

Effective 7/1/2024

75-2-105 No taker -- Minerals and mineral proceeds.

- (1) As used in this section:
 - (a) "Mineral" means the same as that term is defined in Section 67-4a-102.
 - (b) "Mineral proceeds" means the same as that term is defined in Section 67-4a-102.
 - (c) "Operator" means the same as that term is defined in Section 40-6-2, 40-8-4, or 40-10-3, and includes any other person holding mineral proceeds of an owner.
 - (d) "Owner" means the same as that term is defined in Section 38-10-101, 40-6-2, or 40-8-4.
 - (e) "Payor" means the same as that term is defined in Section 40-6-2, and includes a person who undertakes or has a legal obligation to distribute any mineral proceeds.
- (2) If there is no taker under this chapter, the intestate estate passes upon the decedent's death to the state for the benefit of the permanent state school fund.
- (3) When minerals or mineral proceeds pass to the state pursuant to Subsection (2), the Utah School and Institutional Trust Lands Administration shall administer the interests in the minerals or mineral proceeds for the support of the common schools pursuant to Sections 53C-1-102 and 53C-1-302, but may exercise its discretion to abandon or decline to administer property of no value or of insufficient value to justify its collection or continued administration.
- (4)
 - (a) If a probate or other proceeding has not adjudicated the state's rights under Subsection (2), the state, and the Utah School and Institutional Trust Lands Administration with respect to any minerals or mineral proceeds referenced in Subsection (3), may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to quiet title the minerals, mineral proceeds, or property.
 - (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the state or the Utah School and Institutional Trust Lands Administration, shall bring an action described in Subsection (4) (a) in the county in which the property related to the minerals or mineral process is located if the action is brought in the district court.
- (5) In an action brought under Subsection (4), the court shall quiet title to the minerals, mineral proceeds, or property in the state if:
 - (a) no interested person appears in the action and demonstrates entitlement to the minerals, mineral proceeds, or property after notice has been given pursuant to Section 78B-6-1303 and in the manner described in Section 75-1-401; and
 - (b) the requirements of Section 78B-6-1315 are met.
- (6)
 - (a) If an operator, owner, or payor determines that minerals or mineral proceeds form part of a decedent's intestate estate, and has not located an heir of the decedent, the operator, owner, or payor shall submit to the Utah School and Institutional Trust Lands Administration the information in the operator's, owner's, or payor's possession concerning the identity of the decedent, the results of a good faith search for heirs specified in Section 75-2-103, the property interest from which the minerals or mineral proceeds derive, and any potential heir.
 - (b) The operator, owner, or payor shall submit the information described in Subsection (6)(a) within 180 days of acquiring the information.

Amended by Chapter 158, 2024 General Session