

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1329

Introduced by

Representatives Wald, Byerly, Meyer

Senators Kinnoin, Wardner, Watne

1 A BILL for an Act to create and enact a new section to chapter 30.1-12 of the North Dakota
2 Century Code, relating to delay in settling an estate; to provide a penalty; and to provide for
3 retroactive application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 30.1-12 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Time limitation for attorney administering an estate - Penalty.**

- 8 1. An attorney at law working for hire as a representative for an estate or for a
9 personal representative for the purposes of administering or settling the estate or
10 resolving any issue in the administration or settling of an estate may not willfully
11 delay the administration or settling of an estate. It is deemed a delay if an attorney
12 does not complete the closing of the estate within three years from the date of hire,
13 unless the court allows for additional time for good cause shown. The court may
14 provide multiple extensions of additional time for a period of time of one year per
15 extension for good cause shown.
- 16 2. Within ten days after three years have passed in an estate proceeding, the
17 attorney at law shall file an affidavit with the district court stating the reason for the
18 delay and shall serve notice on the heirs, devisees, and the personal
19 representative. An heir, devisee, or personal representative may request, or the
20 court on its own motion may hold, a hearing as part of the estate proceeding to
21 determine if a delay is unwarranted. If the court determines the delay is
22 unwarranted, the court may order a fee or damages to be paid to the estate and
23 any sanctions the court determines appropriate and shall file a complaint with the
24 disciplinary board.

1 **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to an
2 estate proceeding initiated before August 1, 1999. Notwithstanding section 1 of this Act, the
3 attorney at law has until November 1, 1999, to file the affidavit and send notice if this Act
4 applies to an estate proceeding initiated before July 31, 1996.