

Senate Judiciary Committee

February 8, 2023

By: Laurie Good, LaMoure County Recorder

RE: SB 2381 Deposit of a Will

Good morning, Chairwoman Larson and Senate Judiciary Committee Members,

My name is Laurie Good and I am the LaMoure County Recorder and currently serve as President of the ND County Recorder's Association. I would like to address information presented to you for SB 2381 requesting language to clarify the current reading of the bill.

Our office is where the public can deposit their Wills for safekeeping. They are stored in a fire proof vault and are numbered in our system for tracking purposes. Upon presenting us with a sealed Will the Depositor has to fill out a Certificate of Deposit. On this form they are requested to give us the name or names of who they designate to withdraw the Will. Not everyone wants to make that designation but we are not able to refuse to file as a result of that.

Here inlays the issue for the Recorder's office. This person is now deceased and they decided against designating anyone to pick up their Will. We get a call from a family member and because of open record laws are able to tell them the Will is here but they are not able to pick it up. If proof of death is given, we are allowed to release the Will to the appropriate Court. For instance, maybe they at one time lived in my county, deposited their Will in my office but then sold their property and moved to a larger city to be closer to medical facilities. At this point how do we know what Court to release the Will to? By adding this verbiage to the current bill, it would ensure the Will is delivered safely to the proper Court. They submit to us in writing proof of death and complete instructions as to where to send the Will and by requesting a return receipt we are able to verify it has been appropriately delivered.

Wills can be cumbersome and scary if one was to fall in the wrong hands. We take it seriously as to where these Wills should be delivered. By clearing up the verbiage in this bill it takes away the speculation of our jobs and makes it clear in determining the appropriate Court.

Thank you for listening and your consideration. For this reason, I respectfully urge a DO PASS on SB 2381.

Do you have any questions for me? Thank you for your time.