

***ELEMENTS OF
REAL ESTATE LAW
FOR CADASTRAL MAPPING***

Excerpts from Utah Code Annotated

Chapter 1

2015 Cadastral Mapping Manual

PLATS

CEMETERIES

8-3-1. - Plats of cemeteries shall be recorded.

- (1) An executive officer of an organization in control of a cemetery, including a municipality or a cemetery maintenance district, or an individual owner in control of a cemetery, offering burial lots for sale in any county, shall file and cause to be recorded in the office of the county recorder of the county within which the respective cemetery is situated an accurate plat of the cemetery.
- (2) The plat required under Subsection (1) shall clearly show:
 - (a) the sections of burial lots which have been disposed of and the names of the persons owning or holding each burial lot; and
 - (b) the sections of burial lots held for disposal.
- (3) An executive officer or owner shall file additional plats of any addition to a cemetery before offering for sale any burial lots located in the cemetery.
- (4) A county recorder may not collect any fee for filing and recording an original plat required under this section.

Amended by Chapter 194, 2014 General Session

8-3-3. - Transcripts to be filed for record.

- (1) No later than January 1 and July 1 of each year, the executive officer of an organization in control of a cemetery, including a municipality or cemetery maintenance district, or an individual owner in control of a cemetery with burial lots for sale, shall file with the county recorder of the county within which the cemetery is situated a transcript, duly certified by the executive officer or individual owner, of a deed, certificate of sale, or evidence of burial rights issued by the executive officer, individual owner, or the officer's or owner's designee during the preceding six months.
- (2) The county recorder shall file the transcript described in Subsection (1) without charge.

Amended by Chapter 194, 2014 General Session

ANNEXATIONS AND MUNICIPAL/COUNTY BOUNDARY ADJUSTMENTS

Note: For every statute concerning annexations and boundary adjustments found in the county statutes, a corresponding section for municipalities usually exists. For information on one or the other that is not found in this writing, please consult the Utah Code Annotated.

10-2-425. - Filing of notice and plat -- Recording and notice requirements -- Effective date of annexation or boundary adjustment.

- (1) The legislative body of each municipality that enacts an ordinance under this part approving the annexation of an unincorporated area or the adjustment of a boundary shall:
 - (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary adjustment, as the case may be, under Section 67-1a-6.5:
 - (i) (A) if the annexed area or area subject to the boundary adjustment is located within the boundary of a single county, submit to the recorder of that county:
 - (I) the original:
 - (Aa) notice of an impending boundary action;
 - (Bb) certificate of annexation or boundary adjustment; and
 - (Cc) approved final local entity plat; and
 - (II) a certified copy of the ordinance approving the annexation or boundary adjustment;
- (4) An annexation or boundary adjustment under this part is completed and takes effect:
 - (a) for the annexation of or boundary adjustment affecting an area located in a county of the first class, except for an annexation under Section 10-2-418:
 - (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or boundary adjustment if:
 - (A) the certificate is issued during the preceding November 1 through April 30; and
 - (B) the requirements of Subsection (1) are met before that July 1; or
 - (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or boundary adjustment if:
 - (A) the certificate is issued during the preceding May 1 through October 31; and
 - (B) the requirements of Subsection (1) are met before that January 1; and
 - (b) for all other annexations and boundary adjustments, the date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of annexation or boundary adjustment.

17-2-205. - Governor's proclamation -- Notice to lieutenant governor -- Recording requirements -- Effective date.

- (1) Upon receipt of the lieutenant governor's certification under Section 17-2-204, the governor shall issue a proclamation, stating the result of the vote in each county, and that the annexation of the territory to the annexing county will take effect as provided in Subsection (3).
- (2) The legislative body of the annexing county shall:
 - (b) upon the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5, submit to the recorder of the annexing county:

- (i) the original notice of an impending boundary action;
 - (ii) the original certificate of consolidation;
 - (iii) the original approved final local entity plat; and
 - (iv) a certified copy of the governor's proclamation under Subsection (1).
- (3) (a) An annexation approved at an election under Section 17-2-203 takes effect on January 1 of the year immediately following the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5.
- (b) (i) The effective date of a county annexation for purposes of assessing property within the annexing county is governed by Section 59-2-305.5.
- (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the recorder of the county in which the property is located, an annexing county may not:
- (A) levy or collect a property tax on property in the annexing county that used to be in the initiating county;
 - (B) levy or collect an assessment on property in the annexing county that used to be in the initiating county; or
 - (C) charge or collect a fee for service provided to property within the annexing county that used to be in the initiating county.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-209. - Minor adjustments to county boundaries authorized -- Public hearing -- Joint resolution of county legislative bodies -- Notice and plat to lieutenant governor -- Recording requirements -- Effective date.

