

**Instructions for the
Application for a Decree of Summary Distribution of Real Property – Testate
(when someone died and did have a Will)
Under Wyoming Statute 2-1-205**

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

- ✓ The person who died had 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 included you as an heir in the terms of the Will.
- ✓ You are the only person who has a right to the real property covered by the Will.
OR: You are prepared to fill out a chart listing the names of all the people who have a right to the real property identified in the Will.

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.

If you are claiming all the real property owned by the Decedent, check the first box.

If you are claiming some, but not all, parts of the real property owned by the Decedent, check the second box. You will check the second box if the Will says you get certain pieces of real property (this would be specific parcels) or if the Will says that you and other people are going to get the real property together (this would be shares).

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. Read the Other Important Things To Know section, below, for information about legal descriptions.

Section 5.

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 5 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 12 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 6.

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

Section 7.

This sentence is where you state that the Decedent had a Will. On the blank lines, write the month, day, and year when the Will was signed.

Check the box to tell the Court you are attaching a copy of the Will. Read the Other Important Things To Know section, below, to learn about filing Wills and getting verified copies.

Important Note: If you have any questions about whether the Will is valid, it may be very important to have your questions answered by a lawyer.

If the Decedent did not have a will, you may be able to use the Intestate Application for Summary Distribution, which is available on the [Wyoming Judicial Branch website forms page](#).

Section 8.

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.

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 9.

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 9 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 10.

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 11.

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 11.

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 12.

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 13.

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 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 14.

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 15.

There may be people you don't know who are named in the Will and have rights to the real property.

If you think there are 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 16.

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 17.

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 18.

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 19.

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 19.

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:

- a verified copy of the Will. (There's more information about this below.)
- the Exhibit A form.
- any mortgage documents you have.
- 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 14.

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 examples below.) It is important that you write them down accurately and completely.

Legal descriptions might be stated in the Will, but you will need to make sure they are complete and accurate. If you're working with a realtor or title company, they can help you get the correct 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 the Will (Last Will and Testament)

It's important to give the Court a copy of the Will when you file the Application. It is best to give the Court a copy of the Will that is verified, so the Judge can see that it's a copy of the real Will.

If the Decedent's Will was already filed (recorded, lodged) with a District Court Clerk, you can visit that Clerk's Office and ask for a certified copy or a photocopy that shows the Clerk's file stamp.

OR

If you have the Will, you can take it to the District Court Clerk's Office and ask the Clerk to file (record, lodge) the Will. Then ask for a certified copy or a photocopy that shows the Clerk's file stamp.

Important Note: Any person who has the Decedent's original Will is required by Wyoming law to file the Will with the District Court Clerk or to give it to the person who is named as the executor in the Will. If you have the Decedent's original Will, you should read Wyoming Statute 2-6-119 to learn more about your responsibilities as a custodian (person who has custody of the Will).

Include the **copy** of the Will when you file the Application for a Decree of Summary Distribution. Do **not** file the original Will with the Application. Only a copy should be attached to the Application.

About Death Certificates

It is recommended that 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.

About the Spouse’s Inheritance

If the Decedent lived in Wyoming and was survived by a spouse, the spouse might have a legal right to a certain amount of the estate, even if the Will says something different. Wyoming statutes call this certain amount an elective share. There is a time limit for claiming the elective share. The Decedent’s surviving spouse should read Wyoming Statutes Title 2, Chapter 5 very carefully. It might be important to get help from a lawyer.

Example Charts for Section 8.

When you fill out the chart in Section 8, it needs to accurately state and describe the information in the Will. These examples might help you see how to share that information.

These are just a few examples. The information you see in the Decedent’s Will might look very different.

Full Legal Name	Description of Property	Share as Stated in the Will
Susan Marie Jones	Township 29 North, Range 74 West of the 4th P.M., Windy County, Wyoming Section 35: NW1/4NE1/4	To my children, in equal shares.
Anne Betty Jones	Township 29 North, Range 74 West of the 4th P.M., Windy County, Wyoming Section 35: NW1/4NE1/4	To my children, in equal shares.
Mickey Lee Smith	All Lot 3, Misty Estates, Pleasant County, Wyoming	To my grandson Mickey, all.
Erin Beth Smith	All Lot 5 and All Lot 6, Orange Heights, Ace County, Wyoming	To my granddaughter Erin, all.

Full Legal Name	Description of Property	Share as Stated in the Will
Stacy Rae Brown	Township 14 South, Range 12 East of the 6th P.M., Martin County, Wyoming Section 5: S1/2	All
Stacy Rae Brown	All Lot 9, Mountain View Estates, Smith County, Wyoming	Life Estate
Katy Lou Berry	All Lot 9, Mountain View Estates, Smith County, Wyoming	Undivided one-half interest in the remainder
Marcy June Brown	All Lot 9, Mountain View Estates, Smith County, Wyoming	Undivided one-half interest in the remainder