

House Judiciary Committee

March 13, 2023

By: Nancy Seefeldt, Morton County Recorder

RE: SB2381 Deposit of a Will

Good Morning Chairman Klemin and House Judiciary Committee Members.

My name is Nancy Seefeldt, I am the Morton County Recorder and Past President of the North Dakota County Recorder's Association. I am asking for support in passing SB2381. The passing of this bill is needed for the clarification in handling of the wills.

The Recorder's office is responsible for the deposit and safe keeping of wills. When we receive wills we index them in our wills book and file the actual will in a safe. We then can receive requests to view or checkout the will.

Where we run into the problem is when there isn't a designee noted for a specific will. According to ND Century Code 30.1-11-01. "Upon being informed of the testator's death, the recorder shall notify any person designated to receive the will and deliver it to that person on request or **the recorder may deliver the will to the appropriate court.**" We now are in the position of wondering what the appropriate court is. Is this the court in the County the testator currently resides in? Is this the county where the testator filed the will and resided in years ago? Is this the county that the heirs reside in?

Our office knows how important a will may be to the heirs of the Testator. The passing of bill SB2381 would help bring clarity to us and help us ensure that the will gets in the right hands to carry out the affairs of the deceased..

I ask that you recommend a DO PASS on SB2381