

ASSEMBLY BILL NO. 291—ASSEMBLYMEN HORNE; AIZLEY, ATKINSON, BUSTAMANTE ADAMS, CARLTON, CARRILLO, DALY, DONDERO LOOP, FRIERSON, GOICOECHEA, HOGAN, LIVERMORE, MASTROLUCA, MUNFORD, PIERCE AND SEGERBLOM

MARCH 16, 2011

Referred to Committee on Judiciary

SUMMARY—Makes certain agreements between heir finders and apparent heirs relating to the recovery of property in an estate void and unenforceable under certain circumstances. (BDR 12-306)

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; making certain agreements between an heir finder and an apparent heir relating to the recovery of property in an estate void and unenforceable under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill provides that an agreement between an heir finder and an apparent heir
2 relating to the recovery of property in an estate for which the public administrator
3 petitioned for letters of administration is void and unenforceable if the agreement is
4 entered into during the period beginning with the death of the person whose estate
5 is in probate until 90 days thereafter.

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

1 **Section 1.** Chapter 139 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. An agreement between an heir finder and an apparent*
4 *heir, the primary purpose of which is to locate, recover or assist in*
5 *the recovery of an estate for which the public administrator has*



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1 *petitioned for letters of administration, is void and unenforceable*
2 *if the agreement is entered into during the period beginning with*
3 *the death of the person whose estate is in probate until 90 days*
4 *thereafter.*

5 2. *As used in this section, "heir finder" means a person who,*
6 *for payment of a fee, assignment of a portion of any interest in a*
7 *decedent's estate or other consideration, provides information,*
8 *assistance, forensic genealogy research or other efforts related to*
9 *another person's right to or interest in a decedent's estate. The*
10 *term does not include:*

11 (a) *A person acting in the capacity of a personal representative*
12 *or guardian ad litem;*

13 (b) *A person appointed to perform services by a probate court*
14 *in which a proceeding in connection with a decedent's estate is*
15 *pending; or*

16 (c) *An attorney providing legal services to a decedent's family*
17 *member if the attorney has not agreed to pay to any other person a*
18 *portion of the fees received from the family member or the family*
19 *member's interest in the decedent's estate.*

20 **Sec. 2.** The provisions of this act apply to agreements
21 described in section 1 of this act that are entered into on or after
22 July 1, 2011.

23 **Sec. 3.** This act becomes effective on July 1, 2011.

