

Original sponsor: Judiciary Committee

Offered: 3/23/73  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 140

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Uniform Probate Code; and  
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 13.06.050(11) is amended to read:

10 (11) "estate" includes [MEANS ALL OF] the property of the  
11 decedent, trust, or other person whose affairs are subject to this  
12 code as originally constituted and as it exists from time to time  
13 during administration;

14 \* Sec. 2. AS 13.11.090(a) is amended to read:

15 (a) The surviving spouse may elect to take his elective share  
16 in the augmented net estate by filing in the court and mailing or  
17 delivering to the personal representative a petition for the elective  
18 share within six months after the first publication of notice to  
19 creditors for filing claims which arose before the death of the dece-  
20 dent. The court may extend the time for election as it sees fit for  
21 cause shown by the surviving spouse before the time for election has  
22 expired.

23 \* Sec. 3. AS 13.11.125 is amended to read:

24 ARTICLE 4. EXEMPT PROPERTY AND ALLOWANCES [HOMESTEAD AND  
25 PERSONAL PROPERTY ALLOWANCES].

26 Sec. 13.11.125. HOMESTEAD ALLOWANCE. A surviving spouse of a  
27 decedent who was domiciled in this state is entitled to a homestead  
28 allowance of \$12,000. If there is no surviving spouse, each minor  
29 child and each dependent child of the decedent is entitled to a

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1 homestead allowance amounting to \$12,000 divided by the number of  
2 minor and dependent children of the decedent. The homestead allowance  
3 is exempt from and has priority over all claims against the estate.  
4 Homestead allowance is in addition to any share passing to the surviving  
5 spouse or minor or dependent child by the will of the decedent unless  
6 otherwise provided, by intestate succession or by way of elective  
7 share. [A TRAILER HOME, MOBILE HOME OR ANOTHER DWELLING OF LIKE  
8 NATURE, WHICH IS OWNED BY A FAMILY OR ONE OF ITS MEMBERS AND IS USED  
9 AS THE FAMILY'S ACTUAL ABODE, IS EXEMPT UP TO \$8,000, WHETHER OR NOT  
10 THE DWELLING IS AFFIXED TO THE LAND, AND WHETHER OR NOT THE LAND IS  
11 HELD IN FEE SIMPLE OR BY A LEASEHOLD OR SOME OTHER INTEREST IN LAND.]

12 \* Sec. 4. AS 13.11.130 is amended to read:

13 Sec. 13.11.130. EXEMPT [PERSONAL] PROPERTY [ALLOWANCE]. In  
14 addition to the homestead allowance, the surviving spouse of a decedent  
15 who was domiciled in this state is entitled from the estate to value  
16 not exceeding \$3,500 in excess of any security interests therein in  
17 household furniture, automobiles, furnishings, appliances and personal  
18 effects. If there is no surviving spouse, children of the decedent  
19 are entitled jointly to the same value. If encumbered chattels are  
20 selected and if the value in excess of security interests, plus that  
21 of other exempt [PERSONAL] property, is less than \$3,500, or if there  
22 is not \$3,500 worth of exempt [PERSONAL] property in the estate, the  
23 spouse or children are entitled to other assets of the estate, if any,  
24 to the extent necessary to make up the \$3,500 value. Rights to exempt  
25 [PERSONAL] property and assets needed to make up a deficiency of exempt  
26 [PERSONAL] property have priority over all claims against the estate,  
27 except that the right to any assets to make up a deficiency of exempt  
[PERSONAL] property shall abate as necessary to permit prior payment  
of homestead allowance and family allowance. These rights are in

1 addition to any benefit or share passing to the surviving spouse or  
2 children by the will of the decedent unless otherwise provided, by  
3 intestate succession, or by way of elective share.

