

59-805. Estates of nonresident decedents; jurisdiction of courts. (a) The courts of this state have jurisdiction over all tangible and intangible property of a nonresident decedent having a situs in this state and intangible property embodied in insurance policies as authorized by subsection (b). For the purpose of such jurisdiction it is recognized as to other states and countries, and declared with respect to this state, that the situs of debts, rights and choses in action which are embodied in legal instruments such as stock certificates, bonds, negotiable instruments, insurance policies payable to an estate and other similar items is in that state or country in which such legal instruments are located, so that whatever state or country has jurisdiction of such instruments has, and of right ought to have, jurisdiction to administer upon or otherwise direct the disposition of the debts, rights and choses in action which they embody, or voluntarily relinquish such jurisdiction to other states and countries. For such purpose the situs of other debts, rights and choses in action is where the debtor is found.

(b) A person injured by a nonresident's tortious conduct in this state may petition the district court of this state for appointment of an administrator for the nonresident's estate if:

- (1) The nonresident is deceased;
- (2) pursuant to insurance coverage obtained on behalf of the nonresident, an insurer is wholly or partially liable for the tortious conduct of the nonresident; and
- (3) either administration of the nonresident's estate has not been commenced in the decedent's state of residence, or if, such administration has been commenced, the injured person nevertheless would be denied relief because the probate laws of such state have provisions relating to the time for exhibiting demands against an estate, or other time related provisions, which have the effect of barring claims prior to the time claims would be barred by the applicable statute of limitations in this state.

History: L. 1967, ch. 314, § 2; L. 1980, ch. 166, § 5; July 1.