

SENATE BILL NO. 2057

Introduced by

Senators Trenbeath, Nething

Representative Kretschmar

1 A BILL for an Act to amend and reenact section 30.1-23-01 of the North Dakota Century Code,
2 relating to collection of the estate of a decedent by affidavit.

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

4 **SECTION 1. AMENDMENT.** Section 30.1-23-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **30.1-23-01. (3-1201) Collection of personal property by affidavit.**

7 1. Thirty days after the death of a decedent, any person indebted to the decedent or
8 having possession of tangible personal property or an instrument evidencing a
9 debt, obligation, stock, or chose in action belonging to the decedent shall make
10 payment of the indebtedness or deliver the tangible personal property or an
11 instrument evidencing a debt, obligation, stock, or chose in action to a person
12 claiming to be the successor of the decedent upon being presented an affidavit
13 made by or on behalf of the successor stating that:

14 a. The value of the entire estate subject to distribution or succession under
15 chapters 30.1-01 through 30.1-23, wherever located, less liens and
16 encumbrances, does not exceed ~~fifteen~~ fifty thousand dollars.

17 b. Thirty days have elapsed since the death of the decedent.

18 c. ~~No~~ An application or petition for the appointment of a personal representative
19 is not pending or has not been granted in any jurisdiction.

20 d. The claiming successor is entitled to payment or delivery of the property.

21 2. A transfer agent of any security shall change the registered ownership on the
22 books of a corporation or limited liability company from the decedent to the
23 successor ~~or successors~~ upon the presentation of an affidavit as provided in
24 subsection 1.