- (1) (a) Counties sharing a common boundary may, in accordance with the provisions of Subsection (2) and Article XI, Section 3, of the Utah Constitution and for purposes of real property tax assessment and county record keeping, adjust all or part of the common boundary to move it, subject to Subsection (1)(b), a sufficient distance to reach to, and correspond with, the closest existing property boundary of record.
- (b) A boundary adjustment under Subsection (1)(a) may not create a boundary line that divides or splits:
- (i) an existing parcel;
 - (ii) an interest in the property; or
 - (iii) a claim of record in the office of recorder of either county sharing the common boundary.
- (2) The legislative bodies of both counties desiring to adjust a common boundary in accordance with Subsection (1) shall:
- (a) hold a joint public hearing on the proposed boundary adjustment;
 - (b) in addition to the regular notice required for public meetings of the county legislative bodies, mail written notice to all real property owners of record whose property may change counties as the result of the proposed adjustment; and
 - (c) adopt a joint resolution approved by both county legislative bodies approving the proposed boundary adjustment.

- (3) The legislative bodies of both counties adopting a joint resolution under Subsection (2)(c) shall:
- (a) within 15 days after adopting the joint resolution, jointly send to the lieutenant governor:
 - (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment under Section 67-1a-6.5, jointly submit to the recorder of the county in which the property is located after the boundary adjustment:
 - (i) the original notice of an impending boundary action;
 - (ii) the original certificate of boundary adjustment;
 - (iii) the original approved final local entity plat; and
 - (iv) a certified copy of the joint resolution approving the boundary adjustment.
- (4) (a) As used in this Subsection (4):
- (i) "Affected area" means an area that, as a result of a boundary adjustment under this section, is moved from within the boundary of one county to within the boundary of another county.
 - (ii) "Receiving county" means a county whose boundary includes an affected area as a result of a boundary adjustment under this section.
- (b) A boundary adjustment under this section takes effect on the date the lieutenant governor issues a certificate of boundary adjustment under Section 67-1a-6.5.
- (c) (i) The effective date of a boundary adjustment for purposes of assessing property within an affected area is governed by Section 59-2-305.5.
- (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the recorder of the county in which the property is located, a receiving county may not:
- (A) levy or collect a property tax on property within an affected area;
 - (B) levy or collect an assessment on property within an affected area; or
 - (C) charge or collect a fee for service provided to property within an affected area.
- (5) Upon the effective date of a boundary adjustment under this section:
- (a) all territory designated to be adjusted into another county becomes the territory of the other county; and
 - (b) the provisions of Sections 17-2-207 and 17-2-208 apply in the same manner as with an annexation under this part.

Amended by Chapter 383, 2010 General Session

OWNERSHIP PLATS

17-21-21. - Ownership plats -- Use of geographic information systems or computer systems.

- (1) The county recorder shall prepare and keep ownership plats drawn to a convenient scale, which show the record owners of each tract of land in the county, together with the dimensions of the tract.
- (2) The county recorder may not be required to:
 - (a) show ownership of timeshare units or timeshare estates on ownership plats; or
 - (b) show lot or unit ownership on subdivisions or condominium plats or other ownership plats if that information is available through computer systems or other indexes.
- (3) Nothing in this chapter precludes the use of geographic information systems or computer systems by the recorder if the systems include all of the information required by this section.

Amended by Chapter 241, 2001 General Session

CONVEYANCE DOCUMENTS

30-2-3. - Conveyances between husband and wife.

A conveyance, transfer or lien executed by either husband or wife to or in favor of the other shall be valid to the same extent as between other persons.

No Change Since 1953

57-1-3. - Grant of fee simple presumed.

A fee simple title is presumed to be intended to pass by a conveyance of real estate, unless it appears from the conveyance that a lesser estate was intended.

No Change Since 1953

57-1-12. - Form of warranty deed -- Effect.

- (2) A warranty deed when executed as required by law shall have the effect of a conveyance in fee simple to the grantee, the grantee's heirs, and assigns:
 - (a) of the premises named in the warranty deed;
 - (b) of all the appurtenances, rights, and privileges belonging to the premises named in the warranty deed; and
 - (c) with covenants from the grantor, the grantor's heirs, and personal representatives, that:
 - (i) the grantor lawfully owns fee simple title to and has the right to immediate possession of the premises;
 - (ii) the grantor has good right to convey the premises;
 - (iii) the grantor guarantees the grantee, the grantee's heirs, and assigns in the quiet possession of the premises;
 - (iv) the premises are free from all encumbrances; and

- (v) the grantor, the grantor's heirs, and personal representatives will forever warrant and defend the title of the premises in the grantee, the grantee's heirs, and assigns against all lawful claims whatsoever.
- (3) Any exception to the covenants described in Subsection (2)(c) may be briefly inserted in the warranty deed following the description of the land.

