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Senate BILL NO. *138*
INTRODUCED BY *Thomas Flynn Turner*
Jerguson

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE UNIFORM PROBATE CODE TO PROVIDE THAT A PERSONAL REPRESENTATIVE AND HIS ATTORNEY MAY NOT RECEIVE A FEE OR OTHER COMPENSATION FOR AN ESTATE NOT CLOSED WITHIN TWO YEARS UNLESS GOOD CAUSE IS SHOWN TO EXIST."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Estate to be closed within two years. If an estate has not been closed within two (2) years from the date of appointment of the personal representative, the clerk of the district court shall notify the district judge thereof. The judge shall order the personal representative and his attorney to appear before the court and show cause why the estate has not been closed.

If, after the show cause hearing, the judge determines that good cause does not exist for failure to close the estate, the judge shall make an order directing that the estate be closed within thirty (30) days and that the personal representative and his attorney receive no fee or other compensation from the estate.

-end-

INTRODUCED BILL

SB138

Approved by Committee
on Judiciary

1 SENATE BILL NO. 138

2 INTRODUCED BY THIESSEN, FLYNN, TURNAGE, JERGESON

3

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13 date of appointment of the personal representative, the
14 clerk of the district court shall notify the district judge
15 thereof. The judge shall order the personal representative
16 and his attorney to appear before the court and show cause
17 why the estate has not been closed.

18 If, after the show cause hearing, the judge determines
19 that good cause does not exist for failure to close the
20 estate, the judge shall MAY make an order directing that the
21 estate be closed within thirty (30) days and that the
22 personal representative and his attorney receive no fee or
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-End-

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-End-

REFERENCE BILL

SB 138