

**SENATE BILL NO. 2381
with House Amendments
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Introduced by

Senator Cleary

1 A BILL for an Act to amend and reenact section 30.1-11-01 of the North Dakota Century Code,
2 relating to the deposit of a will.

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

4 **SECTION 1. AMENDMENT.** Section 30.1-11-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **30.1-11-01. (2-515) Deposit of will in testator's lifetime.**

7 A will may be deposited by the testator or the testator's agent with a recorder for
8 safekeeping. The will must be sealed and kept confidential. During the testator's lifetime, a
9 deposited will must be delivered only to the testator or to a person authorized in a writing signed
10 by the testator to receive the will. A conservator may be allowed to examine a deposited will of a
11 protected testator under procedures designed to maintain the confidential character of the
12 document to the extent possible, and to ensure that it will be resealed and kept on deposit after
13 the examination. Upon being informed of the testator's death, the recorder shall notify any
14 person designated to receive the will and deliver it to that person on request or the recorder
15 may deliver the will to the appropriate court. The recorder shall deliver the will to the appropriate
16 court on the written request of an interested person as defined in section 30.1-01-06. The
17 written request must contain the complete address of the appropriate court along with a copy of
18 the death certificate or obituary. The will must be either hand delivered upon acceptance from
19 the court if the appropriate court is in the same county or delivered by certified mail with a return
20 receipt if the appropriate court is in another county.