

THE ESTATE'S TIMETABLE

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A. First Steps In Probating an Estate in Arizona

1. *Prior to Appointment of Personal Representative.*

a. Finding and Examining the Will. The first step in the process is locating the will. The application for appointment will contain a statement that the applicant has diligently searched and either has not located a will or has located one (which is attached to the application) and has located no others of a later date. If a will is produced by the applicant it must be examined for validity. Formal requirements for a valid will (other than a holographic will) is that it be in writing, that the testator intend it to be a will, and that it signed by the testator and signed by two witnesses (A.R.S. § 14-2502 – further designations of a section in this outline will refer to the Arizona Revised Statutes unless preceded by “Code” which refers to the Internal Revenue Code). These requirements are fairly liberal. The intent of the testator is generally present in the language of the document and statements to the witnesses. The requirement that the testator sign it can be met if another person signs for the testator and at his direction. Any two adults possessing capacity may act as witnesses (§14-2505). They do not have to be residents of Arizona (or even the United States). They may be devisees or beneficiaries under the will. They do not have to sign the will at the same time as the testator but only “within a reasonable time” (§ 14-2502(A)(3)). They do not have to actually witness the testator sign the document, but only need aver that the testator acknowledged that the signature on the document was his. Thus, if a testator signs a document with no witnesses and later shows the document to another person indicating that the signature was his, that person may then sign the document as a witness to the testator’s acknowledgement.

Often, the practitioner will encounter “do it your self” wills prepared by the client or a family member on a form, signed by the testator and two witnesses but lacking a notary’s seal. When the witnesses and testator acknowledge their signatures before a notary, the will is considered “self-proved” and may be submitted to probate as is.

Where the notary's attestation is missing, it will generally be necessary to find the witnesses and have them execute affidavits of the circumstances of their witnessing of the will. If a witness cannot be found or has died, a formal testacy proceeding will be required to prove the will by other evidence.

The original of the will must be submitted to the probate registrar in an informal probate or the court in a formal probate. Sometimes the original of a will cannot be located but a copy is found. This may happen, for example, where the testator left the original of the will with his lawyer, who has since retired or died. In such a case, if the copy is a copy of the signed and witnessed original, it will not be accepted in informal probate but will require a formal testacy proceeding. It will be necessary for the applicant for appointment as personal representative to sign an affidavit or testify as to the circumstances of the missing will. If the copy is unsigned, it will probably be useless.

A.R.S. § 14-2504 contains language which will be accepted as a valid acknowledgement of the testator and affidavits of witnesses. A will witnessed at the time of execution may contain the following language:

I, _____, the testator, sign my name to this instrument this _____ day of _____, and being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my will and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in that document and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.

Testator

We, _____, _____, the witnesses, sign our names to this instrument being first duly sworn and do declare to the undersigned authority that the testator signs and executes this instrument as his/her will and that he/she signs it willingly, or willingly directs another to sign for him/her, and that each of us, in the presence and hearing of the testator, signs this will as witness to the testator's signing and that to the best of our knowledge the testator is eighteen years of age or older, of sound mind and under no constraint or undue influence.

Witness

Witness

The State of _____

Subscribed, sworn to and acknowledged before me by _____,
the testator, and subscribed and sworn to before me by _____ and
_____, witnesses, this ____ day of _____.

(Notary Public)

If a will is witnessed after execution, the following is acceptable as language in an affidavit:

We, _____, _____ and _____, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument being first duly sworn do declare to the undersigned authority that the testator signed and executed the instrument as the testator's will and that he/she signed willingly, or willingly directed another to sign for him/her, and that he/she executed it as his/her free and voluntary act for the purposes expressed in that document, and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of his/her knowledge the testator was at that time eighteen years of age or older, of sound mind and under no constraint or undue influence.

b. Holographic Wills. Arizona recognizes holographic wills (§ 14-2503). Such wills do not need to be entirely in the handwriting of the decedent but all of the material provisions do. Thus, a person can usually obtain a will form and hand-write in the dispositive provisions and appointment of a personal representative and dispense with the necessity of witnesses. Such a will will normally require an affidavit of a close friend or family member recognizing the handwriting as that of the decedent.

c. Intestacy. In the absence of a valid will, the estate will be probated under the intestacy statutes. Issues arising in intestate estates are discussed elsewhere in this outline. A proceeding may also be part testate and part intestate, such as the case where the will does not effectively dispose of the entire estate. § 14-2101.

d. Determining the Personal Representative. Arizona places limits on who may act as a personal representative of a decedent. § 14-3301 allows only the following to be named:

- Relatives of the decedent: the surviving spouse, an adult child, a parent, sibling or heir at law;
- a person named as PR under the will;
- A person named as PR in another state;
- the department of veterans' services (for veterans);
- a creditor;
- the public fiduciary.