Amended by Chapter 55, 2007 General Session

57-1-12.5. - Form of special warranty deed -- Effect.

- (2) A special warranty deed when executed as required by law shall have the effect of:
 - (a) a conveyance in fee simple to the grantee, the grantee's heirs, and assigns, of the property named in the special warranty deed, together with all the appurtenances, rights, and privileges belonging to the property; and
 - (b) a covenant from the grantor, the grantor's heirs, and personal representatives, that:
 - (i) the granted property is free from all encumbrances made by that grantor; and
 - (ii) the grantor, the grantor's heirs, and personal representatives will forever warrant and defend the title of the property in the grantee, the grantee's heirs, and assigns against any lawful claim and demand of the grantor and any person claiming or to claim by, through, or under the grantor.
- (3) Any exceptions to a covenant described in Subsection (2)(b) may be briefly inserted in the deed following the description of the land.

Enacted by Chapter 213, 2005 General Session

57-1-13. - Form of quitclaim deed -- Effect.

- (1) ... A quitclaim deed when executed as required by law shall have the effect of a conveyance of all right, title, interest, and estate of the grantor in and to the premises therein described and all rights, privileges, and appurtenances thereunto belonging, at the date of the conveyance."
- (2) For a boundary line agreement operating as a quitclaim deed as described in Section 57-1-45, the boundary line agreement shall include, in addition to a legal description of the agreed upon boundary line:
 - (a) the signature of each grantor;
 - (b) a sufficient acknowledgment for each grantor's signature; and
 - (c) the address of each grantee for assessment purposes.

Amended by Chapter 88, 2011 General Session

57-1-28. - ...Trustee's deed delivered to purchaser -- Recitals -- Effect.

- (3) The trustee's deed shall operate to convey to the purchaser, without right of redemption, the trustee's title and all right, title, interest, and claim of the trustor and the trustor's successors in interest and of all persons claiming by, through, or under them, in and to the property sold, including all right, title, interest, and claim in and to the property acquired by the trustor

or the trustor's successors in interest subsequent to the execution of the trust deed, which trustee's deed shall be considered effective and relate back to the time of the sale.

- (4) In accordance with Section 57-3-106, an interest of a purchaser in a trustee's deed that is recorded with the county recorder may not be divested if a person records an affidavit or other document purporting to rescind or cancel the trustee's deed.

Amended by Chapter 381, 2010 General Session

57-1-5. - Creation of joint tenancy presumed -- Tenancy in common -- Severance of joint tenancy -- Tenants by the entirety -- Tenants holding as community property.

- (1) (a) (i) Beginning on May 5, 1997, every ownership interest in real estate granted to two persons in their own right who are designated as husband and wife in the granting documents is presumed to be a joint tenancy interest with rights of survivorship, unless severed, converted, or expressly declared in the grant to be otherwise.
- (ii) Except as provided in Subsection (1)(a)(iii), joint tenancy may be established between two or more people.
- (iii) Joint tenancy may not be established between a person and an entity or organization, including:
- (A) a corporation;
- (B) a trustee of a trust; or
- (C) a partnership.
- (iv) Joint tenancy may not be established between an entity or organization and another entity or organization.
- (b) Every ownership interest in real estate that does not qualify for the joint tenancy presumption as provided in Subsection (1)(a) is presumed to be a tenancy in common interest unless expressly declared in the grant to be otherwise.
- (2) (a) Use of words "joint tenancy" or "with rights of survivorship" or "and to the survivor of them" or words of similar import means a joint tenancy.
- (b) (i) Use of words "tenancy in common" or "with no rights of survivorship" or "undivided interest" or words of similar import declare a tenancy in common.
- (ii) Use of words "and/or" in the context of an ownership interest declare a tenancy in common unless accompanied by joint tenancy language described in Subsection (2)(a), which creates a joint tenancy.
- (3) A person who owns real property creates a joint tenancy in himself or herself and another or others:
- (a) by making a transfer to himself or herself and another or others as joint tenants by use of the words as provided in Subsection (2)(a); or
- (b) by conveying to another person or persons an interest in land in which an interest is retained by the grantor and by declaring the creation of a joint tenancy by use of the words as provided in Subsection (2)(a).
- (4) In all cases, the interest of joint tenants shall be equal and undivided.

