

UNIFORM PROBATE CODE

CHAPTER 283

HOUSE BILL NO. 1408

(Representatives Dahl, R. Kelsch, Kretschmar, S. Meyer)
(Senators Flakoll, Heitkamp)

HOMICIDE EFFECT ON JOINT TENANCY

AN ACT to amend and reenact subsections 3 and 4 of section 30.1-10-03 of the North Dakota Century Code, relating to the effect of a homicide on probated property.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

Approved March 9, 2007

Filed March 12, 2007