

Senate Judiciary Committee

February 8, 2023

By: Deb Moeller, Cass County Recorder

RE: SB2381 Deposit of a Will

Good morning, Chairwoman Larson and Senate Judiciary Committee Members.

My name is Deb Moeller and I am the Cass County Recorder. My office is responsible for the proper release of wills submitted to my office by testators for safe keeping. I am here in support of Senate Bill 2381 which proposes to provide further direction to North Dakota recorders in determining the appropriate court to deliver a last will and testament upon the death of a testator, if a testator did not previously designate a person to receive the will upon their death.

Prior to being appointed the Cass County Recorder, I was employed as a trust and estate paralegal by a law firm which specialized in this practice area. From this experience I am aware there are a number of considerations in determining the proper court venue to commence a probate proceeding, such as the county where a testator resided or the county where the testator owned real property. A written request by an interested party or an attorney retained to commence a probate proceeding would provide the documentation and direction needed by North Dakota recorders in determining the appropriate court venue.

I ask that you recommend a DO PASS for SB 2381. Thank you for your time and consideration.

I remain ready to answer any questions you may have for me.