

SENATE BILL NO. 2165

Introduced by

Senators Holmberg, Hogue

Representative Delmore

1 A BILL for an Act to amend and reenact section 30.1-32.1-12 of the North Dakota Century
2 Code, relating to transfer on death deeds.

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

4 **SECTION 1. AMENDMENT.** Section 30.1-32.1-12 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **30.1-32.1-12. Liability for creditor claims and statutory allowances.**

- 7 1. To the extent the transferor's probate estate is insufficient to satisfy an allowed claim
8 against the estate or a statutory allowance to a surviving spouse or child, the estate
9 may enforce the liability against property transferred at the transferor's death by a
10 transfer on death deed. The estate may not enforce the liability against a purchaser of
11 the property or a person that acquires an encumbrance in the property for value from
12 the person that received the property by a transfer on death deed.
- 13 2. If more than one property is transferred by one or more transfer on death deeds, the
14 liability under subsection 1 is apportioned among the properties in proportion to
15 theirthe net values of the property at the transferor's death.
- 16 3. A proceeding to enforce the liability under this section ~~must~~may not be commenced
17 ~~not~~ later than eighteen months after the transferor's death. Any proceeding to enforce
18 the liability as to property that has been purchased or encumbered for value must be
19 brought against the person that received the property by a transfer on death deed for
20 the net value at the time of the transferor's death.