

Effective 5/8/2018

75-6-411 Revocation by instrument authorized -- Revocation by act not permitted.

- (1) Subject to Subsection (2), an instrument is effective to revoke a recorded transfer on death deed, or any part of it, only if the instrument:
 - (a) is one of the following:
 - (i) a transfer on death deed that revokes the deed or part of the deed expressly or by inconsistency;
 - (ii) an instrument of revocation that expressly revokes the deed or part of the deed; or
 - (iii) an inter vivos deed that revokes the transfer on death deed or part of the deed expressly or by inconsistency; and
 - (b) is acknowledged by the transferor after the acknowledgment of the deed being revoked and recorded in the public records in the office of the county recorder where the deed is recorded before the transferor's death.
- (2) If a transfer on death deed is made by more than one transferor:
 - (a) revocation by a transferor does not affect the deed as to the interest of another transferor; and
 - (b) a deed of joint owners is revoked only if it is revoked by all of the living joint owners.
- (3) After a transfer on death deed is recorded, it may not be revoked by a revocatory act on the deed.
- (4) This section does not limit the effect of an inter vivos transfer of the property.
- (5) Property subject to a revocation of a transfer on death deed shall adeem and nonademption statutes shall be inapplicable to the deed.

Enacted by Chapter 26, 2018 General Session