

June 2009

TITLE 30.1

Uniform Probate Code

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 30.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2074 adopts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, which provides for interstate jurisdiction for guardianship among adopting states.

House Bill No. 1072 changes the Uniform Probate Code as to the definitions for "record" and "sign"; as to the intestate share of a decedent's surviving spouse; as to the share of heirs other than the surviving spouse and, in particular, as to grandparents and descendants of a deceased spouse who survived the decedent; as to the requirement of survival of a decedent as it relates to an individual in gestation; as to parents being barred from inheriting in certain circumstances; as to assisted reproduction and adoption and gestational carriers on the parent-child relationship; as to the elective share minimum of \$75,000, instead of as previously capped at \$50,000; as to the exempt property cap of \$15,000, instead of as previously allowed \$10,000; as to the family allowance of \$27,000, instead of as previously allowed \$18,000; as to class gifts and adopted children, children of assisted reproduction, or a gestational child; as to when a substitute gift is superseded by an alternative beneficiary designation in relation to life insurance, a retirement plan, an account payable on death, or under a trust; as to court reformation to correct mistakes; as to court modification to achieve transferor's tax objectives; and as to a contested case in which the proper execution of a will is at issue.

Senate Bill No. 2156 allows a domiciliary foreign personal representative to file certified copies, instead of as previously allowed authenticated copies, of the person's appointment and of any official bond to be personal representative as to property in a county belonging to the decedent.