

243 (ii) upon the court's determination under this section, order disbursement in accordance  
 244 with the determination.

245 (e) A payor's or third party's payment, transfer, or deposit made to or with the court  
 246 discharges the payor or third party from all claims for the value of the paid amounts or  
 247 transferred or deposited items of property.

248 (9) (a) A person who purchases property for value and without notice, or who receives  
 249 a payment or other item of property in partial or full satisfaction of a legally enforceable  
 250 obligation:

251 (i) may retain the payment, item of property, or benefit; and

252 (ii) is not liable under this section for the amount of the payment or the value of the  
 253 item of property or benefit.

254 (b) A person who, not for value, receives a payment, item of property, or any other  
 255 benefit to which the person is not entitled under this section:

256 (i) shall return the payment, item of property, or benefit to the person who is entitled to  
 257 the payment or the item of property or benefit under this section; or

258 (ii) is personally liable for the amount of the payment or the value of the item of  
 259 property or benefit, to the person who is entitled to the payment or the item of property or  
 260 benefit under this section.

261 (c) If this section, or any part of this section, is preempted by federal law with respect  
 262 to a payment, an item of property, or any other benefit that this section addresses, a person  
 263 who, not for value, receives the payment, item of property, or any other benefit to which the  
 264 person is not entitled under this section:

265 (i) shall return the payment, item of property, or benefit to the person who would have  
 266 been entitled to the payment or the item of property or benefit if this section or the relevant part  
 267 of this section was not preempted; or

268 (ii) is personally liable for the amount of the payment, or the value of the item of  
 269 property or benefit, to the person who would have been entitled to the payment or the item of  
 270 property or benefit if this section or the relevant part of this section was not preempted.

270a **H→ (10) Notwithstanding Subsections (2) through (6), and notwithstanding an abuser's**  
 270b **conviction for a disqualifying offense, the abuser may inherit, take, enjoy, receive, or otherwise**  
 270c **benefit from the estate of the vulnerable adult if:**

270d **(a) (i) after the abuser's conviction, the vulnerable adult executes a new governing**  
 270e **instrument or amends or affirms an existing governing instrument under which the abuser**  
 270f **receives a benefit; and** ☒

270g ☛ **(ii) the vulnerable adult is not incapacitated, as that term is defined in Section 75-1-201,**  
270h **at the time the vulnerable adult makes the execution, amendment, or affirmation described in**  
270i **Subsection (7)(a)(i); or**  
270j **(b) the court reviewing a petition under this section determines that a manifest**  
270k **injustice would result if the abuser is disinherited by operation of this section.** ←H  
271 H→ [~~(10)(a)~~] (11) ←H This section:  
272 H→ [~~(i)~~] (a) ←H does not operate retrospectively;  
273 H→ [~~(ii)~~] (b) ←H except as provided in Subsection (10) H→ [~~(a)(iii)~~] (c) ←H , does not  
273a apply to a disqualifying

274 felony offense that occurred prior to the effective date of this bill; and

275 ~~Ĥ→ [(iii)] (c) ←Ĥ~~ applies to a disqualifying felony offense described in Subsection (10)

275a ~~Ĥ→ [(a)(ii)] (b) ←Ĥ~~ if any

276 portion of the offense persists after the effective date of this bill.

277 ~~Ĥ→ [(b) (i) An individual may not bring an action under this section unless the statute of~~  
 278 ~~limitations for an alleged disqualifying felony offense has not expired.~~

279 ~~——— [(ii) The expiration of a statute of limitation for the relevant alleged disqualifying felony~~  
 280 ~~offense is an affirmative defense to action under this section.] ←Ĥ~~

281 Section 4. Section **75-6-413** is amended to read:

282 **75-6-413. Effect of transfer on death deed at transferor's death.**

283 (1) Except as otherwise provided in the transfer on death deed, Sections 75-2-205,  
 284 75-2-702, 75-2-803, ~~[and] 75-2-804,~~ and 75-2-807, on the death of the transferor, the following  
 285 rules apply to property that is the subject of a transfer on death deed and owned by the  
 286 transferor at death.

287 (a) Subject to Subsection (1)(b), the interests in the property are transferred to the  
 288 designated beneficiaries in accordance with the deed.

289 (b) The interest of a designated beneficiary is contingent on the designated beneficiary  
 290 surviving the transferor. Notwithstanding Section 75-2-706, the interest of a designated  
 291 beneficiary that fails to survive the transferor lapses.

292 (c) Subject to Subsection (1)(d), concurrent interests are transferred to the beneficiaries  
 293 in equal and undivided shares with no right of survivorship, unless otherwise specified in the  
 294 transfer on death deed.

295 (d) If the transferor has identified two or more designated beneficiaries to receive  
 296 concurrent interests in the property, the share of one that lapses or fails for any reason is  
 297 transferred to the other, or to the others in proportion to the interest of each in the remaining  
 298 part of the property held concurrently.

299 (2) Subject to Title 57, Chapter 3, Recording of Documents, a beneficiary takes the  
 300 property subject to all conveyances, encumbrances, assignments, contracts, mortgages, liens,  
 301 and other interests to which the property is subject at the transferor's death. For purposes of  
 302 this Subsection (2) and Title 57, Chapter 3, Recording of Documents, the recording of the  
 303 transfer on death deed is considered to have occurred at the transferor's death.

304 (3) If a transferor is a joint owner and is:

305 (a) survived by one or more other joint owners, the property that is the subject of a  
306 transfer on death deed belongs to the surviving joint owner or owners with right of  
307 survivorship; or

308 (b) the last surviving joint owner, the transfer on death deed is effective.

309 (4) A transfer on death deed transfers property without covenant or warranty of title  
310 even if the deed contains a contrary provision.

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

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

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

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

319 Section 5. **Revisor instructions.**

320 The Legislature intends that the Office of Legislative Research and General Counsel, in  
321 preparing the Utah Code database for publication, replace the references in Subsection  
322 75-2-807 ~~H~~→ [(10)] (11) ←H from "the effective date of this bill" to the bill's actual effective date.