

PROBATE CODE AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ross I. Romero

House Sponsor: Christine A. Johnson

LONG TITLE

General Description:

This bill increases the total amount of an estate which may be settled by affidavit from \$25,000 to \$100,000.

Highlighted Provisions:

This bill:

- ▶ provides that an estate of less than \$100,000 may be settled by affidavit.

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

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 having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall pay the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon being presented an

30 affidavit made by or on behalf of the successor stating that:

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

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

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

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

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

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