



PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 247 be amended to read as follows:

- 1 Page 19, delete lines 34 through 42.
- 2 Delete page 20.
- 3 Page 21, delete lines 1 through 13, begin a new paragraph and
- 4 insert:
- 5 "SECTION 18. IC 32-17-13-7, AS AMENDED BY P.L.6-2010,
- 6 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2018]: Sec. 7. (a) ~~A proceeding under this chapter may not be~~
- 8 ~~commenced unless the personal representative of the decedent's estate~~
- 9 ~~has received a written demand for the proceeding from the surviving~~
- 10 ~~spouse or a surviving child; to the extent that statutory allowances are~~
- 11 ~~affected; or a creditor. A proceeding under this chapter may not be~~
- 12 ~~commenced unless:~~
- 13 **(1) the claimant delivers a written demand for the proceeding**
- 14 **to:**
- 15 **(A) the personal representative of the deceased**
- 16 **transferor's estate; and**
- 17 **(B) each known nonprobate transferee; and**
- 18 **(2) the written demand has been filed in the estate, not later**
- 19 **than seven (7) months after the deceased transferor's death.**
- 20 **(b) The written demand must include the following information:**
- 21 **(1) The cause number of the deceased transferor's estate.**

(2) A statement of the claimant's interest in the deceased transferor's estate and nonprobate transfers, including the date on which the claimant filed a claim in the deceased transferor's estate.

(3) A copy of the claim attached as an exhibit to the written demand.

(4) A description of the nonprobate transfer, including:

(A) a description of the transferred asset, as the asset would be described under IC 29-1-12-1, regardless of whether the asset is part of the decedent's probate estate, subject to the redaction requirements of the Indiana administrative rules, established by the Indiana supreme court;

(B) a description or copy of the instrument by which the deceased transferor established the nonprobate transfer, subject to the redaction requirements of the Indiana administrative rules, established by the Indiana supreme court; and

(C) the name and mailing address of each nonprobate transferee known by the claimant.

(c) A proceeding under this chapter may not be commenced on behalf of a claimant, if the claimant has not filed a claim in the deceased transferor's estate by not later than nine (9) months after the deceased transferor's death.

(d) A proceeding under this chapter may not be commenced on behalf of a claimant who has not delivered and filed the written demand under subsection (a) by the later of the following dates:

(1) Thirty (30) days after the final allowance of the claimant's claim.

(2) Nine (9) months after the deceased transferor's death.

(e) A proceeding under this chapter may not be commenced on behalf of a claimant if the personal representative has neither allowed nor disallowed the claimant's claim within the deadlines in IC 29-1-14-10(a) and IC 29-1-14-10(b), unless the claimant's petition to set the claim for trial in the probate court under IC 29-1-14-10(a) has been filed within thirty (30) days after the expiration of the deadlines applicable to the claimant's claim under IC 29-1-14-10(a) and IC 29-1-14-10(b).

~~(b)~~ (f) If the personal representative declines or fails to commence a proceeding **under this chapter** within ~~sixty (60)~~ **thirty (30)** days after receiving the **written demand required under subsection (a)**, a person making the demand may commence the proceeding in the name of the ~~decedent's~~ **deceased transferor's** estate at the expense of the person making the demand and not of the estate.

~~(c)~~ (g) A personal representative who declines in good faith to commence a requested proceeding incurs no personal liability for declining.

1 **(h) Nothing in this section shall affect or prevent any action or**
2 **proceeding to enforce a valid and otherwise enforceable lien,**
3 **warrant, mortgage, pledge, security interest, or other comparable**
4 **interest against property included in a nonprobate transfer."**

5 Renumber all SECTIONS consecutively.
 (Reference is to ESB 247 as printed February 26, 2018.)

Representative Steuerwald