

183 even if the deed contains a contrary provision.

184 (5) Following the death of the transferor, an affidavit in substantially the form found in
185 Section 57-1-5.1 shall be recorded in the office of the recorder of the county in which the
186 affected property is located. Each affidavit shall:

187 (a) contain a legal description of the real property that is affected;

188 (b) reference the entry number and the book and page of the previously recorded
189 transfer on death deed; and

190 (c) have attached as an exhibit, a copy of the death certificate or other document issued
191 by a governmental agency as described in Section 75-1-107 certifying the transferor's death.

192 Section 14. Section **75-6-414** is enacted to read:

193 **75-6-414. Disclaimer.**

194 A beneficiary may disclaim all or part of the beneficiary's interest.

195 Section 15. Section **75-6-415** is enacted to read:

196 **75-6-415. Liability for creditor claims and statutory allowances.**

197 (1) To the extent the transferor's probate estate is insufficient to satisfy an allowed
198 claim against the estate or a statutory allowance to a surviving spouse or child, ~~H~~→ only ←~~H~~ the
198a estate may

199 enforce the liability against property transferred at the transferor's death by a transfer on death
200 deed.

201 (2) If more than one property is transferred by one or more transfer on death deeds, the
202 liability under Subsection (1) is apportioned among the properties in proportion to their net
203 values at the transferor's death.

204 (3) A ~~H~~→ probate ←~~H~~ proceeding to enforce the liability under this section shall be
204a commenced not
205 later than 12 months after the transferor's death.

205a **~~H~~→ (4) The estate may expressly waive the estate's claim against the property. ←~~H~~**

206 Section 16. Section **75-6-416** is enacted to read:

207 **75-6-416. Form of transfer on death deed.**

208 The following form may be used to create a transfer on death deed. The other sections
209 of this chapter govern the effect of this or any other instrument used to create a transfer on
210 death deed:

211 (front of form)

212 REVOCABLE TRANSFER ON DEATH DEED FORM

213 NOTICE TO OWNER