4 \* Sec. 5. AS 13.11.135(a) is amended to read:

5 (a) In addition to the right to homestead allowance and exempt  
6 [PERSONAL] property allowance, if the decedent was domiciled in this  
7 state, the surviving spouse and minor children whom the decedent was  
8 obligated to support and children who were in fact being supported by  
9 him are entitled to a reasonable allowance in money out of the estate  
10 for their maintenance during the period of administration, which allow-  
11 ance may not continue for longer than one year if the estate is  
12 inadequate to discharge allowed claims. The allowance may be paid as  
13 a lump sum or in periodic installments. It is payable to the surviving  
14 spouse, if living, for the use of the surviving spouse and minor and  
15 dependent children; otherwise to the children, or persons having their  
16 care and custody; but in case any minor child or dependent child is  
17 not living with the surviving spouse, the allowance may be made partially  
18 to the child or his guardian or other person having his care and  
19 custody, and partially to the spouse, as their needs may appear. The  
20 family allowance is exempt from and has priority over all claims but  
21 not over the homestead allowance.

22 \* Sec. 6. AS 13.11.140 is amended to read:

23 Sec. 13.11.140. SOURCE, DETERMINATION AND DOCUMENTATION. If the  
24 estate is otherwise sufficient, property specifically devised is not  
25 used to satisfy rights to homestead and exempt [PERSONAL] property  
26 allowance. Subject to this restriction, the surviving spouse, the  
27 guardians of the minor children, or children who are adults may select  
28 property of the estate as homestead allowance and exempt [PERSONAL]  
29 property allowance. The personal representative may make these

1 selections if the surviving spouse, the children or the guardians of  
2 the minor children are unable or fail to do so within a reasonable time  
3 or if there are no guardians of the minor children. The personal  
4 representative may execute an instrument or deed of distribution to  
5 establish the ownership of property taken as homestead allowance or  
6 exempt [PERSONAL] property allowance. He may determine the family  
7 allowance in a lump sum not exceeding \$6,000 or periodic installments  
8 not exceeding \$500 per month for one year, and may disburse funds of  
9 the estate in payment of the family allowance and any part of the  
10 homestead allowance payable in cash. The personal representative or  
11 any interested person aggrieved by any selection, determination, pay-  
12 ment, proposed payment, or failure to act under this section may  
13 petition the court for appropriate relief, which relief may provide a  
14 family allowance larger or smaller than that which the personal  
15 representative determined or could have determined.

16 \* Sec. 7. AS 13.11.150 is amended to read:

17 Sec. 13.11.150. WHO MAY MAKE A WILL. Any person 18 [19] or more  
18 years of age who is of sound mind may make a will.

19 \* Sec. 8. AS 13.11.173 is repealed.

20 \* Sec. 9. AS 13.11.225 is amended to read:

21 Sec. 13.11.225. CHOICE OF LAW AS TO MEANING AND EFFECT OF WILLS.  
22 The meaning and legal effect of a disposition in a will shall be  
23 determined by the local law of a particular state selected by the  
24 testator in his instrument unless the application of that law is con-  
25 trary to the provisions relating to the elective share described in  
26 secs. 70 - 100 of this chapter, the provisions relating to exempt  
27 property and allowances described in secs. 125 - 140 of this chapter,  
28 or any other public policy of this state otherwise applicable to the  
29 disposition.

1 \* Sec. 10. AS 13.11.300(b) is amended to read:

2 (b) For purposes of secs. 5 - 140 of this chapter and AS 13.16.-  
3 065, a surviving spouse does not include

4 (1) a person who obtains or consents to a final decree or  
5 judgment of divorce from the decedent or an annulment of their marriage,  
6 which decree or judgment is not recognized as valid in this state,  
7 unless they subsequently participate in a marriage ceremony purporting  
8 to marry each to the other, or subsequently live together as man and  
9 wife;

10 (2) a person who, following a decree or judgment of divorce  
11 or annulment obtained by the decedent, participates in a marriage  
12 ceremony with a third person; or

13 (3) a person who was a party to a valid proceeding concluded  
14 by an order purporting to terminate all marital property rights.

