

TITLE 15
UNIFORM PROBATE CODE

CHAPTER 4
FOREIGN PERSONAL REPRESENTATIVES ANCILLARY ADMINISTRATION

PART 1.
DEFINITIONS

15-4-101. DEFINITIONS. In this chapter (a) "local administration" means administration by a personal representative appointed in this state pursuant to appointment proceedings described in chapter 3.

(b) "Local personal representative" includes any personal representative appointed in this state pursuant to appointment proceedings described in chapter 3 and excludes foreign personal representatives who acquire the power of a local personal representative pursuant to section [15-4-205](#) of this code.

(c) "Resident creditor" means a person domiciled in, or doing business in this state, who is, or could be, a claimant against an estate of a nonresident decedent.

[I.C., sec. 15-4-101, as added by 1971, ch. 111, sec. 1, p. 233.]

PART 2.
POWERS OF FOREIGN PERSONAL REPRESENTATIVES

15-4-201. PAYMENT OF DEBT AND DELIVERY OF PROPERTY TO DOMICILIARY FOREIGN PERSONAL REPRESENTATIVE WITHOUT LOCAL ADMINISTRATION. At any time after the expiration of sixty (60) days from the death of a nonresident decedent, any person indebted to the estate of the nonresident decedent or having possession or control of personal property, or of an instrument evidencing a debt, obligation, stock or chose in action belonging to the estate of the nonresident decedent may pay the debt, deliver the personal property, or the instrument evidencing the debt, obligation, stock or chose in action, to the domiciliary foreign personal representative of the nonresident decedent upon being presented with proof of his appointment and an affidavit made by or on behalf of the representative stating:

- (a) The date of the death of the nonresident decedent;
- (b) That no local administration, or application or petition therefor, is pending in this state;
- (c) That the domiciliary foreign personal representative is entitled to payment or delivery.

[I.C., sec. 15-4-201, as added by 1971, ch. 111, sec. 1, p. 233.]

15-4-202. PAYMENT OR DELIVERY DISCHARGES. Payment or delivery made in good faith on the basis of the proof of authority and affidavit releases the debtor or person having possession of the personal property to the same extent as if payment or delivery had been made to a local personal representative.

[I.C., sec. 15-4-202, as added by 1971, ch. 111, sec. 1, p. 233.]

15-4-203. RESIDENT CREDITOR NOTICE. Payment or delivery under section [15-4-201](#) of this Part may not be made if a resident creditor of the nonresident decedent has notified the debtor of the nonresident decedent or the person having possession of the personal property belonging to the nonresident decedent that the debt should not be paid nor the property delivered to the domiciliary foreign personal representative.

[I.C., sec. 15-4-203, as added by 1971, ch. 111, sec. 1, p. 233.]

15-4-204. PROOF OF AUTHORITY -- BOND. If no local administration or application or petition therefor is pending in this state, a domiciliary foreign personal representative may file with a court in this state in a county in which property belonging to the decedent is located, authenticated copies of his appointment and of any official bond he has given.

[I.C., sec. 15-4-204, as added by 1971, ch. 111, sec. 1, p. 233.]

15-4-205. POWERS. A domiciliary foreign personal representative who has complied with section [15-4-204](#) of this Part may exercise as to assets in this state all powers of a local personal representative and may maintain actions and proceedings in this state subject to any conditions imposed upon nonresident parties generally.

[I.C., sec. 15-4-205, as added by 1971, ch. 111, sec. 1, p. 233.]

15-4-206. POWER OF REPRESENTATIVES IN TRANSITION. The power of a domiciliary foreign personal representative under section [15-4-201](#) or [15-4-205](#) of this Part shall be exercised only if there is no administration or application therefor pending in this state. An application or petition for local administration of the estate terminates the power of the foreign personal representative to act under section [15-4-205](#) of this Part, but the local court may allow the foreign personal representative to exercise limited powers to preserve the estate. No person who, before receiving actual notice of a pending local administration, has changed his position in reliance upon the powers of a foreign personal representative shall be prejudiced by reason of the application or petition for, or grant of, local administration. The local personal representative is subject to all duties and obligations which have accrued by virtue of the exercise of the powers by the foreign personal representative and may be substituted for him in any action or proceedings in this state.

[I.C., sec. 15-4-206, as added by 1971, ch. 111, sec. 1, p. 233.]

15-4-207. ANCILLARY AND OTHER LOCAL ADMINISTRATIONS -- PROVISIONS GOVERNING. In respect to a nonresident decedent, the provisions of chapter 3 of this code govern (1) proceedings, if any, in a court of this state for probate of the will, appointment, removal, supervision, and discharge of the local personal representative, and any other order concerning the estate; and (2) the status, powers, duties and liabilities of any local personal representative and the rights of claimants, purchasers, distributees and others in regard to a local administration.

[I.C., sec. 15-4-207, as added by 1971, ch. 111, sec. 1, p. 233.]

PART 3.

JURISDICTION OVER FOREIGN REPRESENTATIVES

15-4-301. JURISDICTION BY ACT OF FOREIGN PERSONAL REPRESENTATIVE. A foreign personal representative submits himself to the jurisdiction of the courts of this state in his capacity as a personal representative of the estate by:

(a) filing authenticated copies of his appointment as provided in section [15-4-204](#) of this code;

(b) receiving payment of money or taking delivery of personal property under section [15-4-201](#) of this code; or

(c) doing any act as a personal representative in this state which would have given the state jurisdiction over him as an individual.

Jurisdiction under subsection (b) of this section is limited to the money or value of personal property collected.

[I.C., sec. 15-4-301, as added by 1971, ch. 111, sec. 1, p. 233; am. 1972, ch. 201, sec. 16, p. 510.]

15-4-302. JURISDICTION BY ACT OF DECEDENT. In addition to jurisdiction conferred by section [15-4-301](#) of this Part, a foreign personal representative is subject to the jurisdiction of the courts of this state to the same extent that his decedent was subject to jurisdiction immediately prior to death.

[I.C., sec. 15-4-302, as added by 1971, ch. 111, sec. 1, p. 233.]

15-4-303. SERVICE ON FOREIGN PERSONAL REPRESENTATIVE. (a) Service of process may be made upon the foreign personal representative by registered or certified mail, addressed to his last reasonably ascertainable address, requesting a return receipt signed by addressee only. Notice by ordinary first class mail is sufficient if registered or certified mail service to the addressee is unavailable. Service may be made upon a foreign personal representative in the manner in which service could have been made under other laws of this state on either the foreign personal representative or his decedent immediately prior to death.

(b) If service is made upon a foreign personal representative as provided in subsection (a) of this section, he shall be allowed at least thirty (30) days within which to appear or respond.

[I.C., sec. 15-4-303, as added by 1971, ch. 111, sec. 1, p. 233.]

PART 4.

JUDGMENTS AND PERSONAL REPRESENTATIVE

15-4-401. EFFECT OF ADJUDICATION FOR OR AGAINST PERSONAL REPRESENTATIVE. An adjudication rendered in any jurisdiction in favor of or against any personal representative of the estate is as binding on the local personal representative as if he were a party to the adjudication.

[I.C., sec. 15-4-401, as added by 1971, ch. 111, sec. 1, p. 233.]