

SENATE BILL NO. 404—COMMITTEE ON JUDICIARY

MARCH 20, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to estates. (BDR 12-901)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to estates; revising provisions governing the appointment of an administrator of an intestate estate of a decedent; requiring certain personal representatives to submit certain information under the Independent Administration of Estates Act; requiring a court to give certain preferences when determining whether to revoke the authority of a personal representative; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth an order of priority for the appointment of an administrator to administrate the intestate estate of a decedent and authorizes any person legally qualified to serve as the administrator. (NRS 139.040) **Section 1** of this bill provides that a person may be legally qualified to serve as an administrator upon a finding of good cause based on certain evidence. Existing law establishes the Independent Administration of Estates Act, which allows a personal representative to administer most aspects of the estate of a decedent without court supervision. (NRS 143.300-143.815) **Section 2** of this bill requires a personal representative who otherwise meets the criteria to be legally qualified as an administrator of an intestate estate to provide certain evidence to the court. Existing law authorizes any interested person to petition for modification or revocation of the authority of a personal representative. (NRS 143.360) **Section 3** of this bill requires the court, when determining whether to revoke the authority of a personal representative, to give preference to any interested person based on the order of priority set forth for the appointment of an administrator for an intestate estate.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 139.040 is hereby amended to read as follows:

139.040 1. Administration of the intestate estate of a decedent must be granted to one or more of the persons mentioned in this section, and they are respectively entitled to priority for appointment in the following order:

(a) The surviving spouse.

(b) The children.

(c) A parent.

(d) The brother or the sister.

(e) The grandchildren.

(f) Any other of the kindred entitled to share in the distribution of the estate.

(g) The public administrator or a person employed or contracted with pursuant to NRS 253.125, as applicable.

(h) Creditors who have become such during the lifetime of the decedent.

(i) Any of the kindred not above enumerated, within the fourth degree of consanguinity.

(j) Any person ~~for persons~~ *who is* legally qualified ~~[]~~ *upon a finding of good cause. Such a finding must be based on evidence, including, without limitation:*

(I) An affidavit of due diligence to find any living heir, including, without limitation:

(I) A report from an heir finder, as defined in NRS 139.135; and

(II) Proof of service via certified mail to all potential heirs identified pursuant to sub-subparagraph (I); and

(2) A statement of the qualifications of the person seeking appointment.

2. A person in each of the foregoing classes is entitled:

(a) To appointment, if the person is:

(1) A resident of the State of Nevada or the person:

(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment; or

(2) A banking corporation which is authorized to do business in this State or which:



(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment.

(b) To nominate a resident of the State of Nevada or a qualified banking corporation for appointment, whether or not the nominator is a resident of the State of Nevada or a qualified banking corporation. The nominee has the same priority as the nominator. That priority is independent of the residence or corporate qualification of the nominator.

3. If any heir who is otherwise entitled to appointment is a minor or an incapacitated person for whom a guardian has been appointed, the court may appoint the guardian of the minor or incapacitated person as administrator.

Sec. 2. NRS 143.340 is hereby amended to read as follows:

143.340 1. To obtain authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive, the personal representative must petition the court for that authority in a petition for appointment of the personal representative or in a separate petition filed in the estate proceedings.

2. *If the personal representative is not a person described in paragraphs (a) to (i), inclusive, of subsection 1 of NRS 139.040 and would otherwise be a person who is legally qualified as described in paragraph (j) of NRS 139.040, the personal representative shall submit any evidence described in paragraph (j) of NRS 139.040 to the court.*

3. The personal representative may request either of the following:

(a) Full authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive; or

(b) Limited authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive.

Sec. 3. NRS 143.360 is hereby amended to read as follows:

143.360 1. Any interested person may file a petition requesting that the court make either of the following orders:

(a) An order revoking the authority of the personal representative to continue administration of the estate pursuant to NRS 143.300 to 143.815, inclusive; or

(b) An order revoking the full authority of the personal representative to administer the estate pursuant to NRS 143.300 to 143.815, inclusive, and granting the personal representative limited



1 authority to administer the estate pursuant to NRS 143.300 to
2 143.815, inclusive.

3 2. The petition must set forth the basis for the requested order.

4 3. The petitioner shall give notice for the period and in the
5 manner provided in NRS 155.010.

6 4. *In determining whether to revoke the authority of the*
7 *personal representative as described in subsection 1, the court*
8 *shall give preference to any interested person based on the order*
9 *of priority set forth in subsection 1 of NRS 139.040.*

10 5. If the court determines that good cause has been shown, the
11 court shall make an order revoking the authority of the personal
12 representative to continue administration of the estate pursuant to
13 NRS 143.300 to 143.815, inclusive. Upon the making of the order,
14 new letters must be issued without the authority to act pursuant to
15 NRS 143.300 to 143.815, inclusive.

16 ~~5.1~~ 6. If the personal representative was granted full authority
17 and the court determines that good cause has been shown, the court
18 shall make an order revoking the full authority and granting the
19 personal representative limited authority. Upon the making of the
20 order, new letters must be issued indicating whether the personal
21 representative is authorized to act pursuant to NRS 143.300 to
22 143.815, inclusive, and, if so authorized, whether the independent
23 administration authority includes or excludes the power to do any of
24 the following:

25 (a) Sell real property;

26 (b) Exchange real property;

27 (c) Grant an option to purchase real property; or

28 (d) Borrow money with the loan secured by an encumbrance
29 upon real property.

