

CHAPTER 30.1-11 CUSTODY AND DEPOSIT OF WILLS

30.1-11-01. (2-515) Deposit of will in testator's lifetime.

A will may be deposited by the testator or the testator's agent with a recorder for safekeeping. The will must be sealed and kept confidential. During the testator's lifetime, a deposited will must be delivered only to the testator or to a person authorized in a writing signed by the testator to receive the will. A conservator may be allowed to examine a deposited will of a protected testator under procedures designed to maintain the confidential character of the document to the extent possible, and to ensure that it will be resealed and kept on deposit after the examination. 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. The recorder shall deliver the will to the appropriate court on the written request of an interested person as defined in section 30.1-01-06. The written request must contain the complete address of the appropriate court along with a copy of the death certificate or obituary. The will must be either hand delivered upon acceptance from the court if the appropriate court is in the same county or delivered by certified mail with a return receipt if the appropriate court is in another county.

30.1-11-02. (2-516) Duty of custodian of will - Liability.

After the death of a testator and on request of an interested person, a person having custody of a will of the testator shall deliver it with reasonable promptness to a person able to secure its probate, and if none is known, to an appropriate court. A person who willfully fails to deliver a will is liable to any person aggrieved for any damages that may be sustained by the failure. A person who willfully refuses or fails to deliver a will after being ordered by the court in a proceeding brought for the purpose of compelling delivery is subject to penalty for contempt of court.