

SENATE BILL NO. 376—COMMITTEE ON JUDICIARY

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain agreements between heir finders and apparent heirs. (BDR 12-480)

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 relating to certain agreements between heir finders and apparent heirs; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that an agreement between an heir finder and an apparent
2 heir, the primary purpose of which is to locate, recover or assist in the recovery of
3 an estate for which the public administrator has petitioned for letters of
4 administration, is void and unenforceable if it is entered into during the period
5 beginning with the death of the person whose estate is in probate until 90 days
6 thereafter. (NRS 139.135) This bill extends the period of unenforceability to 1 year
7 after the death of such a person.

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

1 Section 1. NRS 139.135 is hereby amended to read as follows:
2 139.135 1. An agreement between an heir finder and an
3 apparent heir, the primary purpose of which is to locate, recover or
4 assist in the recovery of an estate for which the public administrator
5 has petitioned for letters of administration, is void and
6 unenforceable if the agreement is entered into during the period
7 beginning with the death of the person whose estate is in probate
8 until ~~90 days~~ *1 year* thereafter.
9 2. As used in this section, “heir finder” means a person who,
10 for payment of a fee, assignment of a portion of any interest in a



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1 decedent's estate or other consideration, provides information,
2 assistance, forensic genealogy research or other efforts related to
3 another person's right to or interest in a decedent's estate. The term
4 does not include:

5 (a) A person acting in the capacity of a personal representative
6 or guardian ad litem;

7 (b) A person appointed to perform services by a probate court in
8 which a proceeding in connection with a decedent's estate is
9 pending; or

10 (c) An attorney providing legal services to a decedent's family
11 member if the attorney has not agreed to pay to any other person a
12 portion of the fees received from the family member or the family
13 member's interest in the decedent's estate.

14 **Sec. 2.** The amendatory provisions of this act apply to
15 agreements described in this act that are entered into on or after
16 October 1, 2017.

