

UNIFORM PROBATE CODE

CHAPTER 396

HOUSE BILL NO. 1626
(Laughlin)

INFORMAL PROBATE PROCEEDINGS

AN ACT to amend and reenact sections 30.1-14-01.1 and 30.1-14-05 and subsection 1 of section 30.1-14-07 of the North Dakota Century Code, relating to informal probate proceedings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 30.1-14-01.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

30.1-14-01.1. Duty of court to provide forms to an applicant - Assistance of attorney not required. The court shall provide the necessary forms to an applicant who requests aid in using the informal probate or appointment procedure. The forms and explanatory materials shall be prepared by the state court administrator and provided at cost. The assistance of an attorney is not required for informal probate or appointment procedure.

SECTION 2. AMENDMENT. Section 30.1-14-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

30.1-14-05 (3-305). Informal probate - Court not satisfied. If the court is not satisfied that a will is entitled to be probated in informal proceedings because of failure to meet the requirements of sections 30.1-14-03 and 30.1-14-04, or for any other reason specified by law, it may decline the application. A declination of informal probate is not an adjudication and does not preclude formal probate proceedings.

SECTION 3. AMENDMENT. Subsection 1 of section 30.1-14-07 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Upon receipt of an application for informal appointment of a personal representative other than a special administrator as provided in section 30.1-17-14, if at

least one hundred twenty hours have elapsed since the decedent's death, the court, after making the findings required by section 30.1-14-08, shall appoint the applicant subject to qualification and acceptance; ~~provided, that if.~~ If the decedent was a nonresident, the court shall delay the order of appointment until thirty days have elapsed since death unless the personal representative appointed at the decedent's domicile is the applicant, or unless the decedent's will directs that ~~his~~ the estate be subject to the laws of this state. The court must make its order of appointment and issue letters testamentary or letters of administration within ten working days after all requirements for informal proceedings have been met.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 397

HOUSE BILL NO. 1408
(C. Nelson)

ESTATE PROPERTY COLLECTION BY AFFIDAVIT

AN ACT to amend and reenact section 30.1-23-01 of the North Dakota Century Code, relating to collection of personal property of decedent by affidavit.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 30.1-23-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

30.1-23-01. (3-1201) Collection of personal property by affidavit.

1. Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating that:
 - a. The value of the entire estate subject to distribution or succession under chapters 30.1-01 through 30.1-23, wherever located, less liens and encumbrances, does not exceed fifteen thousand dollars.
 - b. Thirty days have elapsed since the death of the decedent.
 - c. No application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.
 - d. The claiming successor is entitled to payment or delivery of the property.
2. A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection 1.

Approved April 1, 1987
Filed April 2, 1987