15 \* Sec. 11. AS 13.16.065(c) is amended to read:

16 (c) A person entitled to letters under (a)(2) - (5) of this  
17 section, and a person aged 18 [19] and over who would be entitled to  
18 letters but for his age, may nominate a qualified person to act as  
19 personal representative. Any person aged 18 [19] and over may renounce  
20 his right to nominate or to an appointment by appropriate writing  
21 filed with the court. When two or more persons share a priority, those  
22 of them who do not renounce must concur in nominating another to act  
23 for them, or in applying for appointment.

24 \* Sec. 12. AS 13.16.080(1) is amended to read:

25 (1) Every application for informal probate of a will or for  
26 informal appointment of a personal representative other than a special  
27 [, ANCILLARY] or successor representative, shall contain the following:

28 (A) a statement of the interest of the applicant;

29 (B) the name, and date of death of the decedent, his

1 age, and the judicial district and state of his domicile at the  
2 time of death, and the names and addresses of the spouse, children,  
3 heirs and devisees and the ages of any who are minors so far as  
4 known or ascertainable with reasonable diligence by the applicant;

5 (C) if the decedent was not domiciled in the state at  
6 the time of his death, a statement showing venue;

7 (D) a statement identifying and indicating the address  
8 of any personal representative of the decedent appointed in this  
9 state or elsewhere whose appointment has not been terminated;

10 (E) a statement indicating whether the applicant has  
11 received a demand for notice, or is aware of any demand for notice  
12 of any probate or appointment proceeding concerning the decedent  
13 that may have been filed in this state or elsewhere.

14 \* Sec. 13. AS 13.16.115(b) is amended to read:

15 (b) Unless sec. 300 of this chapter controls, the application  
16 must be denied if it indicates that a personal representative who has  
17 not filed a written statement of resignation as provided in sec. 290(c)  
18 of this chapter has been appointed in a [THIS OR ANOTHER] judicial  
19 district of this state, that (unless the applicant is the domiciliary  
20 personal representative or his nominee) the decedent was not domiciled  
21 in this state and that a personal representative whose appointment has  
22 not been terminated has been appointed by a court in the state of  
23 domicile, or that other requirements of this section have not been met.

24 \* Sec. 14. AS 13.16.255 is repealed and re-enacted to read:

25 Sec. 13.16.255. BOND REQUIRED; EXCEPTIONS. A personal  
26 representative shall execute and file a bond with the registrar unless

27 (a) the estate is testate and the will expressly waives surety  
28 bond as to the person qualifying as personal representative;

29 (b) the devisees or the heirs file written waiver of surety bond;

1 \* Sec. 10. AS 13.11.300(b) is amended to read:

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6 which decree or judgment is not recognized as valid in this state,  
7 unless they subsequently participate in a marriage ceremony purporting  
8 to marry each to the other, or subsequently live together as man and  
9 wife;

10 (2) a person who, following a decree or judgment of divorce  
11 or annulment obtained by the decedent, participates in a marriage  
12 ceremony with a third person; or

13 (3) a person who was a party to a valid proceeding concluded  
14 by an order purporting to terminate all marital property rights.

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18 letters but for his age, may nominate a qualified person to act as  
19 personal representative. Any person aged 18 [19] and over may renounce  
20 his right to nominate or to an appointment by appropriate writing  
21 filed with the court. When two or more persons share a priority, those  
22 of them who do not renounce must concur in nominating another to act  
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29 (B) the name, and date of death of the decedent, his

1 age, and the judicial district and state of his domicile at the  
2 time of death, and the names and addresses of the spouse, children,  
3 heirs and devisees and the ages of any who are minors so far as  
4 known or ascertainable with reasonable diligence by the applicant;

5 (C) if the decedent was not domiciled in the state at  
6 the time of his death, a statement showing venue;

7 (D) a statement identifying and indicating the address  
8 of any personal representative of the decedent appointed in this  
9 state or elsewhere whose appointment has not been terminated;

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12 of any probate or appointment proceeding concerning the decedent  
13 that may have been filed in this state or elsewhere.