- (5) (a) Except as provided in Subsection (5)(b), if a joint tenant makes a bona fide conveyance of the joint tenant's interest in property held in joint tenancy to himself or herself or another, the joint tenancy is severed and converted into a tenancy in common.
- (b) If there is more than one joint tenant remaining after a joint tenant severs a joint tenancy under Subsection (5)(a), the remaining joint tenants continue to hold their interest in joint tenancy.
- (6) The amendments to this section in Laws of Utah 1997, Chapter 124, have no retrospective operation and shall govern instruments executed and recorded on or after May 5, 1997.
- (7) Tenants by the entirety are considered to be joint tenants.
- (8) Tenants holding title as community property are considered to be joint tenants.

Amended by Chapter 88, 2011 General Session

57-1-5.1. - Termination of an interest in real estate -- Affidavit.

- (1) Joint tenancy, tenancy by the entirety, life estate, or determinable or conditional interest in real estate may be terminated by an affidavit that:
 - (a) meets the requirements of Subsection (2); and
 - (b) is recorded in the office of the recorder of the county in which the affected property is located.
- (2) Each affidavit required by Subsection (1) shall:
 - (a) cite the interest that is being terminated;
 - (b) contain a legal description of the real property that is affected;
 - (c) reference the entry number and the book and page of the instrument creating the interest to be terminated; and
 - (d) if the termination is the result of a death, have attached as an exhibit, a copy of the death certificate or other document issued by a governmental agency as described in Section 75-1-107 certifying the death.

Amended by Chapter 381, 2010 General Session

57-1-10. - After-acquired title passes.

- (1) If any person conveys any real estate by conveyance purporting to convey the real estate in fee simple absolute, and at the time of the conveyance the person does not have the legal estate in the real estate, but afterwards acquires the legal estate:
 - (a) the legal estate subsequently acquired immediately passes to the grantee, the grantee's heirs, successors, or assigns; and
 - (b) the conveyance is as valid as if the legal estate had been in the grantor at the time of the conveyance.
- (2) Subsection (1) does not apply to a conveyance by quitclaim deed.

Amended by Chapter 287, 2007 General Session

RECORDING OF DOCUMENTS

17-21-20. - Recording required -- Recorder may impose requirements on documents to be recorded -- Prerequisites -- Additional fee for noncomplying documents -- Recorder may require tax serial number -- Exceptions -- Requirements for recording final local entity plat.

- (1) Subject to Subsections (2), (3), and (4), each paper, notice, and instrument required by law to be recorded in the office of the county recorder shall be recorded unless otherwise provided.
- (4) (a) To facilitate the abstracting of an instrument, a county recorder may require that the applicable tax serial number of each parcel described in the instrument be noted on the instrument before it may be accepted for recording.
 - (b) If a county recorder requires the applicable tax serial number to be on an instrument before it may be recorded:
 - (i) the county recorder shall post a notice of that requirement in a conspicuous place at the recorder's office;
 - (ii) the tax serial number may not be considered to be part of the legal description and may be indicated on the margin of the instrument; and
 - (iii) an error in the tax serial number does not affect the validity of the instrument or effectiveness of the recording.
- (5) Subsections (2), (3), and (4) do not apply to:
 - (a) a map;
 - (b) a certificate or affidavit of death;
 - (c) a military discharge;
 - (d) a document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury;
 - (e) a document submitted for recording that has been filed with a court and conforms to the formatting requirements established by the court; or
 - (f) a document submitted for recording that is in a form required by law.
- (6) (a) As used in this Subsection (6):
 - (i) "Boundary action" has the same meaning as defined in Section 17-23-20.
 - (ii) "Local entity" has the same meaning as defined in Section 67-1a-6.5.
 - (b) A person may not submit to a county recorder for recording a plat depicting the boundary of a local entity as the boundary exists as a result of a boundary action, unless:
 - (i) the plat has been approved under Section 17-23-20 by the county surveyor as a final local entity plat, as defined in Section 17-23-20; and
 - (ii) the person also submits for recording:
 - (A) the original notice of an impending boundary action, as defined in Section 67-1a-6.5, for the boundary action for which the plat is submitted for recording;

- (B) the original applicable certificate, as defined in Section 67-1a-6.5, issued by the lieutenant governor under Section 67-1a-6.5 for the boundary action for which the plat is submitted for recording; and
 - (C) each other document required by statute to be submitted for recording with the notice of an impending boundary action and applicable certificate.
- (c) Promptly after recording the documents described in Subsection (6)(b) relating to a boundary action, but no later than 10 days after recording, the county recorder shall send a copy of all those documents to the State Tax Commission.

