

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

562C0490

HOUSE BILL NO. 1092

Introduced by: Representatives Brown (Jarvis), Crisp, and Hunt and Senators Whiting, Everist, and Moore

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the appointment of
2 a special administrator for probate.

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

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

5 29A-3-614. ~~A special administrator may be appointed only in a formal proceeding by order~~
6 ~~of the court on the petition of any interested person and finding, after notice and hearing, that~~
7 ~~appointment is necessary to preserve the estate or to secure its proper administration including~~
8 ~~its administration in circumstances where a general personal representative cannot or should not~~
9 ~~act. If it appears to the court that an emergency exists, appointment may be ordered without~~
10 ~~notice.~~ A special administrator may be appointed:

11 (1) Informally by the clerk on the application of any interested person when necessary to
12 protect the estate of a decedent prior to the appointment of a general personal
13 representative or, if a prior appointment has been terminated, as provided in § 29A-3-
14 609; or

15 (2) In a formal proceeding by order of the court on the petition of any interested person
16 and finding, after notice and hearing, that appointment is necessary to preserve the

1 estate or to secure its proper administration including its administration in
2 circumstances where a general personal representative cannot or should not act. If it
3 appears to the court that an emergency exists, appointment may be ordered without
4 notice.

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

6 29A-3-616. A special administrator appointed by the ~~registrar~~ clerk in informal proceedings
7 pursuant to subdivision 29A-3-614(1) has the duty to collect and manage the assets of the estate,
8 to preserve them, to account therefor, and to deliver them to the general personal representative
9 upon qualification. The special administrator appointed in informal proceedings has the powers
10 of a general personal representative under the code as are necessary to perform the special
11 administrator's duties.