

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 46
HOUSE BILL 2054

AN ACT

AMENDING SECTIONS 14-1201, 14-2502, 14-2505, 14-2506, 14-2518, 14-2519, 14-2521, 14-2523, 14-3402 AND 14-3971, ARIZONA REVISED STATUTES; RELATING TO WILLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 14-1201, Arizona Revised Statutes, is amended to
3 read:
4 14-1201. Definitions
5 In this title, unless the context otherwise requires:
6 1. "Agent" includes an attorney-in-fact under a durable or
7 nondurable power of attorney, a person who is authorized to make decisions
8 concerning another person's health care and a person who is authorized to
9 make decisions for another person under a natural death act.
10 2. "Application" means a written request to the registrar for an
11 order of informal probate or appointment under chapter 3, article 3 of
12 this title.
13 3. "Basis for compensation" means an hourly rate, a fixed fee or a
14 contingency fee agreement and reimbursable costs.
15 4. "Beneficiary", as it relates to a trust beneficiary, includes a
16 person who has any present or future interest, vested or contingent, and
17 ~~also~~ includes the owner of an interest by assignment or other transfer.
18 As it relates to a charitable trust, beneficiary includes any person
19 entitled to enforce the trust. As it relates to a beneficiary of a
20 beneficiary designation, beneficiary refers to a beneficiary of an
21 insurance or annuity policy, an account with pay on death designation, a
22 security registered in beneficiary form or a pension, profit sharing,
23 retirement or similar benefit plan, or any other nonprobate transfer at
24 death. As it relates to a beneficiary designated in a governing
25 instrument, beneficiary includes a grantee of a deed, a devisee, a trust
26 beneficiary, a beneficiary of a beneficiary designation, a donee,
27 appointee or taker in default of a power of appointment and a person in
28 whose favor a power of attorney or a power held in any person, fiduciary
29 or representative capacity is exercised.
30 5. "Beneficiary designation" refers to a governing instrument
31 naming a beneficiary of an insurance or annuity policy, of an account with
32 pay on death designation, of a security registered in beneficiary form or
33 of a pension, profit sharing, retirement or similar benefit plan, or any
34 other nonprobate transfer at death.
35 6. "Certified paper original" means a tangible ~~document executed~~
36 ~~pursuant to section 14-2523~~ **MEDIUM** that contains both the text of an
37 electronic will and any self-proving affidavit concerning the electronic
38 will **AND THAT IS ACCOMPANIED BY AN AFFIDAVIT THAT IS EXECUTED PURSUANT TO**
39 **SECTION 14-2523.**
40 7. "Child" includes a person who is entitled to take as a child
41 under this title by intestate succession from the parent whose
42 relationship is involved. Child excludes a person who is only a
43 stepchild, a foster child, a grandchild or a more remote descendant.

1 8. "Claims", in respect to estates of decedents and protected
2 persons, includes liabilities of the decedent or the protected person,
3 whether arising in contract, in tort or otherwise, and liabilities of the
4 estate that arise at or after the death of the decedent or after the
5 appointment of a conservator, including funeral expenses and expenses of
6 administration. Claims do not include estate or inheritance taxes or
7 demands or disputes regarding title of a decedent or a protected person to
8 specific assets alleged to be included in the estate.

9 9. "Community property" means that property of a husband and wife
10 that is acquired during the marriage and that is community property as
11 prescribed in section 25-211.

12 10. "Conservator" means a person who is appointed by a court to
13 manage the estate of a protected person.

14 11. "Court" means the superior court.

15 12. "Dependent child" means a minor child whom the decedent was
16 obligated to support or an adult child who was in fact being supported by
17 the decedent at the time of the decedent's death.

18 13. "Descendant" means all of the decedent's descendants of all
19 generations, with the relationship of parent and child at each generation.

20 14. "Devise", when used as a noun, means a testamentary disposition
21 of real or personal property and, when used as a verb, means to dispose of
22 real or personal property by will.

23 15. "Devisee" means a person designated in a will to receive a
24 devise. For the purposes of chapter 3 of this title, in the case of a
25 devise to an existing trust or trustee, or to a trustee on trust described
26 by will, the trust or trustee is the devisee and the beneficiaries are not
27 devisees.

28 16. "Disability" means cause for a protective order as described in
29 section 14-5401.