Amended by Chapter 89, 2014 General Session

17-21-11. - Notice given by recording.

- (1) Each certified copy from the time of recording gives notice to all persons of the contents of the recorded document.
- (2) Subsequent purchasers, mortgagees, and lien holders purchase and encumber with the same notice and effect as if the certified copy was the original document.

Amended by Chapter 85, 1999 General Session

17-21-10. - Judgments affecting real estate.

- (1) A county recorder shall record for real property, any part of which is located in the county:
 - (a) a judgment affecting the real property;
 - (b) a release, assignment, renewal, or extension of a judgment lien affecting the real property; or
 - (c) a certified copy of a final judgment or decree partitioning or affecting the title or possession of the real property.
- (2) A document recorded in accordance with this section is subject to the requirements of Section 57-3-106.

Amended by Chapter 88, 2011 General Session

17-21-25. - Names of persons signing to be typed or printed on instruments presented for recording.

- (1) (a) Each instrument presented to the county recorder for recording shall have typed or printed on it the name of each person whose signature appears on the instrument whose name is required to be indexed.
- (b) The person's typed or printed name shall appear just beneath that person's signature.
- (2) The requirements of Subsection (1) do not affect the legality of the instrument to be recorded.

Amended by Chapter 38, 2006 General Session

78B-5-202. - Duration of judgment -- Judgment as a lien upon real property -- Abstract of judgment -- Small claims judgment not a lien -- Appeal of judgment -- Child support orders.

- (7) (a) After July 1, 2002, a judgment entered by a district court or a justice court in the state becomes a lien upon real property if:
- (i) the judgment or an abstract of the judgment containing the information identifying the judgment debtor as described in Subsection 78B-5-201(4)(b) is recorded in the office of the county recorder; or
 - (ii) the judgment or an abstract of the judgment and a separate information statement of the judgment creditor as described in Subsection 78B-5-201(5) is recorded in the office of the county recorder.
- (b) The judgment shall run from the date of entry by the district court or justice court.
- (c) The real property subject to the lien includes all the real property of the judgment debtor:
- (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and
 - (ii) owned or acquired at any time by the judgment debtor during the time the judgment is effective.
- (d) State agencies are exempt from the recording requirement of Subsection (7)(a).

Amended by Chapter 151, 2014 General Session

38-5-1. - Filing with clerk of district court -- Recording with county recorder -- Effect.

- (1) (a) A person may file in the office of the clerk of a state district court a transcript of a judgment or decree rendered in the district court of the United States within the state.
- (b) A decree or judgment filed in accordance with Subsection (1)(a) has the same force and effect as a judgment rendered in a state district court.
- (2) Except as provided in Subsection (3), if a person records a judgment or an abstract of judgment or decree under Subsection (1) in the office of the county recorder, that judgment or decree becomes a lien in accordance with Section 78B-5-202.
- (3) A state agency is exempt from the recording requirement of Subsection (2).

Amended by Chapter 88, 2011 General Session

57-3-101. - Certificate of acknowledgment, proof of execution, jurat, or other certificate required -- Notarial acts affecting real property -- Right to record documents unaffected by subdivision ordinances.

- (1) A certificate of the acknowledgment of any document, or of the proof of the execution of any document, or a jurat as defined in Section 46-1-2, or other notarial certificate containing the words "subscribed and sworn" or their substantial equivalent, that is signed and certified by the officer taking the acknowledgment, proof, or jurat, as provided in this title, entitles the document and the certificate to be recorded in the office of the recorder of the county where the real property is located.
- (2) Notarial acts affecting real property in this state shall also be performed in conformance with Title 46, Chapter 1, Notaries Public Reform Act.

- (3) Nothing in the provisions of Title 10, Chapter 9a, Part 6, Subdivisions, and Title 17, Chapter 27a, Part 6, Subdivisions, shall prohibit the recording of a document which is otherwise entitled to be recorded under the provisions of this chapter.

Amended by Chapter 254, 2005 General Session

57-3-103. - Effect of failure to record.

Each document not recorded as provided in this title is void as against any subsequent purchaser of the same real property, or any portion of it, if:

- (1) the subsequent purchaser purchased the property in good faith and for a valuable consideration; and
- (2) the subsequent purchaser's document is first duly recorded.

Renumbered and Amended by Chapter 61, 1998 General Session

57-3-104. - Certified copies entitled to record in another county -- Effect.

- (1) (a) A document of record in a county recorder's office that is certified by the county recorder may be recorded in the office of the county recorder of another county.
(b) The recording of a certified copy in the office of the county recorder of another county has the same force and effect as if the original document had been recorded in the other county.
- (2) A certified copy of a document may not be submitted for recording under Subsection (1) in the office of the same county recorder that issued the certified copy.

