

**78B-5-607 When entries and writings of a decedent are prima facie evidence.**

The entries and other writings of a decedent made at or near the time of the transaction, and when the decedent was in a position to know the facts stated in the entry, may be read as prima facie evidence of the facts written about, in the following cases:

- (1) the entry was made against the interest of the person making it;
- (2) it was made in a professional capacity and in the ordinary course of professional conduct; or
- (3) it was made in the performance of a duty specially enjoined by law.

Renumbered and Amended by Chapter 3, 2008 General Session