

# UNIFORM PROBATE CODE

## CHAPTER 347

SENATE BILL NO. 2264  
(Lashkowitz)

### PERSONAL REPRESENTATIVE APPOINTMENT PRIORITY

AN ACT to amend and reenact subsection 1 of section 30.1-13-03 of the North Dakota Century Code, relating to priority among persons seeking appointment as personal representatives.

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

SECTION 1. AMENDMENT. Subsection 1 of section 30.1-13-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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.
  - g. Forty-five days after the death of the decedent, any creditor.

Approved March 11, 1981

## CHAPTER 348

SENATE BILL NO. 2229  
(Senator Lashkowitz)  
(Representative Heigaard)

## COURT APPROVAL OF TESTAMENTARY APPOINTMENT

AN ACT to amend and reenact section 30.1-27-02 of the North Dakota Century Code, relating to the testamentary appointment of a guardian for a minor, and providing that the guardian must be approved by the court.

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

SECTION 1. AMENDMENT. Section 30.1-27-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

30.1-27-02. (5-202) TESTAMENTARY APPOINTMENT OF GUARDIAN OF MINOR. The parent of a minor may appoint by will a guardian of an unmarried minor. Subject to the right of the minor under section 30.1-27-03, a testamentary appointment becomes effective upon filing the guardian's acceptance in the court in which the will is probated and upon approval by the court either after or without a hearing, if, before acceptance, both parents are dead or the surviving parent is adjudged incapacitated. If both parents are dead, an effective appointment by the parent who died later has priority. This state recognizes a testamentary appointment effected by filing the guardian's acceptance under a will probated in another state which is the testator's domicile and upon approval by the court either after or without a hearing. Upon acceptance of appointment, written notice of acceptance must be given by the guardian to the minor and to the person having his care, or to his nearest adult relation.

Approved March 11, 1981