

**This document is intended to be a guide and is not all inclusive of every potential requirement or wording specifics. Please consult with a legal professional or title company for assistance.*

WHAT DO I DO WHEN A PROPERTY OWNER DIES?

- Is the property set up as joint tenants?
 - No - Proceed to next step.
 - Yes - Skip the next step.
- If the property is only in the deceased's name or is set up as tenants in common, has the deceased's estate been settled at Probate Court?
 - No - Contact District Court Probate at 801-238-7164.
 - Yes - Proceed to next step.
- Do you have the deceased's original death certificate?
 - No - Contact Funeral Home (if recent) or Utah Vital Statistics at 385-468-4230 or order online at <https://vitalrecords.utah.gov/death>.
 - Yes - Complete Affidavit to go with death certificate.
- Do you need help completing the Affidavit?
 - Contact your legal professional or a title company.
 - Because each case is unique and may require specific information, the Recorder's Office does not provide blank forms or instruction on how to complete each section of the Affidavit.
- Based on Utah Code 57-1-5.1 (see reverse side), check the following to make sure the Affidavit meets recording requirements.
 - Statement of interest in property being terminated
 - Contains legal description of property affected (different from address)
 - References entry number and book and page of document creating interest
 - Has attached exhibit of death certificate or other document as described in Utah Code 75-1-107
 - Verify document meets general recording requirements found at <https://www.saltlakecounty.gov/recorder/industry/requirements/>
- Record document with exhibits at the Salt Lake County Recorder's Office.
 - Recording fee per document: \$40.00 (up to 10 legal descriptions)
 - Additional legal descriptions over 10: \$2.00 each

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

(1)

(a) Joint tenancy, tenancy by the entirety, or life estate interest in real estate terminates upon the death of a tenant holding the interest.

(b) The termination of an interest upon death as described in Subsection (1)(a) may be disclosed by an affidavit that:

(i) cites the terminated interest that is being disclosed;

(ii) contains a legal description of the real property that is affected;

(iii) references the entry number and the book and page of the instrument creating the terminated interest;

(iv) has attached as an exhibit, a copy of the death certificate or other document issued by a government agency as described in Section 75-1-107; and

(v) is recorded in the office of the recorder of the county in which the affected property is located.

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

(a) cites the interest that is being terminated;

(b) contains a legal description of the real property that is affected;

(c) references the entry number and the book and page of the instrument creating the interest to be terminated; and

(d) is recorded in the office of the recorder of the county in which the affected property is located.

(3) An affidavit described under this section may be in substantially the following form:

"Affidavit

State of Utah)) ss

County of _____)

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

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

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

Dated this _____ day of (month), (year).

(Signature of affiant)

Subscribed to and sworn before me this _____ day of (month), (year).

Notary public".