

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2165
(Senators Holmberg, Hogue)
(Representative Delmore)

AN ACT to amend and reenact section 30.1-32.1-12 of the North Dakota Century Code, relating to transfer on death deeds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 30.1-32.1-12 of the North Dakota Century Code is amended and reenacted as follows:

30.1-32.1-12. Liability for creditor claims and statutory allowances.

1. To the extent the transferor's probate estate is insufficient to satisfy an allowed claim against the estate or a statutory allowance to a surviving spouse or child, the estate may enforce the liability against property transferred at the transferor's death by a transfer on death deed. The estate may not enforce the liability against a purchaser of the property for value or a person that acquires an encumbrance in the property for value from the person that received the property by a transfer on death deed.
2. If more than one property is transferred by one or more transfer on death deeds, the liability under subsection 1 is apportioned among the properties in proportion to ~~their~~the net values of the property at the transferor's death.
3. A proceeding to enforce the liability under this section ~~must~~may not be commenced ~~not~~ later than eighteen months after the transferor's death. Any proceeding to enforce the liability as to property that has been purchased or encumbered for value must be brought against the person that received the property by a transfer on death deed for the net value at the time of the transferor's death.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2165.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 92 Nays 0 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State