

75-3-1201 Collection of personal property by affidavit.

- (1) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall pay the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating that:
 - (a) the value of the entire estate subject to administration, wherever located, less liens and encumbrances, does not exceed \$100,000;
 - (b) 30 days have elapsed since the death of the decedent;
 - (c) no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction; and
 - (d) the claiming successor is entitled to payment or delivery of the property.
- (2) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit and the security as provided in Subsection (1).
- (3) The Motor Vehicle Division of the State Tax Commission shall transfer title of not more than four boats, motor vehicles, trailers, or semitrailers, registered under Title 41, Motor Vehicles, or Title 73, Water and Irrigation, from the decedent to the successor or successors upon presentation of an affidavit as provided in Subsection (1) and upon payment of the necessary fees, except that in lieu of that language in Subsection (1)(a) the affidavit shall state that the value of the entire estate subject to administration, wherever located, other than those motor vehicles, trailers, or semitrailers, less liens and encumbrances, does not exceed \$100,000.

Amended by Chapter 316, 2007 General Session