

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 a written statement of
9 the claim indicating its basis, the name and address of the claimant, and the amount
10 claimed, or may file a written statement of the claim, in the form prescribed by rule,
11 with the clerk of the court and any attorney of record for the estate. The claim is
12 deemed presented on the first to occur, either receipt of the written statement of claim
13 by the personal representative, or the filing of the claim with the court. If a claim is not
14 yet due, the claimant shall state the date when it will become due ~~shall be stated~~. If the
15 claim is contingent or unliquidated, the claimant shall state the nature of the
16 uncertainty ~~shall be stated~~. If the claim is secured, the claimant shall describe the
17 security ~~shall be described~~. Failure to describe correctly the security, the nature of any
18 uncertainty, and the due date of a claim not yet due does not invalidate the
19 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~~A

- 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.