

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1408

Introduced by

Representatives Dahl, R. Kelsch, Kretschmar, S. Meyer

Senators Flakoll, Heitkamp

1 A BILL for an Act to amend and reenact subsections 3 and 4 of section 30.1-10-03 of the North
2 Dakota Century Code, relating to the effect of a homicide on probated property.

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

4 **SECTION 1. AMENDMENT.** Subsections 3 and 4 of section 30.1-10-03 of the North
5 Dakota Century Code are amended and reenacted as follows:

- 6 3. The intentional and felonious killing of the decedent:
- 7 a. Revokes any revocable disposition or appointment of property made by the
8 decedent to the killer in a governing instrument, provision in a governing
9 instrument conferring a general or nongeneral power of appointment on the
10 killer, and nomination of the killer in a governing instrument, nominating or
11 appointing the killer to serve in any fiduciary or representative capacity,
12 including a personal representative, executor, trustee, or agent.
- 13 b. ~~Severs~~ voids the interests of the ~~decedent and~~ killer in property held ~~by them~~
14 with the decedent at the time of the killing as joint tenants with the right of
15 survivorship, ~~transforming the interests of the decedent and killer into equal~~
16 ~~tenancies in common.~~
- 17 4. The ~~severance~~ voided interest under subdivision b of subsection 3 does not affect
18 any third-party interest in property acquired for value and in good-faith reliance on
19 an apparent title by survivorship in the killer unless a writing declaring the
20 ~~severance~~ voided interest has been noted, registered, filed, or recorded in records
21 appropriate to the kind and location of the property that are relied upon, in the
22 ordinary course of transactions involving ~~such~~ the property, as evidence of
23 ownership.