

**75-3-1202 Effect of affidavit.**

The person paying, delivering, transferring, or issuing personal property or the evidence thereof pursuant to affidavit is discharged and released to the same extent as if he dealt with a personal representative of the decedent. He is not required to see to the application of the personal property or evidence thereof or to inquire into the truth of any statement in the affidavit. If any person to whom an affidavit is delivered refuses to pay, deliver, transfer, or issue any personal property or evidence thereof, it may be recovered or its payment, delivery, transfer, or issuance compelled upon proof of their right in a proceeding brought for the purpose by or on behalf of the persons entitled to it. In such event, in addition to recovering the property, the person to whom an affidavit is delivered shall, in the discretion of the court, be liable for damages to the claimant for an amount up to three times the value of the personal property plus costs of suit and reasonable attorneys' fees. Any person to whom payment, delivery, transfer, or issuance is made is answerable and accountable therefor to any personal representative of the estate or to any other person having a superior right.

Amended by Chapter 226, 1983 General Session