

# UNIFORM PROBATE CODE

## CHAPTER 283

### HOUSE BILL NO. 1408

(Representatives Dahl, R. Kelsch, Kretschmar, S. Meyer)  
(Senators Flakoll, Heitkamp)

## HOMICIDE EFFECT ON JOINT TENANCY

AN ACT to amend and reenact subsections 3 and 4 of section 30.1-10-03 of the North Dakota Century Code, relating to the effect of a homicide on probated property.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsections 3 and 4 of section 30.1-10-03 of the North Dakota Century Code are amended and reenacted as follows:

3. The intentional and felonious killing of the decedent:
  - a. Revokes any revocable disposition or appointment of property made by the decedent to the killer in a governing instrument, provision in a governing instrument conferring a general or nongeneral power of appointment on the killer, and nomination of the killer in a governing instrument, nominating or appointing the killer to serve in any fiduciary or representative capacity, including a personal representative, executor, trustee, or agent.
  - b. ~~Severs~~  voids the interests of the ~~decedent and~~ killer in property held ~~by them with the decedent~~ at the time of the killing as joint tenants with the right of survivorship; ~~transforming the interests of the decedent and killer into equal tenancies in common.~~
4. The ~~severance voided interest~~ under subdivision b of subsection 3 does not affect any third-party interest in property acquired for value and in good-faith reliance on an apparent title by survivorship in the killer unless a writing declaring the ~~severance voided interest~~ has been noted, registered, filed, or recorded in records appropriate to the kind and location of the property that are relied upon, in the ordinary course of transactions involving ~~such~~  the property, as evidence of ownership.

Approved March 9, 2007  
Filed March 12, 2007