

AN ACT concerning estate administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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