

**PROBATE CODE AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ross I. Romero**

House Sponsor: Christine A. Johnson

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**LONG TITLE**

**General Description:**

This bill increases the total amount of an estate which may be settled by affidavit from \$25,000 to ~~Ⓢ→ [\$75,000 and allows for the amount to be adjusted in concert with the Consumer Price Index on a yearly basis]~~ \$100,000 ~~←Ⓢ~~ .

**Highlighted Provisions:**

This bill:

- ▶ provides that an estate of less than ~~Ⓢ→ [\$75,000]~~ \$100,000 ~~←Ⓢ~~ may be settled by affidavit ~~Ⓢ→ [; and~~
- ~~————▶ provides for an adjustment based on the Consumer Price Index]~~ ~~←Ⓢ~~ .

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**75-3-1201**, as last amended by Chapter 213, Laws of Utah 1988

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **75-3-1201** is amended to read:

**75-3-1201. Collection of personal property by affidavit.**

(1) Thirty days after the death of a decedent, any person indebted to the decedent or



28 having possession of tangible personal property or an instrument evidencing a debt, obligation,  
 29 stock, or chose in action belonging to the decedent shall pay the indebtedness or deliver the  
 30 tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in  
 31 action to a person claiming to be the successor of the decedent upon being presented an  
 32 affidavit made by or on behalf of the successor stating that:

33 (a) the value of the entire estate subject to administration, wherever located, less liens  
 34 and encumbrances, does not exceed [\$25,000] ~~→~~ [\$75,000] \$100,000 ~~←~~ \$ ;

35 (b) ~~[thirty]~~ 30 days have elapsed since the death of the decedent;

36 (c) no application or petition for the appointment of a personal representative is  
 37 pending or has been granted in any jurisdiction; and

38 (d) the claiming successor is entitled to payment or delivery of the property.

39 (2) A transfer agent of any security shall change the registered ownership on the books  
 40 of a corporation from the decedent to the successor or successors upon the presentation of an  
 41 affidavit and the security as provided in Subsection (1).

42 (3) The Motor Vehicle Division of the State Tax Commission shall transfer title of not  
 43 more than four boats, motor vehicles, trailers, or semitrailers, registered under Title 41, Motor  
 44 Vehicles, or Title 73, Water and Irrigation, from the decedent to the successor or successors  
 45 upon presentation of an affidavit as provided in Subsection (1) and upon payment of the  
 46 necessary fees, except that in lieu of that language in Subsection (1)(a) the affidavit shall state  
 47 that the value of the entire estate subject to administration, wherever located, other than those  
 48 motor vehicles, trailers, or semitrailers, less liens and encumbrances, does not exceed  
 49 [\$25,000] ~~→~~ [\$75,000] \$100,000 .

50 ~~[(4) (a) Beginning July 1, 2008 and each July 1 thereafter, the amount in Subsections (1)~~  
 51 ~~and (3) shall be adjusted for inflation by the state treasurer:~~

52 ~~—— (b) By July 15 of each year, the state treasurer shall:~~

53 ~~—— (i) certify the inflation-adjusted amount calculated under this Subsection (4); and~~

54 ~~—— (ii) inform the Administrative Office of the Courts of the certified amount.~~

55 ~~—— (c) The amount resulting from Subsection (4)(a) shall:~~

56 ~~—— (i) be rounded to the nearest \$5,000, but may not decrease the amount; and~~

57 ~~—— (ii) apply to the estate of a decedent whose date of death is on or after July 15;~~

58 ~~—— (5) As used in this section, "inflation" means the seasonally adjusted consumer price] ←\$~~

12-19-06 6:59 AM

S.B. 24

59 ~~§→ [index for all urban consumers as published by the Bureau of Labor Statistics of the United~~  
60 ~~States Department of Labor.] ←§~~

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**Legislative Review Note**  
as of 11-16-06 2:19 PM

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
as of 12-19-06 6:59 AM

The Health and Human Services Interim Committee recommended this bill.

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**S.B. 24 - Probate Code Amendments**

**Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

The costs associated with settling estates valued at \$75,000 or less, as provided in the bill, may be reduced.

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*1/4/2007, 3:50:19 PM, Lead Analyst: Ricks, G.*

**Office of the Legislative Fiscal Analyst**