

Effective 5/7/2025

75-3-1201 Collection of personal property by affidavit -- Vehicles -- Water shares excluded.

- (1) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property, including 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 instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent, upon being presented with 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) Consistent with the requirements of this section, 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, Chapter 18, State Boating Act, 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.
- (4) Shares of stock in a water company that are transferred under Section 73-1-10 or Title 70A, Chapter 8, Uniform Commercial Code - Investment Securities, are not eligible for transfer under this part.

Amended by Chapter 123, 2025 General Session