

INTESTATE SUCCESSION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies intestate succession amendments.

Highlighted Provisions:

This bill:

- ▶ clarifies no taker provision;
- ▶ addresses minerals or mineral proceeds when there is no taker; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

75-2-105, as repealed and reenacted by Laws of Utah 1998, Chapter 39

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

Section 1. Section **75-2-105** is amended to read:

75-2-105. No taker -- Minerals and mineral proceeds.

(1) As used in this section:

(a) "Mineral" means the same as that term is defined in Section **67-4a-102**.



28 (b) "Mineral proceeds" means the same as that term is defined in Section 67-4a-102.

29 (c) "Operator" means the same as that term is defined in Section 40-6-2, 40-8-4, or
 30 40-10-3, and includes any other person holding mineral proceeds of an owner.

31 (d) "Owner" means the same as that term is defined in Section 38-10-101, 40-6-2, or
 32 40-8-4.

33 (e) "Payor" means the same as that term is defined in Section 40-6-2, and includes a
 34 person who undertakes or has a legal obligation to distribute any mineral proceeds.

35 (2) If there is no taker under [~~the provisions of~~] this chapter, the intestate estate passes
 36 upon the decedent's death to the state for the benefit of the permanent state school fund.

37 (3) When minerals or mineral proceeds pass to the state pursuant to Subsection (2), the
 38 Utah School and Institutional Trust Lands Administration shall administer the interests in the
 39 minerals or mineral proceeds for the support of the common schools pursuant to Sections
 40 53C-1-102 and 53C-1-302 ~~§~~ , **but may exercise its discretion to abandon or decline to**
 40a **administer property of no value or of insufficient value to justify its collection or continued**
 40b **administration** ~~§~~ .

41 (4) If a probate or other proceeding has not adjudicated the state's rights under
 42 Subsection (2), the state, and the Utah School and Institutional Trust Lands Administration
 43 with respect to any minerals or mineral proceeds referenced in Subsection (3), may bring an
 44 action in district court in any district in which part of the property related to the minerals or
 45 mineral proceeds is located to quiet title the minerals, mineral proceeds, or property.

46 (5) In an action brought under Subsection (4), the district court shall quiet title ~~§~~ **to** ~~§~~
 46a the
 47 minerals, mineral proceeds, or property in the state if:

48 (a) no interested person appears in the action and demonstrates entitlement to the
 49 minerals, mineral proceeds, or property after notice has been given pursuant to ~~§~~ **[Chapter 1, Part**
 50 **4, Notice, Parties, and Representation in Estate Litigation and Other Matters]** Section 78B-6-1303
 50a **and in the manner described in Section 75-1-401** ~~§~~ ; and

51 (b) the requirements of Section 78B-6-1315 are met.

52 (6) (a) If an operator, owner, or payor determines that minerals or mineral proceeds
 53 form part of a decedent's ~~§~~ **intestate** ~~§~~ estate, and has not located an heir ~~§~~ **[or devisee]** ~~§~~
 53a of the decedent, the
 54 operator, owner, or payor shall submit to the Utah School and Institutional Trust Lands
 55 Administration the information in the operator's, owner's, or payor's possession concerning the
 56 identity of the decedent, ~~§~~ **the results of a good faith search for heirs specified in Section 75-2-**
 56a **103,** ~~§~~ the property interest from which the minerals or mineral proceeds
 57 derive, and any potential heir ~~§~~ **[or devisee]** ~~§~~ .

58 (b) The operator, owner, or payor shall submit the information described in Subsection

59 (6)(a) within 180 days of acquiring the information.