



Probate Shortcuts in Utah

Utah offers some probate shortcuts for "small estates." These procedures make it easier for survivors to transfer property left by a person who has died. You may be able to transfer a large amount of property using simplified probate procedures or without any probate court proceedings at all -- by using an affidavit. And that saves time, money, and hassle.

Here are the ways you can skip or speed up probate. (If the affidavit procedure is used, there's no need to use the simplified probate procedure.)

Claiming Property With a Simple (Small Estate) Affidavit

Utah has a procedure that allows inheritors to skip probate altogether when the value of all the assets left behind is less than a certain amount. All an inheritor has to do is prepare a short document, stating that he or she is entitled to a certain asset. This document, signed under oath, is called an affidavit. When the person or institution holding the property -- for example, a bank where the deceased person had an account -- gets the affidavit and a copy of the death certificate, it releases the asset.

The out-of-court affidavit procedure is available in Utah if the value of the entire estate subject to probate, less liens and encumbrances, is \$100,000 or less. An affidavit may also be used to transfer up to four boats, motor vehicles, trailers or semi-trailers if value of estate subject to probate, excluding the value of the vehicles, is \$100,000 or less. There is a 30-day waiting period. Utah Code Ann. § 75-3-1201.

Simplified Probate Procedures

Utah has a simplified probate process for small estates. To use it, an executor files a written request with the local probate court asking to use the simplified procedure. The court may authorize the executor to distribute the assets without having to jump through the hoops of regular probate.

You can use the simplified small estate process in Utah if the value of the entire estate, less liens and encumbrances, does not exceed the homestead allowance, exempt property, family allowance, costs of administration, reasonable funeral expenses, and reasonable medical expenses of the last illness. Utah Code Ann. § 75-3-1203.

The executor files a sworn statement that says the estate assets are less than the value described above, describes the estate assets, declares the executor has distributed assets to the inheritors, and sent the inheritors and known creditors a closing statement. and provided them with a closing statement. Utah Code Ann. § 75-3-1204.

For help determining if an estate qualifies for one of these probate shortcuts, or handling an estate in general, contact an estate and/or probate attorney.

If you have any questions concerning the real estate assets as part of the estate, please call us and we will give you a free current market evaluation of the real property in question!