The statute also sets forth priorities for acting as personal representative:

- a person named in a probated will;
- the surviving spouse who is a devisee of the decedent;
- other devisees of the decedent;
- the surviving spouse;
- other heirs;
- if decedent was a veteran, the department of veterans' services;
- a creditor;
- the public fiduciary.

2. Filing the Application for Appointment of Personal Representative.

Whether formal or informal testacy proceedings are initiated, the petition to appoint a personal representative must generally be filed more than five days and within two years of the date of death. The five day period is to assure that all heirs and devisees have survived the decedent by the 120 hours required by §§ 14-2702 and 2704. The application can be filed more than two years after death if a prior probate proceeding was dismissed on account of doubt about the decedent's death; in the case of missing persons; and in other cases, but the personal representative will have no right to possession of assets other than to secure proper title in the successors to the decedent.

See A.R.S. § 14-3108. As a result, such actions as selling property, which normally are within the authority of the PR, will require have authorization from the court.

3. *Other Tasks Requiring Attention Soon After Appointment.*

a. Obtain Federal Tax Identification Number. A number should be obtained for the probate estate and for a revocable trust (becoming irrevocable at the death of the settlor). This can normally be obtained immediately by accessing the IRS website, www.irs.gov/businesses/small/. If all but an insignificant amount of assets were titled in the trust, the tax number will not be needed for the probate estate. In addition, where an election is made to combine the trust and estate, only a single tax ID number (for the estate, if a personal representative has been appointed) need be obtained.

b. Prepare and file form 56 (IRS) and 210 (Arizona Department of Revenue). These forms are necessary to establish the personal representative or trustee as the person with the responsibility for tax compliance. Of course if the decedent or the estate is required to file in any other state, the corresponding form for that state should be filed.

c. Send notice to creditors.

(i) **Check for statutory allowances.** Statutory allowances have priority over creditors and therefore if the estate is very small or creditors claims are very large, the PR must determine if the estate is large enough to pay costs of administration, statutory allowances, and all creditor claims. The statutory allowances are an allowance in lieu of homestead of \$18,000 (§ 14-2402; an exempt property allowance, covering furnishings, automobiles and personal effects not in excess of \$7,000; and a family allowance of a reasonable amount during estate administration. These allowances benefit the surviving spouse and the dependent children of the decedent. They are chargeable against other property passing to spouse or children under the will or trust but not against the spouse's community property interest in the decedent's property.

(ii) **Published Notice.** A notice to creditors advising them that the decedent has died and that claims must be submitted within four months or be barred, and the name and address of the person to submit claims to must be published once a week

for three consecutive weeks in a newspaper of general circulation in the county of the decedent's residence. Published notice should also be given to creditors where a trust is being administered, since such creditors may claim against the trust if the probate estate is insufficient. See § 14-6202.

(iii) **Actual Notice.** Actual notice must be given to known creditors of the decedent. Creditors then have the later of sixty days following actual notice or four months from the first publication date of published notice to submit claims.

(iv) **Dealing with claims.** Upon receipt of a claim the PR (or trustee) has the duty to allow or disallow the claim. One of the first things to consider is the timeliness of the claim. Apart from submitting the claim within the four month/60 day timeframe, the claim could be barred by a general statute of limitations (as for claims in tort and contract) or the overall limit of two years after death. Beyond that, the legitimacy of the claim must be considered. Where the decedent is survived by a spouse, whether the claim is for a separate or community debt is also a consideration. If a separate debt, it must be satisfied from the decedent's separate property and the decedent's share of community property. If a community debt it should be satisfied in part by community property held by the surviving spouse. Where the surviving spouse is to inherit the residuary estate and the residuary is large enough to extinguish all claims, this may not make a difference. But where the survivor is largely disinherited or does not receive the residuary the failure to claim against the survivor's share of community property may cause the PR or trustee to be in breach of fiduciary duty to beneficiaries. In such cases it is wise to disallow the claim in part so that the creditor can press the balance of the claim against the spouse.

