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1. Title

Letters Testamentary or Letters of Administration required for a Personal Representative's Deed.

2. Standard Procedure

When a Personal Representative's Deed is presented for recording, the County Recorder's Office will accept the document if it is accompanied by Letters Testamentary or Letters of Administration that evidence the court appointed authority of the Personal Representative.

2.1 Letters Requirements:

2.1.1 Requirement to Record:

A copy of *Letters Testamentary* or *Letters of Administration* (letters) issued by a Utah court though not required to be certified, must be recorded as an exhibit to the Personal Representative's Deed to provide evidence of the Personal Representative's authority to convey real property on behalf of the decedent's estate. In the event a probate for the decedent is completed outside of the state of Utah as an ancillary probate and the authority of the signer is a foreign personal representative, the county recorder shall accept either the *Proof of Authority of Foreign Personal Representative* or the Utah court certification of other ancillary probate documents.

2.1.2 Information Consistency:

The name of the Personal Representative as shown on the Letters or ancillary probate documents must match the name of the grantor signing the Personal Representative's Deed. The name of the decedent on the Letters must match the record owner of the property being conveyed or clarified by an "aka" on the personal representative's deed to tie the multiple versions of the decedent's names together.

2.2 Grantor, Signature, and Notary Requirements:

2.2.1 Grantor Line:

The Grantor line of the personal representative's deed must clearly identify the individual signing in their capacity as the Personal Representative for the estate of the deceased record owner.

For example:

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"Jane Smith, as Personal Representative of the Estate of John Doe, deceased"

2.2.2 Signature Block:

The signature block must show the name of the person signing and their capacity. For example:

[Signature of Jane Smith] Jane Smith, Personal Representative of the Estate of John Doe

2.2.2 Notary Acknowledgment/Jurat:

The notary acknowledgment must identify the signer and their stated capacity as Personal Representative.

2.3 Documents Recorded Without the Attached Letters

Typically a personal representative's deed submitted for recording that does not have the letters attached should be rejected prior to recording. However on the occasion one gets recorded without the attachment, the following options are available for correction.

2.3.1 Re-Record the Personal Representatives Deed:

Following the requirements under UCA 57-3-106(8), Re-recording a personal representative's deed and attaching the letters is acceptable to convey the property.

2.3.2 Affidavit Evidencing Authority of Personal Representative:

An affidavit evidencing the authority of a personal representative shall include a reference to a previously recorded personal representative's deed and include an exhibit attaching the letters to provide the said evidence. Once recorded, that affidavit shall be sufficient to confirm conveyance of the property by the referenced previously recorded personal representative's deed.

3. Approvals

| Group | Approval | Date |
|--------------------------------------|----------|------------|
| Utah Association of County Recorders | Approved | 11/13/2025 |
| Utah Land Title Association Board | Approved | 11/4/2025 |
| Recorder Standards Board | Approved | 12/8/2025 |

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4.Supporting Information

4.1 References

- Utah Code Title 75, Utah Uniform Probate Code.
- Utah Code Title 75B, Trusts
- UCA 17-71-501: Indexing of deeds and other instruments made by persons acting on behalf of another (e.g., executor, administrator, trustee).
- UCA 17-71-403: Requirement for signers' names to be typed or printed on instruments presented for recording.
- UCA 57-3-106(8): Requirement for documents to be re-recorded.

4.2 Definitions

- Personal representative: Same as defined in UCA 75-1-201(43)
- Foreign personal representative: Same as defined in UCA 75-1-201(18)
- Letters: Same as defined in UCA 75-1-201(32) which includes letters testamentary and letters of administration;
- Letters testamentary: The documents issued by the court for a decedent with a will, used to show that the named person has been appointed by the court as personal representative of the decedent's estate.
- Letters of administration: The documents issued by the court for a decedent without a will, used to show that the named person has been appointed by the court as personal representative of the decedent's estate.
- Personal representative's deed: A document executed by a personal representative that transfers ownership of real estate from a deceased person's estate to a new owner.
- Will: Same as defined in UCA 75-1-201(67)