30 17. "Distributee" means any person who has received property of a
31 decedent from that person's personal representative other than as a
32 creditor or purchaser. Distributee includes a testamentary trustee only
33 to the extent of distributed assets or increment that remains in that
34 person's hands. A beneficiary of a testamentary trust to whom the trustee
35 has distributed property received from a personal representative is a
36 distributee of the personal representative. For the purposes of this
37 paragraph, "testamentary trustee" includes a trustee to whom assets are
38 transferred by will, to the extent of the devised assets.

39 18. "Electronic ~~medium~~" means ~~a medium~~ having electrical, digital,
40 magnetic, optical, electromagnetic or similar capabilities.

41 19. "Electronic record" means a record that is created, generated,
42 sent, communicated, received or stored by electronic means.

1 20. "Electronic signature" means an electronic method or process
2 that ~~through the application of~~ DOES BOTH OF THE FOLLOWING:

3 (a) IS ATTACHED TO OR LOGICALLY ASSOCIATED WITH AN ELECTRONIC
4 RECORD AND THAT IS EXECUTED OR ADOPTED BY A PERSON WITH THE INTENT TO SIGN
5 THE ELECTRONIC RECORD.

6 (b) USES a security procedure THAT allows a determination that the
7 electronic signature ~~at the time it was executed~~ was all of the following:

8 ~~(a)~~ (i) Unique to the person using it.

9 ~~(b)~~ (ii) Capable of verification.

10 ~~(c)~~ (iii) Under the sole control of the person ~~using it~~ MAKING THE
11 ELECTRONIC SIGNATURE.

12 ~~(d)~~ (iv) Linked to the electronic ~~document~~ RECORD to which ~~it~~ THE
13 ELECTRONIC SIGNATURE relates in a manner so that if the ~~document~~
14 ELECTRONIC RECORD is changed the electronic signature is invalidated.

15 21. "Electronic will" means a testamentary instrument that is
16 executed and maintained on an electronic medium and that is executed in
17 compliance with section 14-2518.

18 22. "Estate" includes the property of the decedent, trust or other
19 person whose affairs are subject to this title as originally constituted
20 and as it exists from time to time during administration. As it relates
21 to a spouse, the estate includes only the separate property and the share
22 of the community property belonging to the decedent or person whose
23 affairs are subject to this title.

24 23. "Exempt property" means that property of a decedent's estate
25 that is described in section 14-2403.

26 24. "Fiduciary" includes a personal representative, guardian,
27 conservator and trustee.

28 25. "Foreign personal representative" means a personal
29 representative WHO IS appointed by another jurisdiction.

30 26. "Formal proceedings" means proceedings THAT ARE conducted
31 before a judge with notice to interested persons.

32 27. "Governing instrument" means a deed, will, trust, insurance or
33 annuity policy, account with pay on death designation, security registered
34 in beneficiary form, pension, profit sharing, retirement or similar
35 benefit plan, instrument creating or exercising a power of appointment or
36 a power of attorney or a dispositive, appointive or nominative instrument
37 of any similar type.

38 28. "Guardian" means a person who has qualified as a guardian of a
39 minor or incapacitated person pursuant to testamentary or court
40 appointment but excludes a person who is merely a guardian ad litem.

41 29. "Guardian ad litem" includes a person who is appointed pursuant
42 to section 14-1408.

1 30. "Heirs", except as controlled by section 14-2711, means
2 persons, including the surviving spouse and the state, who are entitled
3 under the statutes of intestate succession to the property of a decedent.

4 31. "Incapacitated person" has the same meaning prescribed in
5 section 14-5101.

6 32. "Informal proceedings" means those proceedings conducted
7 without notice to interested persons by an officer of the court acting as
8 a registrar for probate of a will or appointment of a personal
9 representative.

10 33. "Interested person" includes any trustee, heir, devisee, child,
11 spouse, creditor, beneficiary, person holding a power of appointment and
12 other person who has a property right in or claim against a trust estate
13 or the estate of a decedent, ward or protected person. Interested person
14 also includes a person who has priority for appointment as personal
15 representative and other fiduciaries representing interested persons.
16 Interested person, as the term relates to particular persons, may vary
17 from time to time and must be determined according to the particular
18 purposes of, and matter involved in, any proceeding.

19 34. "Issue" of a person means descendant as defined in this
20 section.

21 35. "Joint tenants with the right of survivorship" and "community
22 property with the right of survivorship" includes co-owners of property
23 held under circumstances that entitle one or more to the whole of the
24 property on the death of the other or others but excludes forms of
25 co-ownership registration in which the underlying ownership of each party
26 is in proportion to that party's contribution.

