

SENATE BILL NO. 2164

Introduced by

Senators Holmberg, Hogue

Representatives K. Koppelman, Delmore

1 A BILL for an Act to amend and reenact section 30.1-19-04 of the North Dakota Century Code,
2 relating to presentation of claims to the personal representative.

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

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

6 **30.1-19-04. (3-804) Manner of presentation of claims.**

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

- 8 1. The claimant may deliver or mail to the personal representative and any attorney of
9 record for the estate a written statement of the claim indicating its basis, the name and
10 address of the claimant, and the amount claimed, or may file a written statement of the
11 claim, in the form prescribed by rule, with the clerk of the court ~~and any attorney of~~
12 ~~record for the estate~~. The claim is deemed presented on the first to occur, either
13 receipt of the written statement of claim by the personal representative, or the filing of
14 the claim with the court. If a claim is not yet due, the claimant shall state the date when
15 it will become due ~~shall be stated~~. If the claim is contingent or unliquidated, the
16 claimant shall state the nature of the uncertainty ~~shall be stated~~. If the claim is
17 secured, the claimant shall describe the security ~~shall be described~~. Failure to
18 describe correctly the security, the nature of any uncertainty, and the due date of a
19 claim not yet due does not invalidate the presentation made.
- 20 2. The claimant may commence a proceeding against the personal representative in any
21 court where the personal representative may be subjected to jurisdiction, to obtain
22 payment of the claimant's claim against the estate, but the commencement of the
23 proceeding must occur within the time limited for presenting the claim. ~~No~~

- 1 presentation of claim is not required in regard to matters claimed in proceedings
2 against the decedent which were pending at the time of death.
- 3 3. If a claim is presented under subsection 1, ~~no~~ a proceeding ~~thereon~~ on the claim may
4 not be commenced more than sixty days after the personal representative has mailed
5 a notice of disallowance, but, in the case of a claim which is not presently due or which
6 is contingent or unliquidated, the personal representative may consent to an extension
7 of the sixty-day period, or to avoid injustice, the court, on petition, may order an
8 extension of the sixty-day period, but in no event may the extension run beyond the
9 applicable statute of limitations.