

ASSEMBLY BILL NO. 130—ASSEMBLYMEN NELSON, JONES,
ARMSTRONG, FIORE; DICKMAN, GARDNER, KIRNER,
MOORE, OHRENSCHALL, SILBERKRAUS AND WOODBURY

FEBRUARY 9, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the administration of
estates of deceased persons. (BDR 12-862)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to estates; revising provisions authorizing the
summary administration of the estate of a decedent;
revising provisions concerning the distribution or transfer
of assets from certain small estates of decedents; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs wills and estates of deceased persons. (Title 12 of NRS)
Under existing law, a court is authorized to enter an order for the summary
administration of an estate if the court deems summary administration advisable
and the gross value of the estate does not exceed \$200,000 after deducting any
encumbrances. (NRS 145.040) **Sections 1 and 2** of this bill increase that amount to
\$300,000.

Existing law provides, under certain circumstances, for the transfer of assets
from the estate of a decedent to certain claimants pursuant to an affidavit showing
the right to receive the assets without the issuance of a letter of administration or, if
applicable, the probate of a will if the gross value of the estate does not exceed
\$20,000. (NRS 146.080) **Section 4** of this bill: (1) increases that amount to
\$100,000 if the claimant is the surviving spouse of the decedent and to \$25,000 for
any other claimant; and (2) excludes the value of any motor vehicles registered to
the decedent from the determination of whether the gross value of the estate
exceeds these amounts. **Section 4** also requires the affidavit required for such
transfer of assets to include a declaration that the claimant has no knowledge of any
existing claims for personal injury or tort damages against the decedent. Finally,
section 4 requires a governmental agency that issues certificates of title, ownership
or registration to personal property to accept an affidavit containing the required
information, regardless of the form of the affidavit.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 145.040 is hereby amended to read as follows:

145.040 If it is made to appear to the court that the gross value of the estate, after deducting any encumbrances, does not exceed ~~[\$200,000,]~~ **\$300,000**, the court may, if deemed advisable considering the nature, character and obligations of the estate, enter an order for a summary administration of the estate.

Sec. 2. NRS 145.110 is hereby amended to read as follows:

145.110 If at any time after the entry of an order for the summary administration of an estate it appears that the gross value of the estate, after deducting any encumbrances, exceeds ~~[\$200,000]~~ **\$300,000** as of the death of the decedent, the personal representative shall petition the court for an order revoking summary administration. The court may, if deemed advisable considering the nature, character and obligations of the estate, provide in its order revoking summary administration that regular administration of the estate may proceed unabated upon providing such portions of the regular proceedings and notices as were dispensed with by the order for summary administration.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 146.080 is hereby amended to read as follows:

146.080 1. If a decedent leaves no real property, nor interest therein, nor mortgage or lien thereon, in this State, and the gross value of the decedent's property in this State, over and above any amounts due to the decedent for services in the Armed Forces of the United States ~~[,]~~ **and the value of any motor vehicles registered to the decedent**, does not exceed ~~[\$20,000,]~~ **the applicable amount**, a person who has a right to succeed to the property of the decedent pursuant to the laws of succession for a decedent who died intestate or pursuant to the valid will of a decedent who died testate, on behalf of all persons entitled to succeed to the property claimed, or the Director of the Department of Health and Human Services or public administrator on behalf of the State or others entitled to the property, may, 40 days after the death of the decedent, without procuring letters of administration or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to the claimant upon furnishing the person, representative, corporation, officer or body owing the money, having custody of the property or acting as registrar or transfer agent of the evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive the money or property or to have the evidence transferred.



2. An affidavit made pursuant to this section must state:

(a) The affiant's name and address, and that the affiant is entitled by law to succeed to the property claimed;

(b) The date and place of death of the decedent;

(c) That the gross value of the decedent's property in this State, except amounts due the decedent for services in the Armed Forces of the United States ~~{ }~~ *or the value of any motor vehicles registered to the decedent*, does not exceed ~~[\$20,000,] the applicable amount~~, and that the property does not include any real property nor interest therein, nor mortgage or lien thereon;

(d) That at least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the certificate of death of the decedent attached to the affidavit;

(e) That no petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent, including funeral and burial expenses, and money owed to the Department of Health and Human Services as a result of the payment of benefits for Medicaid, have been paid or provided for;

(g) A description of the personal property and the portion claimed;

(h) That the affiant has given written notice, by personal service or by certified mail, identifying the affiant's claim and describing the property claimed, to every person whose right to succeed to the decedent's property is equal or superior to that of the affiant, and that at least 14 days have elapsed since the notice was served or mailed;

(i) That the affiant is personally entitled, or the Department of Health and Human Services is entitled, to full payment or delivery of the property claimed or is entitled to payment or delivery on behalf of and with the written authority of all other successors who have an interest in the property; ~~{and}~~

(j) That the affiant has no knowledge of any existing claims for personal injury or tort damages against the decedent; and

(k) That the affiant acknowledges an understanding that filing a false affidavit constitutes a felony in this State.

3. If the affiant:

(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property the affiant receives is subject to all debts of the decedent.

(b) Fails to give notice to other successors as required by subsection 2, any money or property the affiant receives is held by the affiant in trust for all other successors who have an interest in the property.



4. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon that information, and if the person relies in good faith, the person is immune from civil liability for actions based on that reliance.

5. Upon receiving proof of the death of the decedent and an affidavit containing the information required by this section:

(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.

(b) A governmental agency required to issue certificates of title, ownership or registration to personal property shall issue a new certificate of title, ownership or registration to the person claiming to succeed to ownership of the property. *The governmental agency may not refuse to accept an affidavit containing the information required by this section, regardless of the form of the affidavit.*

6. If any property of the estate not exceeding ~~[\$20,000]~~ *the applicable amount* is located in a state which requires an order of a court for the transfer of the property, or if the estate consists of stocks or bonds which must be transferred by an agent outside this State, any person qualified pursuant to the provisions of subsection 1 to have the stocks or bonds or other property transferred may do so by obtaining a court order directing the transfer. The person desiring the transfer must file a petition, which may be ex parte, containing:

(a) A specific description of all the property of the decedent.

(b) A list of all the liens and mortgages of record at the date of the decedent's death.

(c) An estimate of the value of the property of the decedent.

(d) The names, ages of any minors and residences of the decedent's heirs and devisees.

(e) A request for the court to issue an order directing the transfer of the stocks or bonds or other property if the court finds the gross value of the estate does not exceed ~~[\$20,000.]~~ *the applicable amount.*

(f) An attached copy of the executed affidavit made pursuant to subsection 2.

➤ If the court finds that the gross value of the estate does not exceed ~~[\$20,000]~~ *the applicable amount* and the person requesting the transfer is entitled to it, the court may enter an order directing the transfer.

7. As used in this section, "applicable amount" means:



- 1 *(a) If the claimant is the surviving spouse of the decedent,*
2 *\$100,000.*
3 *(b) For any other claimant, \$25,000.*

