

CHAPTER 30.1-24

DEFINITIONS - POWERS OF FOREIGN PERSONAL REPRESENTATIVES

30.1-24-01. (4-101) Definitions. In chapters 30.1-24 and 30.1-25:

1. "Local administration" means administration by a personal representative appointed in this state pursuant to appointment proceedings described in chapters 30.1-12 through 30.1-23.
2. "Local personal representative" includes any personal representative appointed in this state pursuant to appointment proceedings described in chapters 30.1-12 through 30.1-23 and excludes foreign personal representatives who acquire the power of a local personal representative pursuant to section 30.1-24-06.
3. "Resident creditor" means a person domiciled in, or doing business in, this state, who is, or could be, a claimant against an estate of a nonresident decedent.

30.1-24-02. (4-201) Payment of debt and delivery of property to domiciliary foreign personal representative without local administration. At any time after the expiration of sixty days from the death of a nonresident decedent, any person indebted to the estate of the nonresident decedent or having possession or control of personal property, or of an instrument evidencing a debt, obligation, stock, or chose in action belonging to the estate of the nonresident decedent may pay the debt, deliver the personal property, or the instrument evidencing the debt, obligation, stock, or chose in action, to the domiciliary foreign personal representative of the nonresident decedent upon being presented with proof of the personal representative's appointment and an affidavit made by or on behalf of the personal representative stating:

1. The date of the death of the nonresident decedent.
2. That no local administration, or application, or petition therefor, is pending in this state.
3. That the domiciliary foreign personal representative is entitled to payment or delivery.

30.1-24-03. (4-202) Payment or delivery discharges. Payment or delivery made in good faith on the basis of the proof of authority and affidavit releases the debtor or person having possession of the personal property to the same extent as if payment or delivery had been made to a local personal representative.

30.1-24-04. (4-203) Resident creditor notice. Payment or delivery under section 30.1-24-02 may not be made if a resident creditor of the nonresident decedent has notified the debtor of the nonresident decedent or the person having possession of the personal property belonging to the nonresident decedent that the debt should not be paid nor the property delivered to the domiciliary foreign personal representative.

30.1-24-05. (4-204) Proof of authority - Bond. If no local administration or application or petition for local administration is pending in this state, a domiciliary foreign personal representative may file with a court in this state, in a county in which property belonging to the decedent is located, authenticated or certified copies of the person's appointment and of any official bond the person has given, and the court shall enter an order establishing the filing of the copies.

30.1-24-06. (4-205) Powers. A domiciliary foreign personal representative who has complied with section 30.1-24-05 may exercise, as to assets in this state, all powers of a local personal representative and may maintain actions and proceedings in this state subject to any conditions imposed upon nonresident parties generally.

30.1-24-07. (4-206) Power of representatives in transition. The power of a domiciliary foreign personal representative under section 30.1-24-02 or 30.1-24-06 shall be exercised only if there is no administration or application therefor pending in this state. An application or petition for local administration of the estate terminates the power of the foreign personal representative to act under section 30.1-24-06, but the local court may allow the foreign personal representative to exercise limited powers to preserve the estate. No person who, before receiving actual notice of a pending local administration, has changed that person's position in reliance upon the powers of a foreign personal representative shall be prejudiced by reason of the application or petition for, or grant of, local administration. The local personal representative is subject to all duties and obligations which have accrued by virtue of the exercise of the powers by the foreign personal representative and may be substituted for the foreign personal representative in any action or proceedings in this state.

30.1-24-08. (4-207) Ancillary and other local administrations - Provisions governing. In respect to a nonresident decedent, the provisions of chapters 30.1-12 through 30.1-23 of this title govern:

1. Proceedings, if any, in a court of this state for probate of the will, appointment, removal, supervision, and discharge of the local personal representative, and any other order concerning the estate.
2. The status, powers, duties, and liabilities of any local personal representative and the rights of claimants, purchasers, distributees, and others in regard to a local administration.