

CHAPTER 151
FORMERLY
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 16

AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO ISSUANCE OF SMALL ESTATE AFFIDAVITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2306, Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) The spouse of a decedent or any person who is a grandparent of the decedent, a lineal descendant of a grandparent of the decedent, the personal representative of any of the foregoing who may be deceased, or the guardian or trustee of any of the foregoing who may be incapacitated, or the trustee of a trust created by the decedent, a funeral director licensed in the State, or the named executor or executors in the decedent's will if the named executor or executors satisfies all qualifications set forth in § 1508 of this title, shall be entitled to the personal estate of the decedent for the purpose of making distribution thereof in accordance with the decedent's will or, if there be no will, with Chapter 5 of this title without awaiting the appointment of a personal representative or probate of a will upon executing an affidavit attesting under oath that:

(6) Decedent did not own ~~solely owned~~ real estate in Delaware, either solely or as tenants in common; and

Approved August 07, 2015