27 36. "Lease" includes any oil, gas or other mineral lease.

28 37. "Letters" includes letters testamentary, letters of
29 guardianship, letters of administration and letters of conservatorship.

30 38. "Minor" means a person who is under eighteen years of age.

31 39. "Mortgage" means any conveyance, agreement or arrangement in
32 which property is encumbered or used as security. Mortgage does not
33 include leases or easements.

34 40. "Nonresident decedent" means a decedent who was domiciled in
35 another jurisdiction at the time of the decedent's death.

36 41. "Organization" means a corporation, limited liability company,
37 business trust, estate, trust, partnership, joint venture, association,
38 government or governmental subdivision or agency or any other legal or
39 commercial entity.

40 42. "ORIGINAL WILL" MEANS EITHER AN ORIGINAL PAPER WILL OR A
41 CERTIFIED PAPER ORIGINAL OF AN ELECTRONIC WILL.

42 ~~42.~~ 43. "Paper will" means a testamentary instrument that is
43 executed and maintained on a tangible medium and that is executed in
44 compliance with section 14-2502 or 14-2503.

1 ~~43.~~ 44. "Parent" includes any person entitled to take, or who
2 would be entitled to take if the child died without a will, as a parent
3 under this title by intestate succession from the child whose relationship
4 is in question and excludes any person who is only a stepparent, foster
5 parent or grandparent.
6 ~~44.~~ 45. "Payor" means a trustee, insurer, business entity,
7 employer, government, governmental agency or subdivision or any other
8 person who is authorized or obligated by law or a governing instrument to
9 make payments.
10 ~~45.~~ 46. "Person" means an individual or an organization.
11 ~~46.~~ 47. "Personal representative" includes AN executor, AN
12 administrator, A successor personal representative, A special
13 administrator and persons who perform substantially the same function
14 under the law governing their status. A general personal representative
15 excludes a special administrator.
16 ~~47.~~ 48. "Petition" means a written request to the court for an
17 order after notice.
18 ~~48.~~ 49. "Proceeding" includes action at law and suit in equity.
19 ~~49.~~ 50. "Property" has the same meaning prescribed in section
20 14-10103.
21 ~~50.~~ 51. "Protected person" has the same meaning prescribed in
22 section 14-5101.
23 ~~51.~~ 52. "Protective proceeding" has the same meaning prescribed in
24 section 14-5101.
25 ~~52.~~ 53. "Qualified custodian" means a person who fulfills the
26 requirements of section 14-2520.
27 ~~53.~~ 54. "Registrar" means the official of the court WHO IS
28 designated to perform the functions of registrar as provided in section
29 14-1307.
30 ~~54.~~ 55. "Security" includes any note, stock, treasury stock, bond,
31 debenture, evidence of indebtedness, certificate of interest or
32 participation in an oil, gas or mining title or lease or in payments out
33 of production under that title or lease, collateral trust certificate,
34 transferable share or voting trust certificate and, in general, includes
35 any interest or instrument commonly known as a security, or any
36 certificate of interest or participation, any temporary or interim
37 certificate, receipt or certificate of deposit for, or any warrant or
38 right to subscribe to or purchase, any of these securities.
39 ~~55.~~ 56. "Separate property" means that property of a husband or
40 wife that is the spouse's separate property as defined in section 25-213.
41 ~~56.~~ 57. "Settlement", in reference to a decedent's estate,
42 includes the full process of administration, distribution and closing.
43 ~~57.~~ 58. "Special administrator" means a personal representative as
44 described by sections 14-3614 through 14-3618.

1 ~~58.~~ 59. "State" has the same meaning prescribed in section
2 14-10103.

3 ~~59.~~ 60. "Successor personal representative" means a personal
4 representative, other than a special administrator, who is appointed to
5 succeed a previously appointed personal representative.

6 ~~60.~~ 61. "Successors" means persons, other than creditors, who are
7 entitled to property of a decedent under a will or this title.

8 ~~61.~~ 62. "Supervised administration" refers to the proceedings
9 described in chapter 3, article 5 of this title.

10 ~~62.~~ 63. "Survive" means that a person has neither predeceased an
11 event, including the death of another person, nor is deemed to have
12 predeceased an event under section 14-2104 or 14-2702.

