

**CHAPTER 30.1-13**  
**VENUE - PRIORITY TO ADMINISTER - DEMAND FOR NOTICE**

**30.1-13-01. (3-201) Venue for first and subsequent estate proceedings - Location of property.**

1. Venue for the first informal or formal testacy or appointment proceedings after a decedent's death is:
  - a. In the county where the decedent was domiciled at the time of death.
  - b. If the decedent was not domiciled in this state, in any county where property of the decedent was located at the time of death.
2. Venue for all subsequent proceedings within the exclusive jurisdiction of the court is in the place where the initial proceeding occurred, unless the initial proceeding has been transferred as provided in section 30.1-02-03 or subsection 3 of this section.
3. If the first proceeding was informal, on application of an interested person and after notice to the proponent in the first proceeding, the court, upon finding that venue is elsewhere, may transfer the proceeding and the file to the other court.
4. For the purpose of aiding determinations concerning location of assets which may be relevant in cases involving nondomiciliaries, a debt, other than one evidenced by investment or commercial paper or other instrument in favor of a nondomiciliary, is located where the debtor resides, or, if the debtor is a person other than an individual, at the place where it has its principal office. Commercial paper, investment paper, and other instruments are located where the instrument is. An interest in property held in trust is located where the trustee may be sued.

**30.1-13-02. (3-202) Appointment or testacy proceedings - Conflicting claim of domicile in another state.** If conflicting claims as to the domicile of a decedent are made in a formal testacy or appointment proceeding commenced in this state, and in a testacy or appointment proceeding after notice pending at the same time in another state, the court of this state must stay, dismiss, or permit suitable amendment in the proceeding here unless it is determined that the local proceeding was commenced before the proceeding elsewhere. The determination of domicile in the proceeding first commenced must be accepted as determinative in the proceeding in this state.

**30.1-13-03. (3-203) Priority among persons seeking appointment as personal representative.**

1. Whether the proceedings are formal or informal, persons who are not disqualified have priority for appointment in the following order:
  - a. The person with priority as determined by a probated will including a person nominated by a power conferred in a will.
  - b. The surviving spouse of the decedent who is a devisee of the decedent.
  - c. Other devisees of the decedent.
  - d. The surviving spouse of the decedent.
  - e. Other heirs of the decedent.
  - f. A trust company.



demandant's attorney. The validity of an order which is issued or filing which is accepted without compliance with this requirement shall not be affected by the error, but the petitioner receiving the order or the person making the filing may be liable for any damage caused by the absence of notice. The requirement of notice arising from a demand under this provision may be waived in writing by the demandant and shall cease upon the termination of the demandant's interest in the estate.