

Introduced by

Representative Kading

1 A BILL for an Act to amend and reenact section 30.1-18-09 of the North Dakota Century Code,
2 relating to the duties of a personal representative.

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

4 **SECTION 1. AMENDMENT.** Section 30.1-18-09 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **30.1-18-09. (3-709) Duty of personal representative - Possession of estate.**

7 Except as otherwise provided by a decedent's will, every personal representative has a
8 right to, and shall take possession or control of, the decedent's personal property, ~~except that~~
9 ~~any. Any real property or tangible personal property may~~must be left with or surrendered to the
10 person presumptively entitled thereto unless ~~or until, in the judgment of the personal~~
11 ~~representative, the personal representative secures a court order determining~~ possession of the
12 property by the personal representative will be necessary for purposes of administration. The
13 request by a personal representative for delivery of any personal property possessed by an heir
14 or devisee is conclusive evidence, in any action against the heir or devisee for possession
15 thereof, that the possession of the property by the personal representative is necessary for
16 purposes of administration. The personal representative shall pay taxes on, and take all steps
17 reasonably necessary for the management, protection, and preservation of, the estate in the
18 personal representative's possession, to include payment of mortgages and liens due during the
19 personal representative's possession. The personal representative may maintain an action to
20 recover possession of property or to determine the title thereto.