
HOUSE BILL No. 1051

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-45-2-5.

Synopsis: Deadman's statute. Specifies that the "deadman's statute" does not: (1) apply in a proceeding to contest the validity of a will or trust; or (2) bar the introduction of evidence that would be admissible under a hearsay exception to the evidence rules.

Effective: July 1, 2004.

Foley, Kuzman

January 13, 2004, read first time and referred to Committee on Judiciary.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1051



A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-45-2-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) This section
 3 applies to suits by or against heirs or devisees founded on a contract
 4 with or demand against an ancestor:
 5 (1) to obtain title to or possession of property, real or personal, of,
 6 or in right of, the ancestor; or
 7 (2) to affect property described in subdivision (1) in any manner.
 8 (b) **This section does not apply in a proceeding to contest the**
 9 **validity of a:**
 10 (1) will; or
 11 (2) trust.
 12 (c) **Except as provided in subsection (d),** neither party to a suit
 13 described in subsection (a) is a competent witness as to any matter that
 14 occurred before the death of the ancestor.
 15 (d) **A custodian or other qualified witness in a suit described in**
 16 **subsection (a) may present evidence that is admissible under**
 17 **Indiana Evidence Rule 803(6).**