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19 district of this state, that (unless the applicant is the domiciliary  
20 personal representative or his nominee) the decedent was not domiciled  
21 in this state and that a personal representative whose appointment has  
22 not been terminated has been appointed by a court in the state of  
23 domicile, or that other requirements of this section have not been met.

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26 representative shall execute and file a bond with the registrar unless

27 (a) the estate is testate and the will expressly waives surety  
28 bond as to the person qualifying as personal representative;

29 (b) the devisees or the heirs file written waiver of surety bond;

1 (c) the personal representative is a qualified corporate fiduciary  
2 or

3 (d) the personal representative, pursuant to statute, has  
4 deposited cash or collateral with an agency of the state to secure  
5 performance of his duties.

6 \* Sec. 15. AS 13.16.420 is amended to read:

7 Sec. 13.16.420. CO-REPRESENTATIVES: WHEN JOINT ACTION REQUIRED.

8 If two or more persons are appointed co-representatives and unless the  
9 will provides otherwise, the concurrence of all is required on all acts  
10 connected with the administration and distribution of the estate. This  
11 restriction does not apply when any co-representative receives and  
12 gives a receipt [RECEIPTS] for property due the estate, when the con-  
13 currence of all cannot readily be obtained in the time reasonably  
14 available for emergency action necessary to preserve the estate, or  
15 when a co-representative has been delegated to act for the others.  
16 Persons dealing with a co-representative if actually unaware that  
17 another has been appointed to serve with him or if advised by the  
18 personal representative with whom they deal that he has authority to  
19 act alone for any of the reasons mentioned herein, are as fully pro-  
20 tected as if the person with whom they dealt has been the sole personal  
21 representative.

22 \* Sec. 16. AS 13.16.470(a) is repealed and re-enacted to read:

23 (a) if the applicable assets of the estate are insufficient to  
24 pay all claims in full, the personal representative shall make payment  
25 in the following order:

- 26 (1) costs and expenses of administration,  
27 (2) reasonable funeral expenses;  
28 (3) debts and taxes with preference under federal law,  
29 (4) reasonable and necessary medical and hospital expenses

1 of the last illness of the decedent, including compensation of persons  
2 attending him,

3 (5) debts and taxes with preference under other laws of this  
4 state,

5 (6) all other claims.

6 \* Sec. 17. AS 13.16.610(f) is amended to read:

7 (f) In any action to recover from any person interested in the  
8 estate the amount of the tax apportioned to the person in accordance  
9 with this code the determination of the court in respect thereto shall  
10 be [IS] prima facie correct.

11 \* Sec. 18. AS 13.21.010 is repealed.

12 \* Sec. 19. AS 13.21.015 is amended to read:

13 Sec. 13.21.015. PAYMENT OF DEBT [DEBTS LESS THAN \$2,000] AND DELIVERY  
14 OF PROPERTY TO DOMICILIARY FOREIGN PERSONAL REPRESENTATIVE WITHOUT LOCAL  
15 ADMINISTRATION [WORTH LESS THAN \$2,000]. At any time after the expiration  
16 of 60 days from the death of a nonresident decedent, any person indebted  
17 to the estate of the nonresident decedent [IN AN AMOUNT LESS THAN \$2,000]  
18 or having possession or control of personal property, or of an instru-  
19 ment evidencing a debt, obligation, stock or chose in action, [WORTH LESS  
20 THAN \$2,000] belonging to the estate of the nonresident decedent may pay  
21 the debt, and deliver the personal property, or the instrument evidencing  
22 the debt, obligation, stock or chose in action, to the domiciliary foreign  
23 personal representative of the nonresident decedent upon being presented  
24 with proof of his appointment and an affidavit made by or on behalf of  
25 the representative stating:

26 (1) the date of the death of the nonresident decedent;

27 (2) that no local administration, or application or petition  
28 therefor, is pending in this state;

29 (3) that the domiciliary foreign personal representative is

1 entitled to payment or delivery.

