§ 2113. Proof or probate of heirship

1. Where a person seized in fee of real property within the state dies intestate or without devising his real property, his distributees or any of them or any person deriving title from or through such distributees or any of them may present either to the court which has jurisdiction of the estate or to the court of a county where the real property or any part thereof is situated, a petition describing the property and showing the interest or share of the petitioner and of each distributee of the decedent in the property and praying for a decree establishing the right of inheritance thereto and that all the distributees of the decedent be required to show cause why the prayer of the petition should not be granted. Process must issue accordingly.

2. Upon the return of process the court must hear the allegations and proofs of the parties and determine the issues raised. The petitioner must establish

(a) The fact of the decedent's death.

(b) His domicile at the time thereof.

(c) His intestacy, either generally or as to the real property.

(d) His distributees entitled to inherit the property.

(e) The name, age, domicile and relationship to the decedent, of each, and

(f) The interest or share of each in the property.

3. The decree determining the issues shall be recorded by the petitioner in the office of the county clerk or the register, as the case may be, of each county in which the real property is situate, as prescribed by law for recording a deed.