

Brenda McDonald
Uintah County Recorder

March 22, 2021

To whom it may concern,

This notice is to inform you of the recording policy changes in regards to real property titled in a trust. According to the UCA 75-7-816, as part of the Utah Uniform Probate Code, when title to real property is in trust it is granted to a person as trustee.

New persons acting as trustees that are not the person(s) originally granted title as trustee cannot transfer ownership as trustees without the accompanying documentation recorded connecting them to the person(s) to whom the property was originally granted as trustee.

When a person(s) as trustee of a trust holds title to real property as indicated in UCA 75-7-816, that trustee holds title to said real property subject to the terms or conditions of that trust. According to UCA 57-1-5.1, termination of interest in real estate by affidavit includes a conditional interest in real estate.

Therefore, because a property in trust is subject to the conditions of the trust, the interest that a person as trustee should be terminated by an affidavit as described in the said code. In an effort to avoid potential fraud and to protect a person's interest in real property when title is granted to a person as trustee, the Uintah County Recorder is requesting that clear documentation be recorded with a paragraph quoting the terms of the trust allowing the change of trustee.

If, in the event that a person, as a trustee of a trust, is to be removed from title due to their death, an original or certified copy of a death certificate will be needed to accompany an affidavit of death.

In the event that a person, as trustee of a trust no longer desires to serve as trustee, an affidavit stating their resignation with their notarized signature or an affidavit with a letter of resignation attached is sufficient documentation.

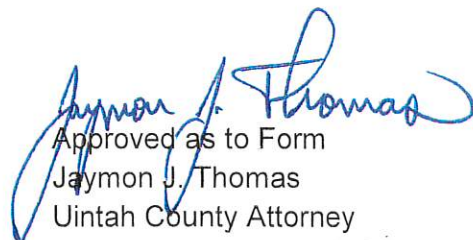
If a person, as trustee of a trust is incapacitated, and is unable to properly sign, a guardian may be appointed by a court, or a power of attorney may be used under UCA 75-5-301 unless otherwise specified in the trust. If the terms or conditions of trust include provisions for an incapacitated trustee, those terms along with a declaration of incapacitation noted on an affidavit may be used for sufficient documentation.

This will apply to all documents submitted for recording in Uintah County after Aug. 11, 2020. If you have any questions regarding the above information, Please contact the Uintah County Recorder's Office.

Sincerely,



Brenda McDonald
Uintah County Recorder



Approved as to Form
Jaymon J. Thomas
Uintah County Attorney