

# SUCCESSION AND WILLS

## CHAPTER 371

S. B. No. 318  
(Meidinger, Wartner)

### INTESTATE SUCCESSION

#### AN ACT

To amend and reenact subdivision b of subsection 1 of section 56-01-04 of the North Dakota Century Code, relating to the succession to property of persons dying without a will.

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

**§ 1. Amendment.)** Subdivision b of subsection 1 of section 56-01-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- b. A surviving husband or wife and more than one child living, or one child living and the lawful issue of one or more deceased children one-half to the surviving husband or wife and the remainder in equal shares to the child or children living and to the lawful issue of any deceased child by right of representation, but if there is no child of the decedent living at the time of death, the remainder goes to all of the decedent's lineal descendants, and if all such descendants are in the same degree of kindred to the decedent, they share equally, but otherwise, they take according to the right of representation.

Approved March 6, 1963.

## CHAPTER 372

S. B. No. 231

(Foss)

## DISPOSITION OF ESCHEATED PROPERTY

## AN ACT

To provide for the disposition of property which shall fall to the state by escheat, and for a transfer of funds.

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

§ 1.) The proceeds of all property which shall fall to the state by escheat shall be deposited in the permanent fund of the common schools of the state. All funds in the state treasury in the escheated estate fund on the effective date of this Act shall be transferred to the permanent fund of the common schools.

Approved March 5, 1963.

## CHAPTER 373

S. B. No. 76  
(Longmire, Wartner)

## VALIDITY AND INTERPRETATION OF WILLS

## AN ACT

To amend and reenact section 56-02-14 of the North Dakota Century Code, relating to the validity and interpretation of wills.

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

§ 1. **Amendment.)** Section 56-02-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**56-02-14. What Law Governs Validity and Interpretation of Wills.)** Except as otherwise provided in this code, the validity and interpretation of wills is governed, when relating to real property within this state, by the law of this state, and when relating to personal property, by the law of the testator's domicile; provided however that whenever a decedent, being a citizen of the United States or a citizen or subject of a foreign country, wherever resident, shall have declared in his will and testament that he elects that such testamentary dispositions shall be construed and regulated by the laws of this state, the validity and effect of such dispositions shall be determined by such laws.

Approved March 6, 1963.