

SENATE BILL NO. 2381

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 on the written
16 request of an interested person as defined in section 30.1-01-06. The written request must
17 contain the complete address of the appropriate court along with a copy of the death certificate
18 or obituary. The will must be either hand delivered upon acceptance from the court if the
19 appropriate court is in the same county or delivered by certified mail with a return receipt if the
20 appropriate court is in another county.