

1 NITIJELA OF THE MARSHALL ISLANDS

2
3 25TH CONSTITUTIONAL REGULAR SESSION, 2004

BILL NO: 9ND1

4
5 _____
6 *P.L. 2004-4*
7 _____

8
9 AN ACT

10 to amend the Probate Code, 25 MIRC Chp.1, to streamline the procedures for probating estates
11 and for related matters.

12 BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS

13
14 SECTION 1. Short Title

15 This Act may be cited as the Probate (Amendment) Act, 2004

16 SECTION 2. Amendments

17 (1) Section 111 of the Probate Code, 25 MIRC Chp.1 (Probate Code) is amended
18 to read as follows;

19 **§111. Complaints for transfer of decedent’s personalty to beneficiaries and**
20 **creditors; when authorized.**

21 When a decedent leaves personal property, including but not limited to cash, bank or
22 other accounts, wages or salary due, shares of stock or other interest in any business
23 enterprise, and goods and chattels of any nature, and the person or persons entitled to the
24 personal property left by the decedent cannot readily obtain possession thereof, the surviving
25 spouse, any adult child, including an adopted child, or if none of the above persons survived
26 the decedent, the nearest surviving relative may file a sworn complaint in the High Court
27 asking for the issuance of an order that such personal property be transferred to the
28 complainant. If none of the persons named in this Section file such complaint within ninety

1 (90) days of the death of the decedent, then any creditor of the decedent may file a sworn
2 complaint as set forth herein.

3 **(2) Section 112 of the Probate Code is amended to read as follows:**

4 **§112. Same; contents.**

5 Such sworn complaint shall set forth the name, residence and date of death of the
6 decedent, and the names and addresses of the surviving spouse, and children or if none of
7 the above persons survived the decedent, the name, address, and relationship of the nearest
8 surviving relative. The complaint shall also state the total value of the personal property, and
9 the property, if any, that passed or is to pass under either intestate or under a will, and to
10 whom it went or is to go, and shall contain the promise of the complainant to pay, as far as
11 the assets of the estate permit, the debts of the decedent, and to distribute the balance, if any,
12 to the person or persons entitled thereto.

13 **(3) Section 116 of the Probate Code is amended to read as follows;**

14 **§116. Settling small estates.**

15 When decedent leaves an estate of personal property valued at less than two thousand
16 and five hundred dollars (\$2,500), the next closest surviving relative, as defined in Section
17 118, may obtain possession of any such award or awards by affidavit, duly notarized, stating
18 his or her authority.
19
20

21
22
23
24

1
2 (4) **Section 117 of the Probate Code is amended to read as follows;**

3
4 **§117. Contents of the affidavit.**

5 The affidavit referred to in Section 116 shall state:

6 (a) the name, last residence, and date of death of the decedent;

7 (b) the relationship claimed by the affiant and, if not the closet surviving relative, the
8 authority under which the affiant claims;

9 (c) the names and addresses of any surviving spouse, children, and any survivor of
10 the decedent who is more closely related to the decedent than the affiant;

11 (d) nature and the value of the assets of the estate;

12 (e) whether or not the decedent left a will and, if so, to whom the decedent gave the
13 assets of the estate;

14 (f) an undertaking of the affiant to pay any debts of the decedent to the extent of the
15 assets; and

16 (g) the names of persons entitled to a distribution of the assets and the share to which
17 each is entitled.

18 (5) **Section 120 of the Probate Code is amended to read as follows;**

19
20 **§120. Settling estates consisting of nuclear claim proceeds.**

21 When a decedent leaves an estate consisting in whole or majority part (over fifty
22 percent of the total value of such estate) of a right to proceeds of an award or awards made

P.L. 2004-6

1 be the Marshall Islands Nuclear Claims Tribunal the claimant or petitioner may use the
2 services of the Office of the Public Defender or the Micronesian Legal Services Corporation.

3 (6) Section 121 of the Probate Code is deleted

4 Section 3. Effective Date

5 This Act shall take effect upon certification in accordance with Article IV Section 21 of the
6 Constitution.

7
8 CERTIFICATE

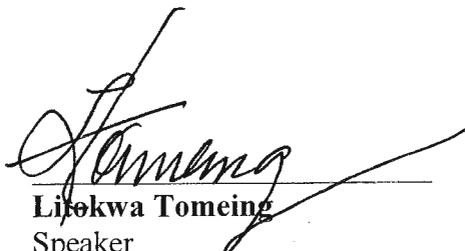
9 I hereby Certify:

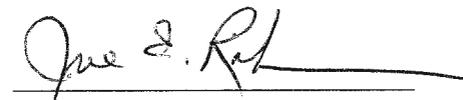
10 (2) that the above Nitijela Bill no:9ND1 was passed by the Nitijela of the
11 Marshall Islands on the 29th day of SEPTEMBER, 2004; and

12 (3) that I am satisfied that Nitijela Bill No:9ND1 was passed in accordance
13 with the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the
14 Nitijela..

15 I hereby place my signature before the Clerk of the Nitijela this 5th day NOVEMBER 2004.
16

17 Attest:

18
19 
20 Lifekwa Tomeing
21 Speaker
22 Nitijela of the Marshall Islands
23
24
25
26


Joe E Riklon
Clerk
Nitijela of the Marshall Islands