

JUDICIAL PROCEDURE, PROBATE

CHAPTER 210

S. B. No. 136
(Judiciary Committee)

NOTICE TO FOREIGN HEIRS

AN ACT

To amend and reenact section 30-0213 of the North Dakota Revised Code of 1943 as amended, relating to notice of foreign heirs.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 30-0213 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-0213. Notice To Foreign Heirs.) If it shall appear that a deceased resident of any of the states of the United States of America, left heirs, devisees, or legatees in any foreign country, the petitioner in any proceeding in county court, his attorney or agent, at least fourteen days prior to the date fixed for any hearing in the proceedings shall give notice of such hearing to the consul or other representative of such foreign country, if he resides in this state and has filed a copy of his appointment with the secretary of state or to the nominee or nominees of such consul or representative. If there is no consul or representative of such country in this state, then such notice shall be given to the chief diplomatic representative of such country at Washington, D.C., or to the respective consuls or other representatives in the United States having jurisdiction in the state of North Dakota or to the secretary of state at Bismarck, North Dakota, who shall forward the same to such representative.

Approved March 1, 1955.

CHAPTER 211

H. B. No. 778

(Beede)

SUMMARY ADMINISTRATION OF SMALL ESTATES

AN ACT

To amend and reenact section 30-1705 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to summary administration of small estates and providing for assignment of such estates to the surviving spouse or minor children.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 30-1705 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1705. Assignment To Family Subject To Mortgages, Liens and Encumbrances.) If, upon the hearing held pursuant to a petition made as provided in section 30-1702, or upon the return of an inventory as provided in section 30-1701, the court finds that the value of the estate after payment of the expenses of the last illness of the decedent, funeral expenses, and expenses of administration, does not exceed the sum of twenty-five hundred dollars, it, by a decree for that purpose, shall assign the whole estate, real and personal, after such payment, to:

1. The surviving husband or wife of the testator or intestate, if there is a surviving husband or wife; or
2. The minor child or children of the deceased, if there are minor children, and there is no surviving husband or wife.

The title thereof shall vest absolutely in such surviving husband or wife or minor children subject to the mortgages, liens, or encumbrances upon said estate at the time of the death of the decedent and there must be no further proceedings in the administration unless further estate is discovered.

Approved March 1, 1955.

CHAPTER 212

S. B. No. 44
(Legislative Research Committee)

COUNTY COURTS' ORDERS TO MORTGAGE

AN ACT

To amend and reenact section 30-1933 of the North Dakota Revised Code of 1943, relating to orders to mortgage by county courts.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 30-1933 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1933. Order Must Specify Terms of the Mortgage.) An order to mortgage made by a county court must fix:

1. The amount for which the mortgage may be given;
2. The rate of interest that may be paid thereon; and
3. The number of years which the mortgage is to run.

Approved February 26, 1955.