

**59-2402a. Request for transfer of certain matters from district magistrate judge to district judge.** When a petition is filed in the district court and a district magistrate judge is assigned to hear such petition, any interested party may request the transfer of the matter to the chief judge for assignment to a district judge if the petition is:

- (1) To admit a will to probate;
- (2) to determine venue or a transfer of venue;
- (3) to allow any claim exceeding \$5,000 in value;
- (4) for the sale, lease or mortgage of real estate;
- (5) for conveyance of real estate under contract;
- (6) for payment of a legacy or distributive share;
- (7) for partial or final distribution;
- (8) for an order compelling a legatee or distributee to refund;
- (9) for an order to determine heirs, devisees or legatees; or
- (10) for an order which involves construction of a will or other instrument.

When a request for such transfer is filed less than three days prior to the commencement of the hearing, the court shall assess the costs occasioned by the subpoena and attendance of witnesses against the party seeking the transfer. Such request may be included in any petition, answer or other pleading, or may be filed as a separate petition, and shall include an allegation that a bona fide controversy exists and that the transfer is not sought for the purpose of vexation or delay. Notice of such request shall be given as ordered by the court.

**History:** L. 1945, ch. 237, § 1; L. 1951, ch. 345, § 1; L. 1976, ch. 242, § 57; L. 1977, ch. 112, § 20; L. 1986, ch. 115, § 85; L. 1999, ch. 57, § 49; L. 2006, ch. 56, § 3; July 1.