

1 establishes jurisdiction and relationship and states that the owner
2 of the account left no will or that the deposits are the only known
3 assets of the owner and shall be distributed in accordance with the
4 terms of the will. The affidavit shall be sworn to and signed by
5 the known heirs of the deceased and the same shall swear that the
6 facts set forth in the affidavit establishing jurisdiction, heirship
7 and intestacy are true and correct.

8 2. Upon the death of an individual who is the sole renter of a
9 safe deposit box in a bank or credit union, the bank or credit union
10 may open the box in the presence of all known heirs and transfer or
11 release the contents to such heirs upon receipt of an affidavit
12 which establishes jurisdiction and relationship to the deceased and
13 states that the renter of the safe deposit box left no will or that
14 the contents of the safe deposit box are the only known assets of
15 the deceased renter. The affidavit shall be sworn to and signed by
16 the known heirs of the deceased and the same shall swear that the
17 facts set forth in the affidavit establishing jurisdiction, heirship
18 and intestacy or that the contents of the safe deposit box are the
19 only asset of the deceased are true and correct. Every known heir
20 shall either be present in person or by a duly authorized agent. If
21 any known heir is unable to be physically present for the opening of
22 the box and transfer of the contents, such heir may appoint an agent
23 by executing authorization in writing in the following form: "I
24 hereby authorize (name of person) to act as my agent at the opening

1 and transfer of contents of safe deposit box (number or other
2 identification) at (name of financial institution)." The
3 authorization form shall be signed and dated by the heir and
4 notarized. The bank or credit union may impose its standard fee for
5 drilling the box if the heirs cannot provide the key for opening.

6 B. Receipt by the bank or credit union of the affidavit
7 described in subsection A of this section shall be a valid and
8 sufficient release and discharge to the bank or credit union for any
9 transfer of deposits or contents made in good-faith reliance on the
10 affidavit and shall serve to discharge the bank or credit union from
11 liability as to any other party, including any heir, legatee,
12 devisee, creditor or other person having rights or claims to funds
13 or property of the decedent, and include a discharge of the bank or
14 credit union from liability for any estate, inheritance or other
15 taxes which may be due the state from the estate or as a result of
16 the transfer.

17 C. Any person who knowingly submits and signs a false affidavit
18 as provided in this section shall be fined not more than Three
19 Thousand Dollars (\$3,000.00) or imprisoned for not more than six (6)
20 months, or both. Restitution of the amount fraudulently attained
21 shall be made to the rightful beneficiary by the guilty person.

22 SECTION 2. This act shall become effective November 1, 2014.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/11/2014 - DO
24 PASS.