

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

454P0563

HOUSE BILL NO. 1146

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 the resolution of
2 underperformed acts and the administration of subsequently discovered property of an
3 estate.

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

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

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

15 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.