

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

454P0563

HOUSE JUDICIARY ENGROSSED NO. **HB 1146** 2/4/2008

Introduced by: Representatives Feinstein, Cutler, Gosch, Hunt, and Van Norman and
Senators Turbak Berry and Heidepriem

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding subsequent
2 administration of an estate.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 29A-3-1008 be amended to read as follows:

5 29A-3-1008. ~~If after an estate has been settled and the personal representative discharged,~~
6 ~~or after a closing statement has been filed, and other property of the estate is discovered or any~~
7 ~~necessary act remains unperformed, or for any other proper cause, the court, upon petition of~~
8 ~~any interested person and upon notice as it directs, may appoint the same or a successor personal~~
9 ~~representative, with or without bond, to administer and resolve the subsequently discovered~~
10 ~~estate or issues~~ If other property of the estate is discovered after an estate has been settled and
11 the personal representative discharged or after one year after a closing statement has been filed,
12 the court, upon petition of any interested person and upon notice as it directs, may appoint the
13 same or a successor personal representative to administer the subsequently discovered estate.
14 If a new appointment is made, unless the court orders otherwise, the provisions of this code



- 1 apply as appropriate, but no claim previously barred may be asserted in the subsequent
- 2 administration.