

Senate Judiciary Committee

February 7, 2023

By: Nancy Seefeldt, Morton County Recorder

RE: SB2381 Deposit of a Will

Good Morning Chairwoman Larson and Senate 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. When someone passes away we receive requests to view or withdrawal the wills.

Where we run into a 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 they currently reside in? is this the county where they filed it and resided in years ago?

Our office knows how important a will may be to the heirs of a loved one. The passing of bill SB2381 would help bring clarity to us and help us insure 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.