2 \* Sec. 20. AS 13.21.020 is amended to read:

3 Sec. 13.21.020. PAYMENT OR DELIVERY DISCHARGES. Payment or  
4 delivery made in good faith under the provisions of sec. [SECS. 10 AND]  
5 15 of this chapter releases the debtor or person having possession of  
6 the personal property to the same extent as if payment of delivery had  
7 been made to a local personal representative.

8 \* Sec. 21. AS 13.21.055 is amended to read:

9 Sec. 13.21.055. JURISDICTION BY ACT OF FOREIGN PERSONAL REPRESENTATIVE.  
10 A foreign personal representative submits personally [HIMSELF]  
11 to the jurisdiction of the courts of this state in any proceeding  
12 relating to the estate by (1) filing authenticated copies of his  
13 appointment as provided in sec. 30 of this chapter, (2) receiving  
14 payment of money or taking delivery of personal property under sec. 15  
15 of this chapter, or (3) doing any act as a personal representative in  
16 this state which would have given the state jurisdiction over him as  
17 an individual. Jurisdiction under (2) of this section is limited to  
18 the money or value of personal property collected.

19 \* Sec. 22. AS 13.26.015(1) is amended to read:

20 (1) the minor, if he has attained the age of 18 [19] years  
21 or is married;

22 \* Sec. 23. AS 13.26.035 is amended to read:

23 Sec. 13.26.035. TESTAMENTARY APPOINTMENT OF GUARDIAN OF MINOR.  
24 The parent of a minor may appoint by will a guardian of an unmarried  
25 minor. Subject to the right of the minor under sec. 40 of this chapter  
26 a testamentary appointment becomes effective upon filing the guardian's  
27 acceptance in the court in which the will is probated, if before  
28 acceptance, both parents are dead or the surviving parent is adjudged  
29 incapacitated. If both parents are dead, an effective appointment by

1 the parent who died later has priority. This state recognizes a testa-  
2 mentary appointment effected by filing the guardian's acceptance under  
3 a will probated in another state which is the testator's domicile.

4 Upon acceptance of appointment, written notice of acceptance must be  
5 given by the guardian to the minor and to the person having his care,  
6 or to his nearest adult relation.

7 \* Sec. 24. AS 13.26.040 is amended to read:

8 Sec. 13.26.040. OBJECTION BY MINOR OF 14 OR OLDER TO TESTAMENTARY  
9 APPOINTMENT. A minor of 14 or more years may prevent an appointment  
10 of his testamentary guardian from becoming effective, or may cause a  
11 previously accepted appointment to terminate, by filing with the court  
12 in which the will is probated a written objection to the appointment  
13 before it is accepted or within 30 days after notice of its acceptance.  
14 An objection may be withdrawn. An objection does not preclude appoint-  
15 ment by the court in a proper proceeding of the testamentary nominee,  
16 or any other suitable person.

17 \* Sec. 25. AS 13.26.045 is amended to read:

18 Sec. 13.26.045. COURT APPOINTMENT OF GUARDIAN OF MINOR: CONDITIONS  
19 FOR APPOINTMENT. The court may appoint a guardian for an unmarried  
20 minor if all parental rights of custody have been terminated or sus-  
21 pended by circumstances or prior court order. A guardian appointed by  
22 will as provided in sec. 35 of this chapter whose appointment has not  
23 been prevented or nullified under sec. 40 of this chapter has priority  
24 over any guardian who may be appointed by the court but the court may  
25 proceed with an appointment upon a finding that the testamentary  
26 guardian has failed to accept the testamentary appointment within 30  
27 days after notice of the guardianship proceeding [OR HAS FAILED TO  
28 PROPERLY EXERCISE HIS DUTIES AS A GUARDIAN].

29 \* Sec. 26. AS 13.26.070(4) is amended to read:

1 (4) A guardian must report the condition of his ward and  
2 of the ward's estate which has been subject to his possession or  
3 control, as ordered by court on petition of any person interested in  
4 the minor's welfare or as required by court rule [AT LEAST ONCE A YEAR  
5 UNLESS ORDERED SOONER BY THE COURT].

