

Part 2

Powers of Foreign Personal Representatives

75-4-201 Payment of debt and delivery of property to domiciliary foreign personal representative without local administration.

At any time after the expiration of 60 days from the death of a nonresident decedent, any person indebted to the estate of the nonresident decedent or having possession or control of personal property, or of an instrument evidencing a debt, obligation, stock, or chose in action belonging to the estate of the nonresident decedent may pay the debt, deliver the personal property, or the instrument evidencing the debt, obligation, stock, or chose in action, to the domiciliary foreign personal representative of the nonresident decedent upon being presented with proof of his appointment and an affidavit made by or on behalf of the representative stating:

- (1) the date of the death of the nonresident decedent;
- (2) that no local administration, or application or petition therefor, is pending in this state;
- (3) that the domiciliary foreign personal representative is entitled to payment or delivery.

Amended by Chapter 30, 1992 General Session

75-4-202 Payment or delivery discharges.

Payment or delivery made in good faith on the basis of the proof of authority and affidavit under Section 75-4-201 releases the debtor or person having possession of the personal property to the same extent as if payment or delivery had been made to a local personal representative.

Enacted by Chapter 150, 1975 General Session

75-4-203 Resident creditor notice.

Payment or delivery under Section 75-4-201 may not be made if a resident creditor of the nonresident decedent has notified the debtor of the nonresident decedent or the person having possession of the personal property belonging to the nonresident decedent that the debt should not be paid nor the property delivered to the domiciliary foreign personal representative.

Enacted by Chapter 150, 1975 General Session

75-4-204 Proof of authority -- Bond.

If no local administration or application or petition therefor is pending in this state, a domiciliary foreign personal representative may file with a court in this state in a county in which property belonging to the decedent is located, authenticated copies of his appointment and of any official bond he has given.

Enacted by Chapter 150, 1975 General Session

75-4-205 Powers.

A domiciliary foreign personal representative who has complied with Section 75-4-204 may exercise as to assets in this state all powers of a local personal representative and may maintain actions and proceedings in this state subject to any conditions imposed upon nonresident parties generally. The provisions of this section shall not apply to persons other than individuals acting as foreign personal representatives unless the state of the principal place of business of such

foreign personal representative provides substantially similar provisions applicable to personal representatives from this state.

Enacted by Chapter 150, 1975 General Session

75-4-206 Power of representatives in transition.

The power of a domiciliary foreign personal representative under Section 75-4-201 or 75-4-205 shall be exercised only if there is no administration or application therefor pending in this state. An application or petition for local administration of the estate terminates the power of the foreign personal representative to act under Section 75-4-205, but the local court may allow the foreign personal representative to exercise limited powers to preserve the estate. No person who, before receiving actual notice of a pending local administration, has changed his position in reliance upon the powers of a foreign personal representative shall be prejudiced by reason of the application or petition for, or grant of, local administration. The local personal representative is subject to all duties and obligations which have accrued by virtue of the exercise of the powers by the foreign personal representative and may be substituted for him in any action or proceedings in this state.

Enacted by Chapter 150, 1975 General Session

75-4-207 Ancillary and other local administrations -- Provisions governing.

In respect to a nonresident decedent, the provisions of Chapter 3, Probate of Wills and Administration, govern proceedings, if any, in a court of this state for probate of the will, appointment, removal, supervision, and discharge of the local personal representative, and any other order concerning the estate; and the status, powers, duties, and liabilities of any local personal representative and the rights of claimants, purchasers, distributees, and others in regard to a local administration.

Enacted by Chapter 150, 1975 General Session