

INSTRUCTIONS FOR
REQUEST TO SET HEARING
ON DISTRIBUTION OF REAL PROPERTY

Before You Get Started

These instructions explain how to use three forms:

- Request to Set Hearing on Distribution of Real Property
- Notice of Hearing
- Decree of Summary Distribution of Real Property

A hearing is a meeting with a Judge. If someone filed an objection to your Application, the Court might invite that person to take part in the hearing.

If you have completed all the other steps in this summary distribution process, you can use these forms to tell the Court that you believe the matter is ready to be finalized (wrapped up).

Important Notes:

In some situations, another Distributee or a Creditor might choose to request a hearing.

In some situations, the Court might require a hearing even though no one requested one.

These Instructions will focus on you (the Distributee who filed the Application) requesting a hearing after completing all the other necessary steps. But it is important to remember that you should not ignore an Order Setting Hearing, no matter where you are in the process and no matter who requested the hearing.

How to Fill Out the Request to Set Hearing on Distribution of Real Property

Top of the page.

Fill this out the same way you did on other forms in this case.

Section 1.

This is a statement to tell the Court who is making the Request. Write your name on the blank line.

Section 2.

Fill in the date when you filed the Application. The date will be stamped at the top of the Application.

Section 3.

This is a statement to the Court that you published the Notice and mailed the Notice and Application as required.

Section 4.

If there are missing distributees in your case, you are required to tell the Court about them. If you already filed the Notice to the Court of Missing Distributees, or if you are going to file that Notice at the same time you file this Request for Hearing, check the box.

If you need to learn more about missing distributees and giving notice to the Court, you can read the Instructions for Notice to the Court of Missing Distributees.

If there are missing distributees in your case, the Court might give you special directions for what to do about them. It's common for the Judge to talk to you about this during the hearing. If the Court orders you to do something (for example, to make more efforts to find the missing distributees), make sure you do everything that the Court requires.

Section 5.

This is a statement to tell the Court that the required amount of time has passed.

Section 6.

Check the correct box. If someone did file an objection to your Application, write the names of the objecting people or entities (for example, a credit card company) on the blank lines.

Important Note: If someone did object, that person or the Court should have sent you a copy of the objection. If the deadline for objections has passed and you are not sure whether someone objected, call the Clerk's Office and ask.

Gray Box: Information about Court Reporters

Read the information in this box carefully. Think about your situation and consider which choice will be the right one for you.

Section 7.

Read your two choices carefully. Check the box for the choice that is right in this situation.

The Signature Section.

On the line labelled DATED, write the date you are signing the form. Sign your name on the signature line.

Print your name neatly. Write in your email address, your phone number, and your mailing address.

Certificate of Service

This Request does not need to be served formally (with a process server and affidavit). You do need to make sure each Distributee gets a copy of it. If someone filed an objection in this case, you need to give them a copy of this document. Fill in the accurate information for where and how the document was served. Remember to sign and date the Certificate of Service. Fill out a separate Certificate of Service for each person you gave the document to.

Filing the Request to Set Hearing.

File the Request at the Clerk's Office. You will also give the Clerk a Notice of Hearing (with the top part, above the title, filled out).

It's a good idea to also give the Clerk a Decree of Summary Distribution of Real Property (with the top part, above the title, filled out). The Judge can use this form after the hearing, or the Judge might choose to issue the Decree without holding a hearing.

If the Court sends you a Notice of Hearing (or an Order Setting Hearing):

Read the Notice (or Order) carefully. It will tell you when and where the hearing will take place. You are required to take part in the hearing. (If you don't attend, the Court might dismiss your Application.)

Take all of your documents about the property with you to the hearing.

If the Court issues a Decree for Summary Distribution:

Read the Decree carefully. It will tell you who gets which share of the property.

The Decree is proof of who owns the property. You must take a certified copy of the Decree to the County Clerk for each county in which the real property is located.

- A certified copy is a special, official copy. The District Court Clerk can make certified copies for you. There may be a fee.
- You will take a certified copy to each County Clerk, and the Clerk will record it in the county records.

Important Things You Need to Know

Who can help me with these forms?

It is important for you to know that Court Clerks are not allowed to help you fill out these forms.

Here are some free resources that can help people with limited income and limited assets:

- Legal Aid of Wyoming Hotline. This Hotline gives you an opportunity to talk with a lawyer. 1-877-432-9955.
- Wyoming Free Legal Answers. This website gives you a chance to privately ask questions about your situation and then receive answers from a lawyer.
<https://wyoming.freelegalanswers.org/>
- Volunteer Reference Attorney Program. This program lets you have a short informational meeting with a lawyer. You can learn about the locations and dates by checking the calendar on the Wyoming Judicial Branch website at
<https://www.wyocourts.gov/find-legal-services/>

If you do not qualify for the free services above, you can contact the Wyoming State Bar at 307-432-2107 for referral to Wyoming lawyers. (Those lawyers charge for their services.)

What does “undivided interest” mean?

The Decree might say that you and other Distributees have undivided interests in the property. For example, it might say that you have an undivided one-half share and your brother has an undivided one-half share. This means that each of you has a right to **half of the value** of the property, but you both have rights to the **whole property**.

If you sell the property, you would each get **half** of the money.

But if you keep the property, you can use and access **all** of the property, and so can your brother.

Where can I read the Wyoming laws about distribution of real property?

These laws are found in Wyoming Statutes Title 2, Chapter 1, Article 2. The laws about real property start at statute 2-1-205.

You can read them online by visiting the Wyoming Legislative Service Office website (<https://wyoleg.gov/>) or you can look at statute books at your local library.