

1                    **ALTERNATE DISPUTE RESOLUTION AMENDMENTS**

2    2013 GENERAL SESSION

3    STATE OF UTAH

4    **Chief Sponsor: Rebecca P. Edwards**

5    Senate Sponsor: John L. Valentine

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7 **LONG TITLE**

8 **General Description:**

9                    This bill amends provisions related to the Utah Uniform Probate Code.

10 **Highlighted Provisions:**

11                    This bill:

12                    ▶ provides an option to include alternative dispute resolution procedures in a person's  
13 trust, will, or power of attorney.

14 **Money Appropriated in this Bill:**

15                    None

16 **Other Special Clauses:**

17                    None

18 **Utah Code Sections Affected:**

19 ENACTS:

20                    **75-1-312**, Utah Code Annotated 1953

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22 *Be it enacted by the Legislature of the state of Utah:*

23                    Section 1. Section **75-1-312** is enacted to read:

24                    **75-1-312. Alternative resolution of disputes.**

25                    (1) A will, trust, or power of attorney may include a provision, enforceable by a court,  
26 that requires the resolution of disputes between or among beneficiaries and fiduciaries of the  
27 will, trust, or power of attorney, or any combination of those persons or entities, outside of a  
28 court of record.

29                    (2) The resolution of disputes outside the court may include any procedure, writing, or

30 agreement, not contrary to or prohibited by law, found or referred to in a will, trust, or power of  
31 attorney, the purpose of which is to resolve disputes between or among the beneficiaries and  
32 fiduciaries of a will, trust, or power of attorney, or any combination of those persons or entities,  
33 outside of a court of record.

34 (3) Unless terms in a dispute resolution procedure, writing, or agreement require  
35 binding arbitration, nothing in the writing or agreement shall prevent beneficiaries or  
36 fiduciaries, upon satisfaction of the required terms of the dispute resolution procedure, writing,  
37 or agreement, from seeking resolution of unresolved disputes in a court of record.