

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 509  
151st GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 337

AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO JOINTLY HELD REAL-ESTATE AFFIDAVITS AND FILING AT THE REGISTER OF WILLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1905(e), Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1905. Inventory and appraisal; filing requirements, form, contents and supporting affidavits; notice of action affecting title.

(e) When ~~no letters testamentary or of administration are required for an estate and~~ real property passes to any a person by virtue of joint ownership with right of survivorship or tenancy by the entireties with ~~the a~~ decedent, ~~then~~ the personal representative ~~(as defined in § 101 of this title)~~ or the surviving joint tenant shall, within 3 months after the decedent's death, ~~shall~~ complete and file an affidavit in the office of the Register of Wills of the county in which the real property is located with a statement setting forth a general description of the real estate and the name ~~or names~~ of the surviving ~~owner or owners.~~ owner. A filer is not required to produce a certified or exemplified copy from the jurisdiction in which the decedent resided at the time of the decedent's death, or to make certifications regarding the decedent's probate status in another jurisdiction, to remove the decedent from the title of property held by joint ownership with right of survivorship or tenancy by the entireties.

Approved October 26, 2022