

AN ACT

ENTITLED, An Act to revise certain provisions regarding the appointment of a special administrator for probate.

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

Section 1. That § 29A-3-614 be amended to read as follows:

29A-3-614. A special administrator may be appointed:

- (1) Informally by the clerk on the application of any interested person when necessary to protect the estate of a decedent prior to the appointment of a general personal representative or, if a prior appointment has been terminated, as provided in § 29A-3-609; or
- (2) In a formal proceeding by order of the court on the petition of any interested person and finding, after notice and hearing, that appointment is necessary to preserve the estate or to secure its proper administration including its administration in circumstances where a general personal representative cannot or should not act. If it appears to the court that an emergency exists, appointment may be ordered without notice.

Section 2. That § 29A-3-616 be reenacted to read as follows:

29A-3-616. A special administrator appointed by the clerk in informal proceedings pursuant to subdivision 29A-3-614(1) has the duty to collect and manage the assets of the estate, to preserve them, to account therefor, and to deliver them to the general personal representative upon qualification. The special administrator appointed in informal proceedings has the powers of a general personal representative under the code as are necessary to perform the special administrator's duties.

An Act to revise certain provisions regarding the appointment of a special administrator for probate.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1092

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1092

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State