13 64. "TANGIBLE MEDIUM" MEANS A MEDIUM ON WHICH INFORMATION MAY BE
14 INSCRIBED BY WRITING, TYPING, PRINTING OR SIMILAR MEANS AND THAT IS
15 PERCEIVABLE BY READING DIRECTLY FROM THE MEDIUM ON WHICH THE INFORMATION
16 IS INSCRIBED.

17 ~~63.~~ 65. "Testacy proceeding" means a proceeding to establish a
18 will or determine intestacy.

19 ~~64.~~ 66. "Testator" includes a person of either sex.

20 ~~65.~~ 67. "Trust" includes an express trust, private or charitable,
21 with any additions, wherever and however created. Trust also includes a
22 trust created or determined by judgment or decree under which the trust is
23 to be administered in the manner of an express trust. Trust excludes
24 other constructive trusts and excludes resulting trusts, conservatorship,
25 personal representatives, trust accounts, custodial arrangements pursuant
26 to chapter 7, article 7 of this title, business trusts providing for
27 certificates to be issued to beneficiaries, common trust funds, voting
28 trusts, security arrangements, liquidation trusts and trusts for the
29 primary purpose of paying debts, dividends, interest, salaries, wages,
30 profits, pensions or employee benefits of any kind, trusts created by a
31 city or town for the payment of medical insurance, health care benefits or
32 expenses, long-term or short-term disability, self insurance reserves and
33 similar programs administered by a city or town, legal defense trusts and
34 any arrangement under which a person is nominee or escrowee for another.

35 ~~66.~~ 68. "Trustee" includes an original, additional or successor
36 trustee, whether or not appointed or confirmed by the court.

37 ~~67.~~ 69. "Ward" has the same meaning prescribed in section 14-5101.

38 ~~68.~~ 70. "Will" includes a codicil and any testamentary instrument
39 that merely appoints an executor, revokes or revises another will,
40 nominates a guardian or expressly excludes or limits the right of an
41 individual or class to succeed to property of the decedent passing by
42 intestate succession. A will may be a paper will or an electronic will.

1 Sec. 2. Section 14-2502, Arizona Revised Statutes, is amended to
2 read:

3 14-2502. Execution of paper wills; witnessed wills;
4 holographic wills; testamentary intent

5 A. Except as provided in sections 14-2503, 14-2506 and 14-2513, a
6 paper will shall be:

7 1. In writing.

8 2. Signed by the testator or in the testator's name by some other
9 individual in the testator's conscious presence and by the testator's
10 direction.

11 3. Signed by at least two people, each of whom signed within a
12 reasonable time after that person witnessed either the signing of the will
13 as described in paragraph 2 OF THIS SUBSECTION or the testator's
14 acknowledgment of that signature or acknowledgment of the will.

15 B. Intent that a ~~document~~ TANGIBLE MEDIUM or an electronic record
16 constitutes the testator's will can be established by extrinsic evidence,
17 including, for holographic wills under section 14-2503, portions of the
18 document that are not in the testator's handwriting.

19 Sec. 3. Section 14-2505, Arizona Revised Statutes, is amended to
20 read:

21 14-2505. Witnesses; requirements; definition

22 A. A person who is generally competent to be a witness may act as a
23 witness to a will.

24 ~~B. The signing of a will by an interested witness does not~~
25 ~~invalidate the will or any provision of it.~~

26 B. FOR ANY WILL EXECUTED ON OR AFTER OCTOBER 1, 2019, UNLESS THE
27 WILL IS MADE SELF-PROVED AS PRESCRIBED IN SECTION 14-2504 OR 14-2519, A
28 PERSON MAY NOT ACT AS A WITNESS TO A WILL IF THAT PERSON IS A DEVISEE
29 UNDER THAT WILL OR IS RELATED BY BLOOD, MARRIAGE OR ADOPTION TO A DEVISEE
30 UNDER THAT WILL.

31 C. FOR THE PURPOSES OF THIS SECTION, "DEVISEE" MEANS A PERSON WHO
32 IS DESIGNATED IN THE WILL TO RECEIVE A DEVISE OR WHO IS A BENEFICIARY OF A
33 TRUST THAT IS DESIGNATED IN THE WILL TO RECEIVE A DEVISE.