If the PR does not act within 60 days of receiving a claim, it is considered allowed. § 14-3806. The PR can, however, change his or her mind and disallow a claim which has previously been allowed or allow one previously disallowed. It is generally wise to wait until the period for submitting claims has expired before paying claims. It is only then that the PR knows if all claims can be satisfied from the estate, after payment of statutory allowances and administrative costs. Full payment of a creditor's claim in an

estate which turns out to be insolvent will render the PR liable to the other creditors. Following the determination that the estate is solvent, the PR should proceed to pay allowed claims. Claims bear interest if not paid within 60 days following the end of the period in which claims must be submitted. § 14-3806(E).

d. Decedent's final income tax return. A final income tax return must be prepared for the decedent. Generally, all income received through the date of death, and deductions realized through such date, are reported on the decedent's final 1040. Items of income and deduction accruing after death are either reported on the estate's income tax return on form 1041, or directly by the distributee. A joint return is permitted if the decedent is survived by a spouse. The final 1040 is due at the normal filing date, i.e., the 15th day of the fourth month following the close of the decedent's fiscal year (in most cases, April 15). If the information needed to file the return is not gathered in time to file a timely return and pay the tax, an extension of time to file may be requested and, if necessary, a request for abatement of late payment and late filing penalty should be sought with showing of reasonable cause.

e. Income tax return of the estate. The federal income tax return for the estate reports items of income and deduction accruing (if on an accrual method) or being paid after the date of death. When the employer ID number is requested, a fiscal year can be selected. This year can be any period ending on the last day of a month, not exceeding twelve months. For example if the decedent died on April 12, a fiscal year end of December could be selected if it is desired to coordinate the taxable years of the estate, the decedent and the beneficiaries. On the other hand, the PR may choose a fiscal year going beyond the calendar year, up to March 31 of the following year. This may provide deferral opportunities by (1) making distributions in the following year to allow beneficiaries to defer tax; and (2) allowing the estate to defer tax when it is the taxpaying entity. The choice will depend on the terms of the will or trust – whether the PR or trustee is under a compulsion to distribute assets with all possible speed or can defer distribution – and the tax situation of the beneficiaries. By contrast, a trust has no such

flexibility and must use a calendar year as its taxable year. See IRC § 644. This rule is altered if the election under IRC § 645 is made – see below in this outline.

f. Income tax reduction strategies.

(i) **Avoid Accumulating Distributable Income.** Trusts and estates are taxed at the same rates as apply to individuals except that the income brackets are greatly compressed. For example, the top marginal rate of 35% is reached on taxable income in excess of \$9,550 for an estate or trust. Income which is distributed to a beneficiary is taxed to the beneficiary at the beneficiary's often lower rate.

(ii) **Deduction for Estate Taxes.** Where a beneficiary recognizes income in respect of a decedent and such item of income was included in the decedent's gross estate and subject to estate tax, a deduction is allowed by § 691(c) for a proportional part of the estate tax paid. The deduction is not subject to the 2% floor on itemized deductions. The deduction can be quite significant in the case where the estate had large amounts in retirement plans representing unrealized income.

(iii) **Defer Distributions from Qualified Retirement Plans.** Distributions from qualified plans represent income in respect of a decedent, whether received by the estate or an individual beneficiary. The tax can be deferred by utilizing the liberal minimum distribution rules contained in the regulations finalized in 2002. These rules cannot be used, however, if the estate is named as the beneficiary because estates are not qualified beneficiaries under the regulations. Trusts can be structured to be qualified beneficiaries in appropriate circumstances where the trust beneficiaries can be clearly identified, but the age of the oldest of the beneficiaries must be used as the measuring life.

