

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2164
(Senators Holmberg, Hogue)
(Representatives K. Koppelman, Delmore)

AN ACT to amend and reenact section 30.1-19-04 of the North Dakota Century Code, relating to presentation of claims to the personal representative.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 30.1-19-04 of the North Dakota Century Code is amended and reenacted as follows:

30.1-19-04. (3-804) Manner of presentation of claims.

Claims against a decedent's estate may be presented as follows:

1. The claimant may deliver or mail to the personal representative and any attorney of record for the estate a written statement of the claim indicating its basis, the name and address of the claimant, and the amount claimed, or may file a written statement of the claim, in the form prescribed by rule, with the clerk of the court. The claim is deemed presented on the first to occur, either receipt of the written statement of claim by the personal representative, or the filing of the claim with the court. If a claim is not yet due, the claimant shall state the date when it will become due ~~shall be stated~~. If the claim is contingent or unliquidated, the claimant shall state the nature of the uncertainty ~~shall be stated~~. If the claim is secured, the claimant shall describe the security ~~shall be described~~. Failure to describe correctly the security, the nature of any uncertainty, and the due date of a claim not yet due does not invalidate the presentation made.
2. The claimant may commence a proceeding against the personal representative in any court where the personal representative may be subjected to jurisdiction, to obtain payment of the claimant's claim against the estate, but the commencement of the proceeding must occur within the time limited for presenting the claim. ~~No~~A presentation of claim is not required in regard to matters claimed in proceedings against the decedent which were pending at the time of death.
3. If a claim is presented under subsection 1, ~~no~~a proceeding ~~thereon~~on the claim may not be commenced more than sixty days after the personal representative has mailed a notice of disallowance, but, in the case of a claim which is not presently due or which is contingent or unliquidated, the personal representative may consent to an extension of the sixty-day period, or to avoid injustice, the court, on petition, may order an extension of the sixty-day period, but in no event may the extension run beyond the applicable statute of limitations.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2164.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 92 Nays 0 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State