34 Sec. 4. Section 14-2506, Arizona Revised Statutes, is amended to
35 read:

36 14-2506. Execution; choice of law

37 A. A ~~written~~ PAPER will is valid if IT IS executed in compliance
38 with section 14-2502. ~~OR AN ELECTRONIC WILL IS VALID IF IT IS EXECUTED IN~~
39 ~~COMPLIANCE WITH SECTION 14-2518. , OR~~

40 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A PAPER WILL OR AN
41 ELECTRONIC WILL IS VALID if its execution complies with the law at the
42 time of execution of the place where the testator is physically present
43 when the testator executes the will, or of the law of the place where at

1 the time of execution or at the time of death the testator is domiciled,
2 has a place of abode or is a national.

3 Sec. 5. Section 14-2518, Arizona Revised Statutes, is amended to
4 read:

5 14-2518. Electronic will; requirements; interpretation

6 A. An electronic will must meet all of the following requirements:

7 1. Be created and maintained in an electronic record.

8 2. Contain the electronic signature of the testator or the
9 testator's electronic signature made by some other individual in the
10 testator's conscious presence and by the testator's direction.

11 3. Contain the electronic signatures of at least two persons, each
12 of whom met both of the following requirements:

13 (a) Was physically present with the testator when the testator
14 electronically signed the will, acknowledged the testator's signature or
15 acknowledged the will.

16 (b) Electronically signed the will within a reasonable time after
17 the person witnessed the testator signing the will, acknowledging the
18 testator's signature or acknowledging the will as described in subdivision
19 (a) of this paragraph.

20 4. State the date that the testator and each of the witnesses
21 electronically signed the will.

22 5. Contain a copy of a government-issued identification card of the
23 testator THAT WAS CURRENT AT THE TIME OF EXECUTION OF THE WILL.

24 B. Except as provided in this section and sections 14-2519,
25 14-2520, 14-2521, 14-2522 and 14-2523, any question raised about the
26 force, effect, validity and interpretation of an electronic will shall be
27 determined in the same manner as a question regarding a paper will
28 executed pursuant to section 14-2502.

29 C. This section does not apply to a trust except a testamentary
30 trust created in an electronic will.

31 Sec. 6. Section 14-2519, Arizona Revised Statutes, is amended to
32 read:

33 14-2519. Self-proved electronic will

34 In addition to the requirements of section 14-2504, to be
35 self-proved, an electronic will must meet all of the following
36 requirements:

37 1. Contain the electronic signature and electronic seal of a notary
38 public placed on the will in accordance with applicable law.

39 2. ~~The electronic will designates~~ DESIGNATE a qualified custodian
40 to maintain custody of the electronic will.

41 3. Before being offered for probate or being reduced to a certified
42 paper ~~copy ORIGINAL, the electronic will is~~ BE under the ~~custody~~ EXCLUSIVE
43 CONTROL of a qualified custodian at all times.

1 an electronic will and the successor qualified custodian executes the
2 written statement prescribed by subsection A of this section, the person
3 serving as qualified custodian shall cease serving in that capacity and
4 shall provide the successor qualified custodian with both of the
5 following:

- 6 1. The electronic record.
- 7 2. The affidavit prescribed by subsection C, paragraph 2,
8 subdivision (b) of this section.

9 F. If a qualified custodian is an entity, an affidavit of a duly
10 authorized officer or agent of the entity constitutes the affidavit of the
11 qualified custodian.

12 G. A QUALIFIED CUSTODIAN MAINTAINS AN ELECTRONIC WILL AS A BAILEE,
13 AND THE ELECTRONIC WILL IS THE PROPERTY OF THE TESTATOR AND NOT THE
14 QUALIFIED CUSTODIAN.

15 Sec. 8. Section 14-2523, Arizona Revised Statutes, is amended to
16 read:

17 14-2523. Certified paper original of electronic will;
18 affidavits

19 A. On the creation of a certified paper original of an electronic
20 will, if the electronic will has always been in the custody of a qualified
21 custodian, the qualified custodian shall state in an affidavit all of the
22 following:

23 1. That the qualified custodian is eligible to act as a qualified
24 custodian in this state and is the qualified custodian designated by the
25 testator in the electronic will or was designated to act in that capacity
26 by another qualified custodian pursuant to section 14-2521, subsection C,
27 paragraph 2.

28 2. That an electronic record was created at the time the testator
29 executed the electronic will.

30 3. That the electronic record has been ~~in the custody~~ UNDER THE
31 EXCLUSIVE CONTROL of one or more qualified custodians since the execution
32 of the electronic will and has not been altered since the time it was
33 created.

