

Testimony in Support of SB2381 — Release of Wills
House Judiciary Committee
Sean Cleary, District 35 — Bismarck, North Dakota Senate

Chairman Klemin and Members of the House Judiciary Committee,

I am here to introduce SB 2381, a bill to clarify the deposit of wills process.

Purpose of the Bill

The bill aims to address confusion that arises when determining the appropriate court to release a will, especially when there isn't a designated person to receive the will.

Issues with the Current Process

County recorders have the responsibility to deposit and safely keep wills. However, issues arise when they receive requests to view or withdraw wills that don't have a designee listed. There is uncertainty regarding what the appropriate court is to send the will.

Proposed Changes:

- An interested person as defined in the NDCC may request the will in writing. It must contain the complete address of the appropriate court and a copy of the death certificate or obituary.
- The will must be hand-delivered or sent by certified mail with a return receipt, depending on the location of the appropriate court.

Conclusion

This legislation will bring clarity to the process and prevent the potential confusion. Thank you for your time and consideration of this bill. I am available to answer any questions or provide additional information as needed.

Respectfully,

Sean Cleary
North Dakota Senate
District 35 — Bismarck