CHAPTER 11-21
PUBLIC ADMINISTRATOR

11-21-01. Public administrator - Appointment - Term of office.

The presiding judge of the judicial district in which a county is located may, after consultation with the judges of the judicial district, appoint a public administrator for that county. A public administrator may be a corporation or limited liability company. The initial appointments under this section may be made upon completion of the terms of public administrators elected in 1984. The public administrator shall hold office for four years and until a successor is appointed and qualified. The presiding judge may appoint a single public administrator to serve more than one county within the district court's jurisdiction.

11-21-02. Bond of public administrator - Conditions.

The bond of the public administrator shall run to the state of North Dakota for the benefit of any party who may be damaged by a breach of the conditions thereof. Whether the bond is issued by the state bonding fund or by a surety company, it shall guarantee that the public administrator will:

1. Faithfully discharge all the duties of the office.
2. Account annually to the judge of the district court for all estates and property under the public administrator's official control and care, or whenever required so to do by the judge.
3. Turn over to the successor in office all property and estates in the public administrator's official care and control, and truly account for the same.
4. Turn over all property and estates in the public administrator's official care and control to any other administrator, executor, or guardian designated by the judge of the district court, and truly account for the same.
5. Perform such other acts and duties properly relating to the office as may be ordered by the district judge.

The bond shall be approved and endorsed as provided for administrators and executors.

11-21-03. Bond of public administrator may be increased - Annual statement.

The judge of the district court shall require the public administrator to make a statement annually, under oath, of the amount of property in the administrator's hands or under the administrator's control as administrator, for the purpose of ascertaining the amount of bond necessary to secure such property. The court, from time to time and as occasion may require, may demand additional security from the administrator, and if the same is not furnished within twenty days after such demand, may remove the public administrator and appoint another.

11-21-04. Filing of bond and oath.

The public administrator shall file the administrator's oath and bond with the judge of the district court. The bond and oath must be recorded at length in the record books of the court.

11-21-04.1. Liability coverage for public administrators.

[Expired under S.L. 2015, ch. 94, § 2]

11-21-05. Duties and powers of public administrator.

The public administrator shall be ex officio public special administrator, guardian, and conservator in and for the county and shall take into the administrator's charge, without application to any appropriate court or special appointment, the estates of all deceased persons, and the persons and estates of all minors, and the estates or persons and estates of all incapacitated persons, in the following cases:

1. When a person dies intestate in the county without relatives or known heirs.
2. When a person dies testate and the executor named in the will is absent or fails to qualify and there is no heir, legatee, or devisee available to act as personal representative.

3. When an unknown person dies or is found dead in the county.
4. When money, property, papers, or other estate is left in a situation exposed to loss or damage, and no other person administers the estate.
5. When any estate of any person who dies intestate in the county or elsewhere is left in the county and is liable to be injured, wasted, or lost, and the intestate does not leave a known spouse or heirs in this state.
6. When a minor is under the age of fourteen years, the minor's parents are dead, and the minor has no guardian or conservator.
7. When any estate is left in the county belonging to a minor whose parents are dead, or whose parents, if living, refuse or neglect to qualify as guardian or conservator, or who, having qualified, have been removed as guardians or conservators, or from any cause are incompetent to act as guardians or conservators, when such minor has no one authorized by law to take care of and manage the minor's estate.
8. When the estate or person and estate of an incapacitated person shall be left in the county and there is no legal guardian or conservator for such incapacitated person and no competent person who will qualify to take charge of such estate or to act as guardian or conservator known to the court having jurisdiction.
9. When for any other good cause, the court shall order the administrator to take possession of an estate to prevent its being injured, wasted, stolen, or lost.

11-21-06. May act as general and special administrator, guardian, and conservator.

The public administrator shall have the same powers as are conferred upon special administrators, guardians, and conservators, and shall be subject to the same duties, penalties, provisions, and proceedings as are enjoined upon or authorized against special administrators, guardians, and conservators by the laws of this state so far as the same may be applicable. The public administrator may be appointed in proper cases as general administrator without giving additional bond, except that the court may require additional security, and when so appointed, the public administrator shall continue the administration until it is finally settled unless the public administrator resigns, dies, is discharged in the ordinary course of law as the administrator, or is removed for cause as public administrator or as administrator of such estate.

11-21-07. Public administrator to prosecute necessary suits.

The public administrator shall institute all manner of suits and prosecutions that may be necessary to recover the property, debts, papers, or other estate of any deceased person or of any minor or incapacitated person when such estate or person is in the administrator's charge or custody.

11-21-08. Compensation of public administrator.

The public administrator shall receive the same compensation for services as is allowed by law to executors, administrators, guardians, and conservators unless the court, for special reasons, allows a higher compensation.

11-21-09. Public administrator not to charge attorney's fees - Penalty.

A public administrator shall not charge a fee as an attorney in the administration of the estates of decedents of which the public administrator shall be the administrator. Any person who shall violate this section is guilty of an infraction.

11-21-10. Public administrator to act as receiver in assignment for the benefit of creditors.

When a person makes an assignment for the benefit of creditors, the public administrator, either on the administrator's own petition or on the petition of a creditor of the assignor, shall be appointed receiver and shall administer the assignment in the place of the assignee named therein.

11-21-11. Civil officers to inform public administrator as to property.

All civil officers shall inform the public administrator of all property and estate known to them which is liable to loss, waste, or injury and which, by law, ought to be in the hands of the public administrator.

11-21-12. Giving notice on taking charge of estate - Penalty for failure.

The public administrator, immediately upon taking charge of any estate except one over which the administrator has taken charge under the order of the district court for the purpose of administering the same, shall file in the office of the district court a notice that the administrator has taken charge of the estate. If a public administrator fails to file the notice, the administrator shall forfeit and pay to the persons entitled to the estate a sum not exceeding two hundred dollars and the court may remove the public administrator from office. The forfeiture shall be recovered before the district court on motion and after reasonable notice of the motion has been given to the public administrator.

11-21-13. Court may order public administrator to account to successors.

The district court, at any time and for good cause shown, may order the public administrator to account for and deliver all money, property, or papers belonging to an estate in the administrator's hands, to the administrator's successor in office, to the heirs of the estate, or to any personal representative or conservator regularly appointed as provided by law.

11-21-14. Removal from office.

The public administrator may be removed from office in the same manner and for the same reasons as other public officers may be removed except that for the reasons specified in sections 11-21-03 and 11-21-12 a public administrator may be removed summarily upon the motion of the judge of the district court.