34 4. The identity of all qualified custodians who have had custody of
35 the electronic record since the execution of the electronic will.

36 5. That the certified paper original is a true, correct and
37 complete tangible manifestation of the electronic will.

38 6. That the records described in section 14-2520, paragraph 4 are
39 ~~in the custody~~ UNDER THE EXCLUSIVE CONTROL of the qualified custodian.

40 B. On the creation of a certified paper original of an electronic
41 will, if the electronic will has not always been ~~in the custody~~ UNDER THE
42 EXCLUSIVE CONTROL of a qualified custodian, the person who discovered the
43 electronic will and the person who reduced the electronic will to the

1 certified paper original shall each state in an affidavit all of the
2 following to the best of each person's knowledge:

3 1. When the electronic will was created, if not indicated in the
4 electronic will.

5 2. When, how and by whom the electronic will was discovered.

6 3. The identity of each person who has had access to the electronic
7 will.

8 4. The method in which the electronic will was stored and the
9 safeguards in place to prevent alterations to the electronic will.

10 5. Whether the electronic will has been altered since its
11 execution.

12 6. That the certified paper original is a true, correct and
13 complete tangible manifestation of the electronic will.

14 C. For the purposes of making the affidavit prescribed by
15 subsection A of this section, the qualified custodian may rely
16 conclusively on any affidavits provided by a predecessor qualified
17 custodian.

18 Sec. 9. Section 14-3402, Arizona Revised Statutes, is amended to
19 read:

20 14-3402. Formal testacy or appointment proceedings; petition;
21 contents

22 A. Petitions for formal probate of a will, or for adjudication of
23 intestacy with or without request for appointment of a personal
24 representative, must be directed to the court, request a judicial order
25 after notice and hearing and contain further statements as indicated in
26 this section. A petition for formal probate of a will must:

27 1. Request an order as to the testacy of the decedent in relation
28 to a particular instrument which may or may not have been informally
29 probated and determining the heirs;

30 2. Contain the statements required for informal applications as
31 stated in paragraph 1 of subsection B of section 14-3301 and the
32 statements required by subdivisions (b) and (c), paragraph 2 of subsection
33 B of section 14-3301; and

34 3. State whether the original of the last will of the decedent is
35 in the possession of the court or accompanies the petition. If the
36 original will or a certified copy of a will probated in another
37 jurisdiction neither is in the possession of the court nor accompanies the
38 petition, the petition also must state the contents of the will, and
39 indicate that it is lost, destroyed or otherwise unavailable. ~~For the~~
40 ~~purposes of this paragraph, "original will" includes a certified paper~~
41 ~~original of an electronic will.~~

42 B. A petition for adjudication of intestacy and appointment of an
43 administrator in intestacy must request a judicial finding and order that
44 the decedent left no will and determining the heirs, contain the

1 statements required by paragraphs 1 and 4 of subsection B of section
2 14-3301 and indicate whether supervised administration is sought. A
3 petition may request an order determining intestacy and heirs without
4 requesting the appointment of an administrator, in which case, the
5 statements required by subdivision (b), paragraph 4 of subsection B of
6 section 14-3301 may be omitted.

7 Sec. 10. Section 14-3971, Arizona Revised Statutes, is amended to
8 read:

9 14-3971. Collection of personal property by affidavit;
10 ownership of vehicles; affidavit of succession to
11 real property

12 A. At any time after the death of a decedent, any employer owing
13 wages, salary or other compensation for personal services of the decedent
14 shall pay to the surviving spouse of the decedent the amount owing, not in
15 excess of ~~five thousand dollars~~ \$5,000, on being presented an affidavit
16 made by or on behalf of the spouse stating that the affiant is the
17 surviving spouse of the decedent, or is authorized to act on behalf of the
18 spouse, and that no application or petition for the appointment of a
19 personal representative is pending or has been granted in this state or,
20 if granted, the personal representative has been discharged or more than
21 one year has elapsed since a closing statement has been filed.

