



# North Dakota House of Representatives

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## **Representative Lawrence R. Klemin**

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## **COMMITTEES:**

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### **TESTIMONY OF REP. LAWRENCE R. KLEMIN HOUSE JUDICIARY COMMITTEE HOUSE BILL NO. 1224 JANUARY 29, 2025**

Members of the House Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am here to testify in support of House Bill No. 1224, relating to the administration of small estates in the Uniform Probate Code.

Section 30.1-23-01 of the North Dakota Century Code, which is Section 3-1201 of the Uniform Probate Code, provides for a simplified method for collecting the personal property of a person who has died with a small estate without going through the formality of probate in court. In this section, when 30 days have expired since the date of death, a person claiming to be the successor of the person who died can present an affidavit to any person or entity holding money or other personal property of the decedent and can then take delivery of that personal property.

A typical example is cash in a bank account. The affidavit must state that the value of the estate, wherever located does not exceed \$50,000 [under current law]; that 30 days have elapsed since the date of death; that no probate proceeding is pending anywhere; and that the person requesting delivery of the personal property is the successor of the decedent and is entitled to delivery of the property. Section 30.1-23-02 provides that the person paying or delivering the property pursuant to the affidavit is then discharged and released from any liability related to that personal property.

The question in this bill is the amount or value of personal property that can be collected by affidavit, which is currently at \$50,000.

The Uniform Probate Code was enacted in North Dakota in 1973. The text of Section 30.1-23-01 has remained unchanged since 1973; however, the dollar amount has been increased from time to time. In 1973 the amount was \$5,000. It was raised to \$15,000 in 1979, and in 2005, it was raised to \$50,000. It has now been 20 years since the last increase. According to the U.S. Bureau of Labor Statistics, based on inflation, the consumer price index (CPI) for \$50,000 in 2005 is now over \$80,000 in 2025. This bill proposes to increase the limit to \$100,000 with the expectation that the value of a dollar will continue to decrease due to inflation.

The amount of \$100,000 is also consistent with the amounts in several surrounding States in our region that have enacted the Uniform Probate Code. These include: Idaho \$100,000; Montana \$100,000; Nebraska \$100,000; South Dakota \$100,000; and Utah \$100,000.

Increasing the North Dakota amount to \$100,000 now would be a reasonable increase. A future Legislature in 10 or 20 years can revisit this amount and increase it again, if appropriate.

I encourage the House Judiciary Committee to recommend Do Pass on HB 1224.

Rep. Lawrence R. Klemin, District 47, Bismarck