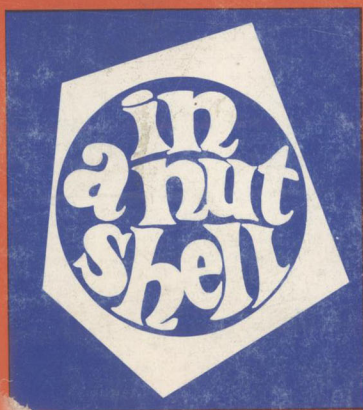


Uniform Probate Code



®

NCE H. AVERILL, JR.

UNIFORM PROBATE CODE

IN A NUTSHELL

By

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ST. PAUL, MINN.

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**To the memory of
Lawrence H. Averill, Sr.**

*

PREFACE

The Uniform Probate Code in its official 1975 text with comments is three hundred pages in length and contains three hundred and thirteen sections. It is the second largest Code approved by the National Conference of Commissioners on Uniform State Laws [hereinafter referred to as the National Conference] and by the American Bar Association which has been given the title of "Uniform." A Code of this magnitude, complexity and subtlety is not capable of being comprehensively explained, analyzed, and discussed in the short format of a Nutshell. A Nutshell on this Code, therefore, must have a different format and serve a different purpose.

The goal of this Nutshell is to provide the reader with a basic understanding of the provisions and concepts of the Uniform Probate Code. The style of writing will be designed to explain the Code not to quote it. Hopefully the reader will find the text easy to read and easy to comprehend.

Because the organization within the Code itself is excellent, this Nutshell will basically follow this organization with a few exceptions. Consequently, the Nutshell is broken down into seven parts which correspond with the first seven articles of the Code itself. Deviating from the Code format,

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the Nutshell is then broken down into consecutive chapters each of which cover a smaller area of the Code. Within each chapter, there are titled subheadings designated as sections and symbolized in the following manner: § 0.00. Cross reference to such a section in the Nutshell will appear in this form: [§ 0.00].

Because most of the cross references in this Nutshell will be to various parts of the Code, the reference format is of importance. As part of the text, a section of the Code will be cited "Section 0-000" and a Comment of the Code will be cited "Comment to Section 0-000." As a reference to the text, a section will be cited [0-000] and a Comment will be cited [0-000, Comment]. Generally, no attempt will be made to make reference to the enormous amount of articles and other writings concerning the Code. Occasionally, when considered very significant, reference will be made to other outside materials. A reference format is provided for all such materials in the "Table of Collateral Authorities."

Several additional research aids are included in this Nutshell. Although there are not very many cases as of this moment, significant cases are referred to in the text by name only. A list of cases in alphabetical order by name with their citations is included in the "Table of Cases." There is also a "Table of Uniform Probate Code Sections" which will make reference to the appropriate page where each cited Section and Comment is discussed or cited in the Nutshell. In addition, the "Outline" is comprehensive and serves as a useful outline of

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the Code and its major subject matter divisions. Finally, an "Index" is provided which is an abbreviated and altered version of the comprehensive index included with the 1975 Official Text.

Several people deserve special recognition for the preparation of this Nutshell. First, I want to express my appreciation to my wife and my children whose patience and encouragement aided greatly in its completion. Second, my sincere appreciation is extended to Eugene A. Lang, Jr. a third year law student at the University of Wyoming. His advice and efforts had a significant effect on the final manuscript.

LAWRENCE H. AVERILL, JR.

Laramie, Wyoming
December, 1977

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