

1 **REAL ESTATE INTEREST TERMINATION AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Val L. Peterson**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the termination of an interest in real estate.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends provisions related to the termination of an interest in real estate, including
- 13 the disclosing of a termination of interest upon the death of a tenant; and
- 14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **57-1-5.1**, as last amended by Laws of Utah 2010, Chapter 381

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

24 Section 1. Section **57-1-5.1** is amended to read:

25 **57-1-5.1. Termination of an interest in real estate -- Affidavit.**

26 (1) (a) Joint tenancy, tenancy by the entirety, or life estate ~~[, or]~~ interest in real estate

27 terminates upon the death of a tenant holding the interest.

28 (b) The termination of an interest upon death as described in Subsection (1)(a) may be

29 disclosed by an affidavit that:

- 30 (i) cites the terminated interest that is being disclosed;
- 31 (ii) contains a legal description of the real property that is affected;
- 32 (iii) references the entry number and the book and page of the instrument creating the
- 33 terminated interest;
- 34 (iv) has attached as an exhibit, a copy of the death certificate or other document issued
- 35 by a government agency as described in Section 75-1-107; and
- 36 (v) is recorded in the office of the recorder of the county in which the affected property
- 37 is located.

38 (2) A determinable or conditional interest in real estate may be terminated by an
 39 affidavit that:

- 40 [~~(a) meets the requirements of Subsection (2); and~~]
- 41 (a) cites the interest that is being terminated;
- 42 (b) contains a legal description of the real property that is affected;
- 43 (c) references the entry number and the book and page of the instrument creating the
- 44 interest to be terminated; and
- 45 [~~(b)~~] (d) is recorded in the office of the recorder of the county in which the affected
- 46 property is located.

- 47 [~~(2) Each affidavit required by Subsection (1) shall:~~]
- 48 [~~(a) cite the interest that is being terminated;~~]
- 49 [~~(b) contain a legal description of the real property that is affected;~~]
- 50 [~~(c) reference the entry number and the book and page of the instrument creating the~~]
- 51 interest to be terminated; and]

52 [~~(d) if the termination is the result of a death, have attached as an exhibit, a copy of the~~]
 53 death certificate or other document issued by a governmental agency as described in Section
 54 75-1-107 certifying the death.]

55 (3) [The] An affidavit [required by Subsection (1)] described under this section may be
 56 in substantially the following form:

57 "Affidavit

58 State of Utah)

59) ss

60 County of _____)

61 I, (name of affiant), being of legal age and being first duly sworn, depose and state as
62 follows:

63 (The name of the deceased person), the decedent in the attached certificate of death or
64 other document witnessing death is the same person as (the name of the deceased person)
65 named as a party in the document dated (date of document) as entry _____ in book _____,
66 page _____ in the records of the (name of county) County Recorder.

67 This affidavit is given to terminate of record the decedent's interest in the following
68 described property located in _____ County, State of Utah: (description of the
69 property).

70 Dated this _____ day of _____, _____.

71 _____

72 (Signature of affiant)

73 Subscribed to and sworn before me this _____ day of _____, _____.

74 _____

75 Notary public".