6 \* Sec. 27. AS 13.26.120 is amended to read:

7 Sec. 13.26.120. TERMINATION OF GUARDIANSHIP FOR INCAPACITATED  
8 PERSON. The authority and responsibility of a guardian for an inca-  
9 pacitated person terminates upon the death of the guardian or ward,  
10 the determination of incapacity of the guardian, or upon removal or  
11 resignation as provided in sec. 125 of this chapter. Testamentary  
12 appointment under an informally probated will terminates if the will  
13 is later denied probate in a formal proceeding. Termination does not  
14 affect his liability for prior acts nor his obligation to account for  
15 funds and assets of his ward.

16 \* Sec. 28. AS 13.26.150(a)(4)(B) is amended to read:

17 (B) receive money and tangible property deliverable to  
18 the ward and apply the money and property for support, care and  
19 education of the ward; but, he may not use funds from his ward's  
20 estate for room and board which he, his spouse, parent, or child  
21 have furnished the ward unless a charge for the service is approved  
22 by order of the court made upon notice to at least one of the next  
23 of kin of the [INCOMPETENT] ward, if notice is possible; he must  
24 exercise care to conserve any excess for the ward's needs;

25 \* Sec. 29. AS 13.26.280(a) is amended to read:

26 (a) A conservator has all of the powers conferred herein and any  
27 additional powers conferred by law on trustees in this state. In addi-  
28 tion, a conservator of the estate of an unmarried minor under the age  
29 of 18 [19] years, as to whom no one has parental rights, has the duties

1 and powers of a guardian of a minor described in sec. 70 of this  
2 chapter until the minor attains the age of 18 [19] or marries, but the  
3 parental rights so conferred on a conservator do not preclude appoint-  
4 ment of a guardian as provided by secs. 30 - 85 of this chapter.

5 \* Sec. 30. AS 13.26.280(c)(7) and (22) are amended to read:

6 (7) acquire or dispose of an estate asset including land in  
7 another state for cash or on credit, at public or private sale; and to  
8 manage, develop, improve, exchange, partition, change the character of,  
9 or abandon an estate asset [FOR A TERM WITHIN OR EXTENDING BEYOND THE  
10 TERM OF THE CONSERVATORSHIP IN CONNECTION WITH THE EXERCISE OF ANY  
11 POWER VESTED IN THE CONSERVATOR];

12 (22) pay any sum distributable to a protected person or his  
13 [A] dependent [OF THE PERSON WHO IS A MINOR OR INCOMPETENT], without  
14 liability to the conservator, by paying the sum to the distributee or  
15 by paying the sum for the use of the distributee either to his guardian  
16 or if none, to a relative or other person with custody of his person;

17 \* Sec. 31. AS 13.26.300(a) is repealed and re-enacted to read:

18 (a) A conservator shall pay from the estate all just claims  
19 against the estate and against the protected person arising before or  
20 after the conservatorship upon their presentation and allowance. A  
21 claim is considered presented on the first to occur of receipt of the  
22 written statement of claim by the conservator, or the filing of the  
23 claim with the court. A presented claim is allowed if it is not dis-  
24 allowed by written statement mailed by the conservator to the claimant  
25 within 60 days after its presentation. The presentation of a claim  
26 tolls any statute of limitations relating to the claim until 30 days  
27 after its disallowance. A claim may be presented by either of the  
28 following methods:

29 (1) the claimant may deliver or mail to the conservator a

1 written statement of the claim indicating its basis, the name and  
2 address of the claimant and the amount claimed.

3 (2) the claimant may file a written statement of the claim,  
4 in the form prescribed by rule, with the clerk of the court and deliver  
5 or mail a copy of the statement to the conservator.

