

181 affinity.

182 (f) "Revocable," with respect to a disposition, appointment, provision, or nomination,
 183 means one under which the divorced individual, at the time of the divorce or annulment, was
 184 alone empowered, by law or under the governing instrument, to cancel the designation in favor
 185 of ~~[his]~~ the individual's former spouse or former spouse's relative, whether or not the divorced
 186 individual was then empowered to designate ~~himself~~ another in place of ~~[his]~~ the individual's
 187 former spouse or in place of ~~[his]~~ the individual's former spouse's relative and whether or not
 188 the divorced individual then had the capacity to exercise the power.

189 (2) Except as provided by the express terms of a governing instrument, a court order,
 190 or a contract relating to the division of the marital estate made between the divorced
 191 individuals before or after the marriage, divorce, or annulment, the divorce or annulment of a
 192 marriage:

193 (a) revokes any revocable:

194 (i) disposition or appointment of property made by a divorced individual to ~~[his]~~ the
 195 individual's former spouse in a governing instrument and any disposition or appointment
 196 created by law or in a governing instrument to a relative of the divorced individual's former
 197 spouse;

198 (ii) provision in a governing instrument conferring a general or nongeneral power of
 199 appointment on the divorced individual's former spouse or on a relative of the divorced
 200 individual's former spouse; and

201 (iii) nomination in a governing instrument, ~~[nominating]~~ which nominates a divorced
 202 individual's former spouse or a relative of the divorced individual's former spouse to serve in
 203 any fiduciary or representative capacity, including a personal representative, executor, trustee,
 204 conservator, agent, or guardian; and

205 (b) severs the interests of the former spouses in property held by them at the time of the
 206 divorce or annulment as joint tenants with the right of survivorship, transforming the interests
 207 of the former spouses into tenancies in common.

208 **H→ [(3) This section does not apply to the designation of a beneficiary of a life insurance**
 209 **policy or annuity contract. A policyholder or certificate holder who obtains a divorce or**
 210 **annulment shall request a beneficiary change in the form required by the insurer in accordance**
 211 **with Section 31A-22-413.] ←H**

212 ~~H~~→ [f] (3) [f] [~~(4)~~] ←~~H~~ A severance under Subsection (2)(b) does not affect any third-party
 212a interest in
 213 property acquired for value and in good faith reliance on an apparent title by survivorship in the
 214 survivor of the former spouses unless a writing declaring the severance has been noted,
 215 registered, filed, or recorded in records appropriate to the kind and location of the property,
 216 which are relied upon, in the ordinary course of transactions involving such property, as
 217 evidence of ownership.

218 ~~H~~→ [f] (4) [f] [~~(5)~~] ←~~H~~ Provisions of a governing instrument are given effect as if the
 218a former spouse
 219 and relatives of the former spouse disclaimed all provisions revoked by this section or, in the
 220 case of a revoked nomination in a fiduciary or representative capacity, as if the former spouse
 221 and relatives of the former spouse died immediately before the divorce or annulment.

222 ~~H~~→ [f] (5) [f] [~~(6)~~] ←~~H~~ Provisions revoked solely by this section are revived by the
 222a divorced
 223 individual's remarriage to the former spouse or by a nullification of the divorce or annulment.

224 ~~H~~→ [f] (6) [f] [~~(7)~~] ←~~H~~ No change of circumstances other than as described in this section
 224a and in
 225 Section 75-2-803 effects a revocation.

226 ~~H~~→ [f] (7) [f] [~~(8)~~] ←~~H~~ (a) A payor or other third party is not liable for having made a
 226a payment or
 227 transferred an item of property or any other benefit to a beneficiary designated in a governing
 228 instrument affected by a divorce, annulment, or remarriage, or for having taken any other
 229 action in good faith reliance on the validity of the governing instrument, before the payor or
 230 other third party received written notice of the divorce, annulment, or remarriage. A payor or
 231 other third party is liable for a payment made or other action taken after the payor or other third
 232 party received written notice of a claimed forfeiture or revocation under this section.

233 (b) Written notice of the divorce, annulment, or remarriage under Subsection [~~(7)~~]
 234 ~~(8)~~(a) shall be mailed to the payor's or other third party's main office or home by registered or
 235 certified mail, return receipt requested, or served upon the payor or other third party in the
 236 same manner as a summons in a civil action. Upon receipt of written notice of the divorce,
 237 annulment, or remarriage, a payor or other third party may pay any amount owed or transfer or
 238 deposit any item of property held by it to or with the court having jurisdiction of the probate
 239 proceedings relating to the decedent's estate or, if no proceedings have been commenced, to or
 240 with the court having jurisdiction of probate proceedings relating to the decedent's estates
 241 located in the county of the decedent's residence. The court shall hold the funds or item of
 242 property and, upon its determination under this section, shall order disbursement or transfer in

243 accordance with the determination. Payments, transfers, or deposits made to or with the court
244 discharge the payor or other third party from all claims for the value of amounts paid to or
245 items of property transferred to or deposited with the court.

246 ~~H~~→ [f] (8) [f] [~~9~~] ←~~H~~ (a) A person who purchases property from a former spouse,
246a relative of a
247 former spouse, or any other person for value and without notice, or who receives from a former
248 spouse, relative of a former spouse, or any other person a payment or other item of property in
249 partial or full satisfaction of a legally enforceable obligation, is neither obligated under this
250 section to return the payment, item of property, or benefit, nor is liable under this section for
251 the amount of the payment or the value of the item of property or benefit. But a former spouse,
252 relative of a former spouse, or other person who, not for value, received a payment, item of
253 property, or any other benefit to which that person is not entitled under this section is obligated
254 to return the payment, item of property, or benefit, or is personally liable for the amount of the
255 payment or the value of the item of property or benefit, to the person who is entitled to it under
256 this section.

257 (b) If this section or any part of this section is preempted by federal law with respect to
258 a payment, an item of property, or any other benefit covered by this section, a former spouse,
259 relative of the former spouse, or any other person who, not for value, received a payment, item
260 of property, or any other benefit to which that person is not entitled under this section is
261 obligated to return that payment, item of property, or benefit, or is personally liable for the
262 amount of the payment or the value of the item of property or benefit, to the person who would
263 have been entitled to it were this section or part of this section not preempted.