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## Adiministration of Estate; Limitation of Actions

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ADMINISTRATION OF ESTATES; LIMITATION OF ACTIONS

Adds to NRS Chapter 11

SB 354 (Ashworth); STATS 1979, Ch 380

Chapter 380 creates a statute of limitations on actions against decedents' estates for which letters of administration were not issued. Such actions must be commenced within three years of the decedent's death,<sup>1</sup> unless the action is specifically excluded from the limitation.<sup>2</sup>

Existing law prohibits actions against decedent's estates which commence more than one year after issuance of letters testamentary or letters of administration.<sup>3</sup> A decedent's real estate cannot be attached for debts other than recorded incumbrances unless testamentary or letters of administration are granted within three years of the decedent's death.<sup>4</sup>

Chapter 380 creates an additional limitation. If no letters of administration are issued, for whatever reason, then no action can be maintained against the estate unless commenced within three years of the decedent's death.<sup>5</sup> This limitation does not affect any lien, created by a recorded mortgage or deed of trust, or a filed security agreement,<sup>6</sup> nor does it affect the right of any person in possession of personal property of the estate.<sup>7</sup>

Lorne Malkiewich

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FOOTNOTES

1. 1979 Nev. Stats. ch. 380 (hereinafter "Ch. 380") §1 ¶1 (adding to NRS Ch. 11).
2. See Ch. 380 §2 (adding to NRS Ch. 11).
3. NRS 11.310(2).
4. NRS 11.310(2)(b).
5. Ch. 380 §1 ¶1 (adding to NRS Ch. 11).
6. Id. §1 ¶2(a) (adding to NRS Ch. 11). See NRS 111.310 through 111.365 (recording) and NRS 104.9401 (as amended by 1979 Nev. Stats. ch. 236 §1) through 104.9408 (filing) for recording and filing provisions.
7. Ch. 380 §1 ¶2(b) (adding to NRS Ch. 11).