6 \* Sec. 32. AS 13.26 is amended by adding a new section to read:

7 Sec. 13.26.320. FOREIGN CONSERVATORS. If no local conservator  
8 has been appointed and no petition in a protective proceeding is pending  
9 in this state, a domiciliary foreign conservator may file with a court  
10 in this state in a judicial district in which property belonging to  
11 the protected person is located, authenticated copies of his appointment  
12 and of any official bond he has given. Thereafter, he may exercise as  
13 to assets in this state all powers of a local conservator and may main-  
14 tain actions and proceedings in this state subject to any conditions im-  
15 posed upon nonresident parties generally.

16 \* Sec. 33. AS 13.31.030 is amended to read:

17 Sec. 13.31.030. ACCOUNTS AND TRANSFERS NONTESTAMENTARY. Any  
18 transfers resulting from the application of sec. 20 of this chapter are  
19 effective by reason of the account contracts involved [AND THIS STATUTE]  
20 and are not to be considered as testamentary or subject to AS 13.06.005  
21 - AS 13.21.075.

22 \* Sec. 34. AS 09.55.570 is amended to read:

23 Sec. 09.55.570. ALL CAUSES OF ACTION SURVIVE. All causes of  
24 action by one person against another, whether arising on contract or  
25 otherwise, except those involving defamation of character, survive to  
26 the personal representatives of the former and against the personal  
27 representatives of the latter, but this shall not be construed so as  
28 to abate an action for a wrong where any party has died after the  
29 verdict or to defeat or prejudice the right of action given by AS

1 09.15.010. The personal representatives [EXECUTORS OR ADMINISTRATORS]  
2 may maintain an action thereon against the party against whom the cause  
3 of action accrued, or, after his death, against his personal represen-  
4 tatives.

5 \* Sec. 35. AS 13.11.045(1) is amended to read:

6 (1) an adopted person is the child of an adopting parent and  
7 not of the natural parents [EXCEPT THAT AN ADOPTED CHILD AND HIS ISSUE  
8 HAVE THE RIGHTS OF INHERITANCE FROM THE NATURAL PARENTS AND THEIR  
9 RESPECTIVE KIN UNLESS THE DECREE OF ADOPTION SPECIFICALLY PROVIDES FOR  
10 TERMINATION OF THOSE RIGHTS OF INHERITANCE AND] except that adoption of  
11 a child by the spouse of a natural parent has no effect on the relation-  
12 ship between the child and that natural parent;

13 \* Sec. 36. Except as provided in the Uniform Probate Code (AS 13.06 -  
14 13.36),

15 (1) the Uniform Probate Code applies to any wills of  
16 decedents dying after December 31, 1972;

17 (2) the Uniform Probate Code applies to any proceedings in  
18 court pending on January 1, 1973, or commenced after that date, regard-  
19 less of the time of the death of the decedent, except to the extent  
20 that the supreme court, by rule, makes available to any party the right  
21 to elect whether to proceed under the laws as they existed before  
22 January 1, 1973, or under the code;

23 (3) every personal representative, including a person admin-  
24 istering an estate of a person under a disability, holding an appoint-  
25 ment on January 1, 1973, continues to hold the appointment but has only  
26 the powers conferred by the code and is subject to the duties imposed  
27 with respect to any act occurring or done after that date;

28 (4) an act done before January 1, 1973, in any proceedings  
29 and any accrued right is not impaired by the code; if a right is

1 acquired, extinguished or barred upon the expiration of a prescribed  
2 period of time which has commenced to run by the provisions of any  
3 statute before January 1, 1973, the provisions shall remain in force  
4 with respect to that right;

5 (5) any rule of construction or presumption provided in  
6 the code applies to instruments executed and multiple party accounts  
7 opened before January 1, 1973, unless there is a clear indication of  
8 a contrary intent of the parties;

9 (6) any cause of action arising, or proceeding commenced,  
10 before January 1, 1973, shall be, at the discretion of the parties,  
11 and with the approval of the court, treated as though the laws per-  
12 taining to it before January 1, 1973, were still in force.

13 \* Sec. 37. This Act takes effect on the day after its passage and  
14 approval or on the day it becomes law without approval.