

HOUSE BILL NO. 1329

Introduced by

Representatives Wald, Byerly, Meyer

Senators Kinnoin, Wardner, Watne

1 A BILL for an Act to create and enact a new section to chapters 27-14 and 30.1-12 of the North
2 Dakota Century Code, relating to delay in settling an estate; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 27-14 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Revocation for delay in probate proceeding.** For a second or subsequent offense
7 under subsection 1 of section 2 of this Act, the supreme court shall revoke the certificate of
8 admission to the bar.

9 **SECTION 2.** A new section to chapter 30.1-12 of the North Dakota Century Code is
10 created and enacted as follows:

11 **Time limitation for attorney administering an estate - Penalty.**

12 1. An attorney at law working for hire as a representative for an estate or for a
13 personal representative for the purposes of administering or settling the estate or
14 resolving any issue in the administration or settling of an estate may not willfully
15 delay the administration or settling of an estate. It is deemed a delay if an attorney
16 does not complete the closing of the estate within three years from the date of hire,
17 unless the court allows for additional time for good cause shown. The court may
18 provide extensions of additional time for a period of time of not more than one year
19 for good cause shown. A first violation of this subsection subjects the attorney to a
20 civil penalty of up to five thousand dollars payable to the estate. A subsequent
21 offense subjects the attorney to a civil penalty of up to ten thousand dollars
22 payable to the estate. The court may impose the civil penalty in the estate
23 proceeding.

Fifty-sixth
Legislative Assembly

- 1 2. Within ten days after three years have passed in an estate proceeding, the
- 2 attorney at law shall file an affidavit with the district court stating the reason for the
- 3 delay and listing by name and court number every other of that attorney's estate
- 4 proceedings that are three years old.