

Effective 5/7/2025

75-3-703 General duties -- Relation and liability to persons interested in estate -- Standing to sue.

- (1)
 - (a) A personal representative is a fiduciary who shall observe the standard of care applicable to trustees as described by Section 75B-2-902.
 - (b) A personal representative is under a duty to settle and distribute the estate of the decedent in accordance with the terms of any probated and effective will and this title and as expeditiously and efficiently as is consistent with the best interests of the estate.
 - (c) A personal representative shall use the authority conferred upon the personal representative by this title, the terms of the will, if any, and any order in proceedings to which the personal representative is party for the best interests of successors to the estate.
- (2)
 - (a) A personal representative may not be surcharged for acts of administration or distribution if the conduct in question was authorized at the time.
 - (b) Subject to other obligations of administration, an informally probated will is authority to administer and distribute the estate according to the terms of the will.
 - (c) An order of appointment of a personal representative, whether issued in informal or formal proceedings, is authority to distribute apparently intestate assets to the heirs of the decedent if, at the time of distribution, the personal representative is not aware of a pending testacy proceeding, a proceeding to vacate an order entered in an earlier testacy proceeding, a formal proceeding questioning his appointment or fitness to continue, or a supervised administration proceeding.
 - (d) Nothing in this section affects the duty of the personal representative to administer and distribute the estate in accordance with the rights of claimants, the surviving spouse, any minor and dependent children, and any pretermitted child of the decedent as described elsewhere in this title.
- (3) Except as to proceedings which do not survive the death of the decedent, a personal representative of a decedent domiciled in this state at the decedent's death has the same standing to sue and be sued in the courts of this state and courts of any other jurisdiction as the decedent had immediately prior to death.

Amended by Chapter 310, 2025 General Session