

FORM SUMMARY

Name of Form: Petition for Certificate of Descent/Judgment Determining Descent

Form Number: PR-1945

Statutory Reference: §867.05, Wisconsin Statutes

Benchbook Reference: PR 8-12

Purpose of Form: To seek a determination of the heirs and their rights in the property of the decedent when the decedent died intestate; more than 6 years have passed since the death; and no estate administration has taken place.

Who Completes It: Petitioner or attorney.

Distribution of Form: Original: Court

Accompanying Forms: Generally none, although the certificate can accompany if no hearing or notice needed.

New Form/Modification: Modification; last update 07/01.

Modifications: Updated format. Clarified and simplified language.

Comments: The distinction between using a “certificate” or “judgment” is based on whether a notice of hearing has been given. If the court is satisfied who the heirs are and what their interests are so that a notice of hearing is not needed, a certificate is issued. If the court believes notice of hearing is needed before such a determination can be made, a judgment is issued following the hearing.

About this Form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.