

placed in a guardianship accounts for those children. She has to go to court every time she wants to spend anything for those children, in fact she is legally liable for those children. Now under LB354, we attempt to put into the law the laws of Nebraska what the vast majority of wills attempt to do. I don't know of very many lawyers who have drafted a will which gave money or very or a very large part of any estate to children, particularly to minor children, because of the guardianship factor. This bill will simply allow people who have not taken the time and trouble to have a will to have an estate plan which is as good as those who have had the money to go to a lawyer and get a will drawn. In other words that would be built in the plan. In contrast the new code relieves most persons in ordinary circumstances of this necessity to rely on wills in order to get fair treatment. The spouse has the priority of being appointed, by a portion of this bill, the informal probate portion which has been greatly attacked by the opposition of this bill and I think that it is greatly misunderstood. An informal probate merely means that the spouse, the surviving spouse has the right to go into court and not to be delayed by weeks of time to get an estate under way so that he can pay bills so that he or she is surviving a...a.husband so that they can get things under way and not have to wait for this long amount of time to handle what is going to come to them anyway. People have tried to avoid this kind of thing by putting everything into joint ownership which is not always the best way of taking care of any estate problems and many times they get into serious tax problems when they do it, so this bill with the informal probate procedure takes care of that particular problem. I want to stress one thing right here. There have been a lot of alarms say that anyone can come in under this proceedings. This is not true. There is a priority list of those that can come in starting with the surviving spouse and so on down the line. That is in the statutes. Anyone at that point, even when they do take over an informal probate can come in and demand that it be a formal probate and we have just what we have today with formal notice, with formal proof on the will and this sort of thing. That can happen if just one person, one creditor, one irrate member of the family who doesn't like what is going on, and by the way this bill as amended provides for notice, by the Clerk of the County Court that all people when this informal probate commences so there is no danger what-so-ever and if there is one person who objects and asks for a formal probate he can have it and we are right back where we are anyway. One other thing that I want to mention. I can see that the President is going to cut me off. I want to mention this other thing and that is the ease of which people can take care of their business...it is bad enough when there is a death to have to go through all of the technicalities and the red tape and the paper shuffling that goes on with our present probate laws, and with the procedure that we have to follow in county court but one of the things is that if the people are old they have to go down to the court, they must be proving up on a will. Sometimes the witnesses to the wills if they were made years ago are no longer living, it is a very difficult problem. This makes it very simple. There is no need to bring in those witnesses then it is proved up in a very simple fashion and working people, older people do not have to take off their time to come down because both of the informal nature of it and both because of the manner in which wills are proved out. Also one other thing that I will mention and that is that wills can contain aside from the will a laundry list of items which go to family members