(iv) **Avoid Recognition of Capital Gain.** Assets generally receive a basis step-up to date-of-death values in the hands of the estate or beneficiaries (a major exception being items of income in respect of a decedent, such as IRAs or 401(k) plan assets). Between the time of death and the time assets are actually distributed, they could further appreciate or depreciate in value. Were a bequest is *pecuniary* in nature (a gift of a specific sum), the estate must recognize gain or loss on the

change in value of the asset from date of death to date of distribution. By contrast, a *residuary* gift does not satisfy a specific obligation and no gain or loss is recognized. Whether the right funding language for the marital and bypass shares was chosen in the will or trust will therefore determine whether gain or loss is recognized. If the will or trust is silent on the question of date of funding or leaves the decision to the PR or trustee, the PR/trustee must know the difference between funding methods. Several methods of funding are available and each has its own advantages and disadvantages, of which the income tax consequence is just one. Following is a brief description of the funding methods available. The below assumes the basic estate plan of bypass trust and marital share at the first death is utilized.

(1) Pecuniary Marital. This funds the marital share with an “amount” or an “amount equal to” a specific number. The rest of the estate passes to the family (bypass) trust or gift.

(a) Date of Distribution (True Worth) Funding.

This funds the pecuniary marital share with assets utilizing their values at the time of distribution. This is commonly used and has the advantage of assigning appreciation in the total estate to the bypass trust and protecting the spouse from depreciation in value. It results in recognition of gain or loss for tax purposes. Note that A.R.S. § 14-3906 permits a pecuniary bequest to be satisfied with a distribution of assets in kind if date of distribution funding is used.

(b) Date of Death (Fairly Representative) Funding.

Funds the pecuniary marital share with assets utilizing their values at the date of death. This avoids recognition of gain or loss but subjects the spouse to the danger of depreciation and may overfund the marital share. The IRS requires that the assets used to fund the trusts be fairly representative of the gain or loss inherent in the entire estate and therefore restricts the trustee’s ability to pick and choose the assets. See Rev. Proc. 64-19.

(c) Minimum Worth Funding. Funds the pecuniary marital share with assets utilizing the *lower* of their date of death or date of distribution

values. Avoids recognition of gain but may permit recognition of loss, since only assets which have not appreciated are valued at date of distribution. Permits the trustee to pick and choose the assets to use.

(2) Reverse Pecuniary. This funds the family share with a pecuniary amount and assigns the residuary to the marital share. Date of distribution values are usually used resulting in gain or loss recognition. This has the effect of requiring all debts and expenses to be satisfied out of the family share absent specific direction to the contrary. Date of death values are seldom used because of the risk of over-funding the marital share, and minimum net worth funding may result in challenges from the IRS.

(3) Fractional Funding. This divides the estate into the marital and family pieces by using a fractional formula. Because both parts are parts of the residuary, no gain or loss is recognized on funding.

g. Estate Tax Return and QTIP Elections.

(i) **Which estates are taxable**. An estate tax return must be filed when the gross estate exceeds the “applicable exclusion amount.” The applicable exclusion amount is currently 1.5 million and scheduled to increase to \$2 million in 2006. Gifts the decedent made after 1976 which exceeded the annual gift tax exclusion (formerly \$10,000 per donee per year and currently \$11,000) must be added back to the gross estate. The determination of the tax will then be a function of the size of the gross estate, the amount of deductions, and credits available.

(1) Community Property. Of course, only property of the decedent, and not the decedent’s spouse, is included. Arizona is a community property state and the law presumes that, unless otherwise demonstrated, property acquired during a marriage is community property. The estate of a decedent in Arizona who was married at the time of death consists of his or her separate property plus the decedent’s 50% interest in community property.

(2) Probate Estate. The gross estate consists of all property and interests in property to the extent defined in the federal estate tax law and is

significantly broader than the probate estate. An inventory of assets filed in a probate case will not help you determine whether the gross estate exceeds the taxable threshold.

(ii) **Date to file.** If required, the return is due on form 706, nine months following the date of death. Extensions of time to file may be obtained.