22 B. Thirty days after the death of a decedent, any person indebted
23 to the decedent or having possession of tangible personal property or an
24 instrument evidencing a debt, obligation, stock or chose in action
25 belonging to the decedent shall make payment of the indebtedness or
26 deliver the tangible personal property or an instrument evidencing a debt,
27 obligation, stock or chose in action to a person claiming to be the
28 successor of the decedent upon being presented an affidavit made by or on
29 behalf of the successor and stating that all of the following are true:

- 30 1. Thirty days have elapsed since the death of the decedent.
- 31 2. Either:

32 (a) An application or petition for the appointment of a personal
33 representative is not pending and a personal representative has not been
34 appointed in any jurisdiction and the value of all personal property in
35 the decedent's estate, wherever located, less liens and encumbrances, does
36 not exceed ~~seventy-five thousand dollars~~ \$75,000 as valued as of the date
37 of death.

38 (b) The personal representative has been discharged or more than
39 one year has elapsed since a closing statement has been filed and the
40 value of all personal property in the decedent's estate, wherever located,
41 less liens and encumbrances, does not exceed ~~seventy-five thousand dollars~~
42 \$75,000 as valued as of the date of the affidavit.

43 3. The claiming successor is entitled to payment or delivery of the
44 property.

1 C. A transfer agent of any security shall change the registered
2 ownership on the books of a corporation from the decedent to the successor
3 or successors on presentation of an affidavit pursuant to subsection B of
4 this section.

5 D. The motor vehicle division shall transfer title of a motor
6 vehicle from the decedent to the successor or successors on presentation
7 of an affidavit as provided in subsection B of this section and on payment
8 of the necessary fees.

9 E. No sooner than six months after the death of a decedent, a
10 person or persons claiming as successor or successors to the decedent's
11 interest in real property, including any debt secured by a lien on real
12 property, may file in the court in the county in which the decedent was
13 domiciled at the time of death, or if the decedent was not domiciled in
14 this state then in any county in which real property of the decedent is
15 located, an affidavit describing the real property and the interest of the
16 decedent in that property and stating that all of the following are true
17 and material and acknowledging that any false statement in the affidavit
18 may subject the person or persons to penalties relating to perjury and
19 subornation of perjury:

20 1. Either:

21 (a) An application or petition for the appointment of a personal
22 representative is not pending and a personal representative has not been
23 appointed in any jurisdiction and the value of all real property in the
24 decedent's estate located in this state, less liens and encumbrances
25 against the real property, does not exceed ~~one hundred thousand dollars~~
26 \$100,000 as valued at the date of death. The value of the decedent's
27 interest in that real property shall be determined from the full cash
28 value of the property as shown on the assessment rolls for the year in
29 which the decedent died, except that in the case of a debt secured by a
30 lien on real property the value shall be determined by the unpaid
31 principal balance due on the debt as of the date of death.

32 (b) The personal representative has been discharged or more than
33 one year has elapsed since a closing statement has been filed and the
34 value of all real property in the decedent's estate, wherever located,
35 less liens and encumbrances, does not exceed ~~one hundred thousand dollars~~
36 \$100,000 as valued as of the date of the affidavit. The value of the
37 decedent's interest in that real property is determined from the full cash
38 value of the property as shown on the assessment rolls for the year in
39 which the affidavit is given, except that if a debt is secured by a lien
40 on real property, the value is determined by the unpaid principal balance
41 due on the debt as of the date of the affidavit.

42 2. Six months have elapsed since the death of the decedent as shown
43 in a certified copy of the decedent's death certificate attached to the
44 affidavit.

1 3. Funeral expenses, expenses of last illness and all unsecured
2 debts of the decedent have been paid.

3 4. The person or persons signing the affidavit are entitled to the
4 real property by reason of the allowance in lieu of homestead, exempt
5 property or family allowance, by intestate succession as the sole heir or
6 heirs, or by devise under a valid last will of the decedent, the original
7 of which ~~or, in the case of an electronic will, a certified paper original~~
8 ~~of which,~~ is attached to the affidavit or has been probated.

9 5. No other person has a right to the interest of the decedent in
10 the described property.

11 6. No federal estate tax is due on the decedent's estate.

12 F. The normal filing fee shall be charged for the filing of an
13 affidavit under subsection E of this section unless waived by the court as
14 provided by section 12-301 or 12-302. On receipt of the affidavit and
15 after determining that the affidavit is complete, the registrar shall
16 issue a certified copy of the affidavit without attachments, and the copy
17 shall be recorded in the office of the recorder in the county where the
18 real property is located.

19 G. This section does not limit the rights of heirs and devisees
20 under section 14-3901.

21 Sec. 11. Retroactivity

22 This act applies retroactively to from and after June 30, 2019.

APPROVED BY THE GOVERNOR APRIL 1, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 1, 2019.