Amended by Chapter 211, 2003 General Session

57-3-105. - Legal description of real property and names and addresses required in documents.

- (1) Except as otherwise provided by statute, a person may not present a document for recording unless the document complies with this section.
- (2) A document executed after July 1, 1983, is entitled to be recorded in the office of the recorder of the county in which the property described in the document is located only if the document contains a legal description of the real property.
- (3) (a) A document conveying title to real property presented for recording after July 1, 1981, is entitled to be recorded in the office of the recorder of the county in which the property described in the document is located only if the document names the grantees and recites a mailing address to be used for assessment and taxation in addition to the legal description required under Subsection (2).
(b) The address of the management committee may be used as the mailing address of a grantee as required in Subsection (3)(a) if the interest conveyed is a timeshare interest as defined by Section 57-19-2.
- (4) A person may not present and a county recorder may refuse to accept a document for recording if the document does not conform to this section.

- (5) Notwithstanding Subsections (2), (3), and (4), a master form, as defined in Section 57-3-201, that does not meet the requirements of Subsections (2) and (3) is entitled to be recorded in the office of the recorder of the county in which the property described in the master form is located if it complies with Part 2, Master Mortgage and Trust Deeds.

Amended by Chapter 88, 2011 General Session

57-3-106. - Original documents required -- Captions -- Legibility.

- (1) A person may not present and a county recorder may refuse to accept a document for recording if the document does not comply with this section.
- (2) (a) Unless otherwise provided, a document presented for recording in the office of the county recorder shall:
- (i) (A) be an original; or
 - (B) be an electronic document that satisfies the requirements under Title 17, Chapter 21a, Uniform Real Property Electronic Recording Act;
 - (ii) contain a brief caption on the first page of the document stating the nature of the document; and
 - (iii) contain a legal description of the property as required under Section 57-3-105.
- (b) If a document is a master form, as defined in Section 57-3-201, the caption required by Subsection (2)(a)(ii) shall state that the document is a master form.
- (3) A court judgment or an abstract of a court judgment presented for recording in the office of the county recorder in compliance with Section 78B-5-202 shall:
- (a) be an original, a certified copy, or an electronic document that satisfies the requirements under Title 17, Chapter 21a, Uniform Real Property Electronic Recording Act; and
 - (b) include the information identifying the judgment debtor as referred to in Subsection 78B-5-201(4)(b) either:
 - (i) in the judgment or abstract of judgment; or
 - (ii) as a separate information statement of the judgment creditor as referred to in Subsection 78B-5-201(5).
- (4) A judgment, abstract of judgment, or separate information statement of the judgment creditor does not require an acknowledgment, a legal description, or notarization to be recorded.
- (5) A foreign judgment or an abstract of a foreign judgment recorded in the office of a county recorder shall include the affidavit as required in Section 78B-5-303.
- (7) A document presented for recording shall be sufficiently legible for the recorder to make certified copies of the document.
- (8) (a) (i) A document that is of record in the office of the appropriate county recorder in compliance with this chapter may not be recorded again in that same county recorder's office unless the original document has been reexecuted by all parties who executed the document.
- (ii) Unless exempt by statute, an original document that is reexecuted shall contain the appropriate acknowledgment, proof of execution, jurat, or other notarial certification

for all parties who are reexecuting the document as required by Title 46, Chapter 1, Notaries Public Reform Act, and Title 57, Chapter 2, Acknowledgments.

- (iii) A document submitted for rerecording shall contain a brief statement explaining the reason for rerecording.
- (b) A person may not present and a county recorder may refuse to accept a document for rerecording if that document does not conform to this section.
- (c) This Subsection (8) applies only to documents executed after July 1, 1998.
- (9) Minor typographical or clerical errors in a document of record may be corrected by the recording of an affidavit or other appropriate instrument.
- (10) (a) Except as required by federal law, or by agreement between a borrower under the trust deed and a grantee under the trustee's deed, and subject to Subsection (10)(b), neither the recordation of an affidavit under Subsection (9) nor the re-execution and rerecording of a document under Subsection (8):
 - (i) divests a grantee of any real property interest;
 - (ii) alters an interest in real property; or
 - (iii) returns to the grantor an interest in real property conveyed by statute.
- (b) A person who re-executes and rerecords a document under Subsection (8), or records an affidavit under Subsection (9), shall include with the document or affidavit a notice containing the name and address to which real property valuation and tax notices shall be mailed.

