to Decedent | Share (for example ¼ or 25%) |
|------------------------|--------------------------|------------------------------|
| (me) Susan Marie Jones | wife                     | 50%                          |
| Barbara Betty Jones    | daughter                 | 25%                          |
| Mitchell Mason Jones   | son                      | 25%                          |

\* Note that the spouse gets half and the children equally split the other half.

If the decedent has three living children, one deceased child, and no living spouse:

| Full Legal Name              | Relationship to Decedent              | Share (for example ¼ or 25%) |
|------------------------------|---------------------------------------|------------------------------|
| (me) Robert Ronald Smith     | son                                   | 1/4                          |
| Sara Jennifer (Smith) Hanson | daughter                              | 1/4                          |
| Kristen Katy Smith           | daughter                              | 1/4                          |
| Abbi Lou Silvers             | granddaughter<br>by deceased daughter | 1/8                          |
| Steven Bradley Silvers       | grandson<br>by deceased daughter      | 1/8                          |

\* Note that Abbi and Steven split the ¼ share that their mother would have received.

If the decedent has no living spouse, no living children, and no deceased children:

| Full Legal Name        | Relationship to Decedent | Share (for example ¼ or 25%) |
|------------------------|--------------------------|------------------------------|
| (me) Arnold David Hall | father                   | 1/5                          |
| Anna Elsie Hall        | mother                   | 1/5                          |
| Brayden Ernest Hall    | brother                  | 1/5                          |
| Lucas Oliver Hall      | brother                  | 1/5                          |
| Bailey Owen Hall       | brother                  | 1/5                          |

\* Note that each parent and sibling gets the same amount.

### The Wyoming Law that Explains Which People are Heirs and How Much of the Property They Get

Below is the Wyoming statute that explains who will inherit shares of the property and how much each person will get. It can be difficult to understand. If you think carefully about your situation, you may be able to figure out how the statute applies to you and to everyone who has a right to the property.

**2-4-101. Rule of descent; generally; [part of the title is left out here because it does not apply]**

(a) Whenever any person having title to any real or personal property having the nature or legal character of real estate or personal estate undisposed of, and not otherwise limited by marriage settlement, dies intestate, the estate shall descend and be distributed in parcenary to his kindred, male and female, subject to the payment of his debts, in the following course and manner:

(i) If the intestate leaves husband or wife and children, or the descendants of any children surviving, one-half (1/2) of the estate shall descend to the surviving husband or wife, and the residue thereof to the surviving children and descendants of children, as hereinafter limited;

(ii) If the intestate leaves husband or wife and no child nor descendants of any child, then the real and personal estate of the intestate shall descend and vest in the surviving husband or wife.

[A few parts are left out here because they no longer apply.]

(c) Except in cases above enumerated, the estate of any intestate shall descend and be distributed as follows:

(i) To his children surviving, and the descendants of his children who are dead, the descendants collectively taking the share which their parents would have taken if living;

(ii) If there are no children, nor their descendants, then to his father, mother, brothers and sisters, and to the descendants of brothers and sisters who are dead, the descendants collectively taking the share which their parents would have taken if living, in equal parts;

(iii) If there are no children nor their descendants, nor father, mother, brothers, sisters, nor descendants of deceased brothers and sisters, nor husband nor wife, living, then to the grandfather, grandmother, uncles, aunts and their descendants, the descendants taking collectively, the share of their immediate ancestors, in equal parts.