

1 AN ACT concerning estate administration.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Probate Act of 1975 is amended by
5 changing Section 9-8 as follows:

6 (755 ILCS 5/9-8) (from Ch. 110 1/2, par. 9-8)

7 Sec. 9-8. Distribution on summary administration.} Upon
8 the filing of a petition therefor in the court of the proper
9 county by any interested person and after ascertainment of
10 heirship of the decedent and admission of the will, if any,
11 to probate, if it appears to the court that:

12 (a) the gross value of the decedent's real and personal
13 estate subject to administration in this State as itemized in
14 the petition does not exceed \$100,000 ~~\$50,000~~;

15 (b) there is no unpaid claim against the estate, or all
16 claimants known to the petitioner, with the amount known by
17 him to be due to each of them, are listed in the petition;

18 (c) no tax will be due to the United States or to this
19 State by reason of the death of the decedent or all such
20 taxes have been paid or provided for or are the obligation of
21 another fiduciary;

22 (d) no person is entitled to a surviving spouse's or
23 child's award under this Act, or a surviving spouse's or
24 child's award is allowable under this Act, and the name and
25 age of each person entitled to an award, with the minimum
26 award allowable under this Act to the surviving spouse or
27 child, or each of them, and the amount, if any, theretofore
28 paid to the spouse or child on such award, are listed in the
29 petition;

30 (e) all heirs and legatees of the decedent have
31 consented in writing to distribution of the estate on summary

1 administration (and if an heir or legatee is a minor or
2 disabled person, the consent may be given on his behalf by
3 his parent, spouse, adult child, person in loco parentis,
4 guardian or guardian ad litem);

5 (f) each distributee gives bond in the value of his
6 distributive share, conditioned to refund the due proportion
7 of any claim entitled to be paid from the estate distributed,
8 including the claim of any person having a prior right to
9 such distribution, together with expenses of recovery,
10 including reasonable attorneys' fees, with surety to be
11 approved by the court. If at any time after payment of a
12 distributive share it becomes necessary for all or any part
13 of the distributive share to be refunded for the payment of
14 any claim entitled to be paid from the estate distributed or
15 to provide for a distribution to any person having a prior
16 right thereto, upon petition of any interested person the
17 court shall order the distributee to refund that portion of
18 his distributive share which is necessary for such purposes.
19 If there is more than one distributee, the court shall
20 apportion among the distributees the amount to be refunded
21 according to the amount received by each of them, but
22 specific and general legacies need not be refunded unless the
23 residue is insufficient to satisfy the claims entitled to be
24 paid from the estate distributed. If a distributee refuses
25 to refund within 60 days after being ordered by the court to
26 do so and upon demand, the refusal is deemed a breach of the
27 bond and a civil action may be maintained by the claimant or
28 person having a prior right to a distribution against the
29 distributee and the surety or either of them for the amount
30 due together with the expenses of recovery, including
31 reasonable attorneys' fees. The order of the court is
32 evidence of the amount due;

33 (g) the petitioner has published a notice informing all
34 persons of the death of the decedent, of the filing of the

1 petition for distribution of the estate on summary
2 administration and of the date, time and place of the hearing
3 on the petition (the notice having been published once a week
4 for 3 successive weeks in a newspaper published in the county
5 where the petition has been filed, the first publication
6 having been made not less than 30 days prior to the hearing)
7 and has filed proof of publication with the clerk of the
8 court;

9 the court may determine the rights of claimants and other
10 persons interested in the estate, direct payment of claims
11 and distribution of the estate on summary administration and
12 excuse the issuance of letters of office or revoke the
13 letters which have been issued and discharge the
14 representative.

15 Any claimant may file his claim in the proceeding at or
16 before the hearing on the petition, but failure to do so does
17 not deprive the claimant of his right to enforce his claim in
18 any other manner provided by law.

19 A petition for distribution on summary administration may
20 be combined with or filed separately from a petition for
21 probate of a will or for administration of an estate.

22 (Source: P.A. 81-1453.)