Amended by Chapter 89, 2014 General Session

Amended by Chapter 151, 2014 General Session

46-1-2. - Definitions. As used in this chapter:

- (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose identity is personally known to the notary or proven on the basis of satisfactory evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the document's stated purpose.

Amended by Chapter 315, 2009 General Session

46-4-102. - Definitions. As used in this chapter:

- (5) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (6) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.
- (7) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.
- (8) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

- (10) "Information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.
- (11) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.
- (12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.
- (13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Enacted by Chapter 74, 2000 General Session

SUBDIVISION PLATS

RED FLAG! - Watch for municipal and county ordinances

Sections 17-27a-601 through 611 for counties are similar to sections 10-9a-601 through 611 for municipalities.

17-27a-601. - Enactment of subdivision ordinance.

- (1) The legislative body of a county may enact ordinances requiring that a subdivision plat comply with the provisions of the ordinance and this part before:
 - (a) it may be filed or recorded in the county recorder's office; and
 - (b) lots may be sold.
- (2) If the legislative body fails to enact a subdivision ordinance, the county may regulate subdivisions only as provided in this part. Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-603. - Plat required when land is subdivided -- Approval of plat -- Recording plat.

- (1) Unless exempt under Section 17-27a-605 or excluded from the definition of subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of the land shall provide an accurate plat that describes or specifies:
 - (a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;
 - (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;
 - (c) the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale; and
 - (d) every existing right-of-way and easement grant of record for an underground facility, as defined in Section 54-8a-2, and for any other utility facility.

- (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's ordinances and this part and has been approved by the culinary water authority and the sanitary sewer authority, and the local health department, as defined in Section 26A-1-102, if the local health department and the county consider the local health department's approval necessary, the county shall approve the plat.
- (b) Counties are encouraged to receive a recommendation from the fire authority before approving a plat.
- (c) A county may not require that a plat be approved or signed by a person or entity who is not an employee or agent of the county, does not have a legal or equitable interest in the property within the proposed subdivision, provide a utility of other service directly to a lot within the subdivision, own an easement or right of way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right of way in relation to the plat, or provide culinary public water service whose source protection zone designated as provided in Section 19-4-133 is included, in whole or in part, within the proposed subdivision, or is not entitled to notice of the subdivision pursuant to Subsection 17-27a-508(1)(b)(iv) for the purpose of determining the accuracy of the information depicted on the plat.
- (3) The county may withhold an otherwise valid plat approval until the owner of the land provides the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
- (4) (a) A plat may not be submitted to a county recorder for recording unless, subject to Subsection 17-27a-604(2):
 - (i) prior to recordation, each owner of record of land described on the plat has signed the owner's dedication as shown on the plat; and
 - (ii) the signature of each owner described in Subsection (4)(a)(i) is acknowledged as provided by law.
- (b) The surveyor making the plat shall certify that the surveyor:
 - (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - (ii) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; and
 - (iii) has placed monuments as represented on the plat.
- (c) (i) As applicable, the owner or operator of the underground and utility facilities shall approve the:
 - (A) boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;
 - (B) location of existing underground and utility facilities; and
 - (C) conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.
- (ii) The approval of an owner or operator under Subsection (4)(c)(i):
 - (A) indicates only that the plat approximates the location of the existing underground and utility facilities but does not warrant or verify their precise location; and
 - (B) does not affect a right that the owner or operator has under:

- (I) Title 54, Chapter 8a, Damage to Underground Utility Facilities;
 - (II) a recorded easement or right-of-way;
 - (III) the law applicable to prescriptive rights; or
 - (IV) any other provision of law.
- (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the land shall, within the time period designated by ordinance, record the plat in the county recorder's office in the county in which the lands platted and laid out are situated.
- (b) An owner's failure to record a plat within the time period designated by ordinance renders the plat voidable.

Amended by Chapter 377, 2011 General Session

17-27a-604. Subdivision plat approval procedure -- Effect of not complying.

- (1) A person may not submit a subdivision plat to the county recorder's office for recording unless:
- (a) the person has complied with the requirements of Subsection 17-27a-603(4)(a);
 - (b) the plat has been approved by:
 - (i) the land use authority of the:
 - (A) county in whose unincorporated area the land described in the plat is located; or
 - (B) mountainous planning district in whose area the land described in the plat is located; and
 - (ii) other officers that the county designates in its ordinance; and
 - (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by designated officers.
- (2) An owner of a platted lot is the owner of record sufficient to re-subdivide the lot if the owner's platted lot is not part of a community association subject to Title 57, Chapter 8a, Community Association Act.
- (3) A plat recorded without the signatures required under this section is void.
- (4) A transfer of land pursuant to a void plat is voidable.

