

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

661H0397

## SENATE BILL NO. 52

Introduced by: Senators Whiting, Bogue, Daugaard, de Hueck, Koetzle, and Moore and  
Representatives Brown (Jarvis), Gillespie, and Michels

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the resolution of  
2 unperformed acts and the administration of subsequently discovered property 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 other property of the estate is discovered after an estate has been settled and~~  
6 ~~the personal representative discharged or after one year after a closing statement has been filed,~~  
7 ~~the court, upon petition of any interested person and upon notice as it directs, may appoint the~~  
8 ~~same or a successor personal representative to administer the subsequently discovered estate.~~  
9 If after an estate has been settled and the personal representative discharged, or after a closing  
10 statement has been filed, and other property of the estate is discovered or any necessary act  
11 remains unperformed, or for any other proper cause, the court, upon petition of any interested  
12 person and upon notice as it directs, may appoint the same or a successor personal  
13 representative, with or without bond, to administer and resolve the subsequently discovered  
14 estate or issues. If a new appointment is made, unless the court orders otherwise, the provisions  
15 of this code apply as appropriate, but no claim previously barred may be asserted in the



1 subsequent administration.