

§1-504. Certification of wills; appointments of personal representatives; elective share petitions involving real estate

1. Duty of register. The register shall prepare and submit a certification in accordance with subsection 2 within 30 days after the date on which:

A. A will has been proved or allowed; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. An appointment of a personal representative has been made upon an assumption of intestate status and the petition for appointment indicates that the decedent owned real estate; or [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

C. A petition for an elective share has been filed and the will or the petition upon which the appointment of a personal representative was granted indicates that the decedent owned real estate. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]
[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Certification. When required by subsection 1, the register shall certify to the register of deeds in the county where any affected real estate is situated a true copy of the portion of the will that devises the real estate, an abstract of the appointment of the personal representative or an abstract of the petition for an elective share. Each certification must also include:

A. A description of the real estate derived from the probated will or the petition upon which the appointment of the personal representative was made; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. The name of the decedent; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

C. The name or names of the devisees or heirs; and [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

D. In the case of a will, the date of allowance of the will and an indication whether the will was probated formally or informally. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]
[PL 2023, c. 4, §2 (AMD).]

3. Additional certification if will previously probated informally. If a will was informally probated and subsequently formally probated or denied probate in formal proceedings, the register shall certify the formal probate or formal denial of probate to the register of deeds to which the prior informally probated will was certified, setting forth the date of the formal probate or denial. A register of deeds that receives a certification pursuant to this subsection shall indicate on the certification the time of receipt and record the certification in the same manner as a deed of real estate. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2023, c. 4, §2 (AMD).

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