(iii) **QTIP elections.** The election must be made on or before the last day to file the form 706, including extensions. To qualify as QTIP, the property must (1) pass from the decedent; (2) provide the spouse a qualifying income interest for life; and (3) be the subject of an election made by the executor, trustee or personal representative on the federal estate tax return. A “qualifying income interest for life” requires that the spouse receive all of the income at least annually or have a usufruct interest for life, and that no one other than the spouse can appoint any part of the property to anyone other than the spouse during the spouse’s lifetime. The spouse must also have the power to compel the trustee to dispose of property which is not income producing. Property for which the QTIP election is made may be an interest in property or a specific portion of property. If made for a portion of qualifying property it must be made for a fractional interest in the property so that any appreciation or depreciation in asset value between the date of death and the date of distribution is allocated ratably between the elected and non-elected portions. See Treas. Reg. § 20.2056(b)-7. In order to make a partial election for a trust, a percentage of the entire trust must be elected, but this does not mean a fractional interest in each asset must be assigned to the elected and non-elected portions. The division must be made based on fair market values as of the date of division, and division must occur by the end of the period of administration of the estate. The election must be made by the personal representative. Only if no personal representative has been appointed may the trustee of an inter vivos trust make the election. The election is irrevocable and once made cannot be expanded to include additional property.

Renewed focus has been made on the partial QTIP election as a result of the increasing exclusion amount and prospective repeal of the federal estate tax contained in the 2001 tax act. Making the entire estate “QTIP-able” and authorizing the Personal

Representative to make the QTIP election for a portion as dictated by circumstances and the state of the tax law at the date of death can provide an estate plan with great flexibility. The so-called Clayton trust is specifically allowed in the estate tax regulations (see Example 9, Reg. § 20.2056(b)-7(h)).

While QTIP property is often thought of as a trust, it does not have to take that form. For example, a devise of Blackacre to my wife for life, remainder to B, will qualify, provided the life estate is without restrictions (for example, a restriction that it must be maintained as a residence) and local law will require the spouse's consent to any sale of the property. The income interest cannot be contingent. For example, a provision that the income will cease if the spouse remarries will cause the interest to fail as QTIP. Similarly, the ability of another to appoint the property to anyone other than the spouse will disqualify the property even if the ability is contingent and remote. QTIP treatment must be elected. An executor or trustee may make the election for only part of the trust if the trust is then split into its qualified and non-qualified components.

4. *Electing the Alternative Valuation Date.*

Code Section 2032 allows the PR to elect an alternate valuation date for estate tax purposes which is six months following the date of death. This alternate date is available only if it results in a lower valuation. If elected, property is valued at the subsequent date with the following special rules -

- property sold or disposed of (including property distributed to legatees) within six months of the date of death must be valued as of the date of disposition or distribution;
- property interests the value of which are affected by the mere lapse of time (such as patents, remainder interests and life estates) are valued as of the date of death, but with adjustment for any changes in value occurring within six months of death and not attributable to the mere lapse of time;
- the estate cannot claim any deduction which is affected by the alternate date except to the extent it would be allowable without the special valuation election.

For purposes of the first point concerning property disposed of during the six month period, property is considered to be distributed when it is segregated from the estate and available to the distributee; when an order of distribution is entered by the court; or the actual distribution date, whichever occurs earliest. The alternative valuation date is not automatic and must be elected on a properly and timely filed estate tax return. The election cannot be made after the due date (including extensions) for filing the return and cannot be revoked after such date.

5. Using Disclaimers by Beneficiaries.

A person inheriting property can disclaim such property, in which case it will pass to another person as if the disclaimant had predeceased the testator. A disclaimer is qualified for estate tax purposes if made within nine months of the date of death and is pursuant to a court order. The person disclaiming may not receive any benefit from the property prior to the disclaimer. For example, receiving a dividend on stock would prevent a qualified disclaimer of the stock. A disclaimer can be a valuable post-mortem tool. For example, assume a person with a \$2 million estate dies leaving the entire estate outright to his elderly spouse. Upon the spouse's death, a substantial estate tax is likely to be incurred. Instead, the spouse can disclaim some of that property, up to the applicable exclusion amount, and have such property pass directly to the children. The property thus disclaimed will not be included in the spouse's estate on death and will not be subject to gift tax by reason of the disclaimer. A qualified disclaimer may be made with respect to any property inherited from the decedent, whether by will, trust, or right of survivorship.

