

Effective 5/8/2018

75-6-415 Liability for creditor claims and statutory allowances.

- (1) To the extent the transferor's probate estate is insufficient to satisfy an allowed claim against the estate or a statutory allowance to a surviving spouse or child, only the estate may enforce the liability against property transferred at the transferor's death by a transfer on death deed.
- (2) If more than one property is transferred by one or more transfer on death deeds, the liability under Subsection (1) is apportioned among the properties in proportion to their net values at the transferor's death.
- (3) A probate proceeding to enforce the liability under this section shall be commenced not later than 12 months after the transferor's death.
- (4) The estate may expressly waive the estate's claim against the property.

Enacted by Chapter 26, 2018 General Session