

## **CHAPTER 30.1-02 SCOPE, JURISDICTION, AND COURTS**

### **30.1-02-01. (1-301) Territorial application.**

Except as otherwise provided in this title, this title applies to:

1. The affairs and estates of decedents, missing persons, and persons to be protected, domiciled in this state.
2. The property of nonresidents located in this state or property coming into the control of a fiduciary which is subject to the laws of this state.
3. Incapacitated persons and minors in this state.
4. Survivorship and related accounts in this state.
5. Trusts subject to administration in this state.

### **30.1-02-02. (1-302) Subject matter jurisdiction.**

The district court has jurisdiction over all subject matter relating to guardianship, probate, and testamentary matters, including:

1. Estates of decedents, including construction of wills and determination of heirs and successors of decedents.
2. Estates of protected persons.
3. Protection of minors and incapacitated persons.
4. Trusts.

### **30.1-02-03. (1-303) Venue - Multiple proceedings - Transfer.**

1. Where a proceeding under this title could be maintained in more than one place in this state, the court in which the proceeding is first commenced has the exclusive right to proceed.
2. If proceedings concerning the same estate, protected person, ward, or trust are commenced in more than one court of this state, the court in which the proceeding was first commenced shall continue to hear the matter, and the other courts shall hold the matter in abeyance until the question of venue is decided, and if the ruling court determines that venue is properly in another court, it shall transfer the proceeding to the other court.
3. If a court finds that in the interest of justice a proceeding or a file should be located in another court of this state, the court making the finding may transfer the proceeding or file to the other court.

### **30.1-02-04. (1-304) Practice in court.**

Unless specifically provided to the contrary in this title or unless inconsistent with its provisions, the Rules of Civil Procedure, including the rules concerning vacation of orders and appellate review, govern formal proceedings under this title.

### **30.1-02-05. (1-305) Records and certified copies.**

The court or clerk of court shall keep a record for each decedent, ward, protected person, or trust involved in any document which may be filed with the court under this title, including petitions and applications, demands for notices or bonds, and of any orders or responses relating thereto by the court, and establish and maintain a system for indexing, filing, or recording which is sufficient to enable users of the records to obtain adequate information. Certifications of probated wills must indicate whether the decedent was domiciled in this state and whether the probate was formal or informal. Certifications of letters must show the date of appointment.

### **30.1-02-06. (1-307) Powers.**

The acts and orders which this title specifies as performable by the district court may be performed either by a judge of the appropriate court or by a person, including the clerk, designated by the appropriate court by a written order filed and recorded in the office of the

court. However, without a written order of the court, the clerk may sign all appropriate documents in uncontested informal probate matters if the requirements of sections 30.1-12-08 and 30.1-13-01 have been satisfied, at least one hundred twenty hours have elapsed since the decedent's death, and the person seeking appointment as personal representative is named in the will or otherwise has priority under section 30.1-13-03 or others entitled to appointment have renounced the right to appointment.

**30.1-02-06.1. (1-308) Appeals.**

Appellate review, including the right to appellate review, interlocutory appeal, provisions as to time, manner, notice, appeal bond, stays, scope of review, record on appeal, briefs, arguments, and power of the appellate court, is governed by the rules applicable to the appeals to the supreme court in equity cases from the district court, except that in proceedings in which jury trial has been had as a matter of right, the rules applicable to the scope of review in jury cases apply.

**30.1-02-07. (1-310) Oath or affirmation on filed documents.**

Except as otherwise specifically provided in this title or by rule, every document filed with the district court under this title, including applications, petitions, and demands for notice, is deemed to include an oath, affirmation, or statement to the effect that its representations are true as far as the person executing or filing it knows or is informed, and penalties for perjury may follow deliberate falsification therein.