In addition to the tax requirements, the requirements of state law must also be considered. In Arizona, the applicable statute is § 14-2801. Under that statute, any person inheriting property, or the representative of that person (in the case of a decedent, a minor or an incompetent person) may disclaim property. The right to disclaim is allowed notwithstanding any spendthrift clause or similar restriction on alienation of an interest which may be contained in the will or trust. The disclaimer must be filed in the probate court within nine months of nine months of the decedent's death, or, in the case

of a future interest, within nine months of the event causing the interest to vest. A copy of the disclaimer must be delivered *in person or by certified mail* to the PR. Ordinary mail is insufficient. A joint tenant may disclaim the decedent's interest in property passing to him or her. Moreover, a joint tenant may disclaim the entire interest in the property, including the portion owned by the tenant before the decedent's death, if the joint tenancy was created by an act of the decedent, the survivor did not join in creating the tenancy and the survivor has not accepted a benefit under the tenancy. In the case of real property, the disclaimer should be recorded in the county in which the property lies.

If a disclaimer is made, the property will pass to an alternative beneficiary designated in the will or trust, or, if none is so designated, as if the disclaimant had predeceased the decedent. The right to disclaim will be prevented by a sale or encumbrance of the property, a written waiver of the right to disclaim, or the acceptance of the property or any benefits from it.

B. Electing to Combine an Estate and Trust.

Section 645 provides that a qualified revocable trust (QRT) may elect to be treated and taxed for income tax purposes as part of an estate (and not as a separate trust). Reg. 1.645-1 contains the rules governing making the election and its effects. The regulation provides that the items of income and deduction of the QRT and its related estate are combined and treated as a single entity during the "election period." The election period begins on the day following the date of the decedent's death and ends two years later if no estate tax return (form 706) is required to be filed. If an estate tax return is filed, the election period ends when the tax liability for the return has become final. The tax liability is treated as becoming final when a closing letter is obtained from the IRS, when a settlement agreement with IRS determining liability is executed; or when all rights to appeal or to file an amended return have lapsed.

A QRT is any domestic trust (or portion thereof) that on the date of death of the decedent was treated as owned by the decedent under section 676 (a grantor trust) by reason of a power held by the decedent. For this purpose, the power must have been

exercisable by the decedent alone. Under this definition, most garden-variety revocable trusts will be treated as QRTs eligible to make the election.

If a personal representative is appointed for the decedent's estate, the personal representative and the trustee of the QRT would make the section 645 election by attaching a statement to the estate's Form 1041 for the first tax year of the estate. If there is no personal representative, the trustee makes the election by attaching the statement to the Form 1041 for the first tax year of the trust treating the trust as an estate. If an election to combine is to be made, it is not necessary to obtain a tax ID number for the trust. The election statement must identify itself as an election under section 645; indicate the name, address, date of death and TIN of the decedent; the TIN of the estate (and related trust, if one was obtained); represent that the trust meets the definition of a QRT; and contain statements under penalties of perjury from the PR and trustee to the effect that they understand the filing and tax paying requirements stemming from the election. The estate and trust portions are, however, treated as separate shares under the trust rules of IRC § 663. Thus, the estate and trust must separately determine their distributable net income. At the end of the election period, the trust portion is treated as being distributed to a new trust, which must now obtain a TIN. After this time, the estate and trust are again treated separately and the new trust must adopt a calendar year.

The IRC § 645 election can obviously be beneficial in reducing administrative expense and complexity but may provide substantive tax benefits as well, since the trust may by this election adopt a fiscal year with its attendant income deferral opportunities.

C. Uniform Trust Code.

The Uniform Trust Code was adopted by Arizona in the legislature's first regular session in 2002. As enacted, it required notice be given by the trustee to beneficiaries of an irrevocable trust of the existence of the trust, the identity of the settlor, the name and address of the trustee, and the right of beneficiaries to trustee reports and to request a copy of the complete trust instrument. Some, but not all, of these requirements could be drafted around in the trust document. The notice was required to be given within sixty days of the time the trust became irrevocable. The act applied to existing irrevocable

trusts and required that the notice be given within sixty days of the UTC's general effective date of January 1, 2004. The effective date of the UTC was postponed by two years, to January 1, 2006, in the second special session of the 2003 legislature. It is widely predicted that the UTC, if permitted to take effect at all, will contain substantial changes to the mandatory duty of trustees to give notice, because the notice provisions were one of the most controversial portions of the UTC. Consequently, this outline will not go into detail of the notice requirements. Suffice it to note that, unless the legislature acts again, the original notice requirements of the UTC will take effect within sixty days of January 1, 2006.