

HOUSE BILL NO. 1224

Introduced by

Representatives Klemin, Louser, S. Olson, Tveit, Vetter

Senators Cory, Hogue, Larson, Sickler

1 A BILL for an Act to amend and reenact section 30.1-23-01 of the North Dakota Century Code,
2 relating to the administration of small estates.

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

4 **SECTION 1. AMENDMENT.** Section 30.1-23-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **30.1-23-01. (3-1201) Collection of personal property by affidavit.**

7 1. Thirty days after the death of a decedent, any person indebted to the decedent or
8 having possession of tangible personal property or an instrument evidencing a debt,
9 obligation, stock, or chose in action belonging to the decedent shall make payment of
10 the indebtedness or deliver the tangible personal property or an instrument evidencing
11 a debt, obligation, stock, or chose in action to a person claiming to be the successor of
12 the decedent upon being presented an affidavit made by or on behalf of the successor
13 stating that:

14 a. The value of the entire estate subject to distribution or succession under chapters
15 30.1-01 through 30.1-23, wherever located, less liens and encumbrances, does
16 not exceed fiftyone hundred thousand dollars.

17 b. Thirty days have elapsed since the death of the decedent.

18 c. An application or petition for the appointment of a personal representative is not
19 pending or has not been granted in any jurisdiction.

20 d. The claiming successor is entitled to payment or delivery of the property.

21 2. A transfer agent of any security shall change the registered ownership on the books of
22 a corporation or limited liability company from the decedent to the successor upon the
23 presentation of an affidavit as provided in subsection 1.