Amended by 2015 General Session

17-27a-605. Exemptions from plat requirement. Last amended 2015 17-27a-606. Common or community area parcels on a plat -- No separate ownership -- Ownership interest equally divided among other parcels on plat and included in description of other parcels.

- (1) (a) A parcel designated as a common or community area on a plat recorded in compliance with this part may not be separately owned or conveyed independent of the other lots, units, or parcels created by the plat unless:
- (i) the parcel is being acquired by a county for a governmental purpose; and

- (ii) the conveyance is approved by the owners of at least 75% of the lots, units, or parcels on the plat, after the county gives its approval.
- (b) A notice of the approval required in Subsection (1)(a)(ii) shall be:
 - (i) attached as an exhibit to the document of conveyance; or
 - (ii) recorded concurrently with the conveyance as a separate document.
- (2) The ownership interest in a parcel described in Subsection (1) shall:
 - (a) for purposes of assessment, be divided equally among all parcels created by the plat, unless a different division of interest for assessment purposes is indicated on the plat or an accompanying recorded document; and
 - (b) be considered to be included in the description of each instrument describing a parcel on the plat by its identifying plat number, even if the common or community area interest is not explicitly stated in the instrument.
- (3) A parcel designated as common or community area on a plat before, on, or after May 12, 2015, may be modified in size and location if the modification:
 - (a) is approved as part of a subdivision plat amendment by the local government;
 - (b) is approved by at least 75% of the voting interests in a homeowners association having an interest in the common or community area, if any;
 - (c) is approved by at least 75% of the owners of lots, units, or parcels on the plat if there is no homeowners association having an interest in the common or community area, if any, and
 - (d) does not create a new buildable lot
- (4) A parcel designated as common or community area on a plat before, on, or after May 12, 2015, may be modified in size without a subdivision plat amendment approval by the local government, if the modification
 - (a) is a lot line adjustment approved by at least 75% of the voting interest in a homeowners association having an interest in the common or community area, if any;
 - (b) is approved by at least 75% of the owners of lots, units, or parcels on the plat if there is no homeowners association having an interest in the common or community area, if any, and (c) does not create a new buildable lot

Amended by 2015 General Session

17-27a-607. Dedication of streets and other public places.

- (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in this part, operates, when recorded, as a dedication of all streets and other public places, and vests the fee of those parcels of land in the county for the public for the uses named or intended in the plat.
 - (2) The dedication established by this section does not impose liability upon the county for streets and other public places that are dedicated in this manner but are unimproved.
- Amended by Chapter 381, 2010 General Session

Transportation and Roads

72-5-103. Acquisition of rights-of-way and other real property -- Title to property acquired.

- (1) The department may acquire any real property or interests in real property necessary for temporary, present, or reasonable future state transportation purposes by gift, agreement, exchange, purchase, condemnation, or otherwise.
- (2) (a) (i) Title to real property acquired by the department or the counties, cities, and towns by gift, agreement, exchange, purchase, condemnation, or otherwise for highway rights-of-way or other transportation purposes may be in fee simple or any lesser estate or interest.
 - (ii) Title to real property acquired by the department for a public transit project shall be transferred to the public transit district responsible for the project.
 - (iii) A public transit district shall cover all costs associated with any condemnation on its behalf.
- (b) If the highway is a county road, city street under joint title as provided in Subsection 72-3-104(3), or right-of-way described in Title 72, Chapter 5, Part 3, Rights-Of-Way Across Federal Lands Act, title to all interests in real property less than fee simple held under this section is held jointly by the state and the county, city, or town holding the interest.
- (3) A transfer of land bounded by a highway on a right-of-way for which the public has only an easement passes the title of the person whose estate is transferred to the middle of the highway.

Amended by Chapter 79, 2001 General Session

72-5-105 Road Vacating Procedure

- (1) All public highways, streets, or roads once established shall continue to be highways, streets, or roads until formally abandoned or vacated by written order, resolution, or ordinance resolution of a highway authority having jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has been duly recorded in the office of the recorder of the county or counties where the highway, street, or road is located.
- (2) (a) For purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with one-half of the width of the highway, street, or road assessed to each of the adjoining owners.
 - (b) Provided, however, that should a description of an owner of record extend into the vacated or abandoned highway, street, or road that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in this Subsection (2).

Amended by Chapter 341, 2011 General Session

17-27a-608. - Vacating or amending a subdivision plat.

- (3) Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way, or easement is also subject to Section 17-27a-609.5.

- (5) (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5)(b).
 - (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.
 - (c) If an exchange of title is approved under Subsection (5)(b):
 - (i) a notice of approval shall be recorded in the office of the county recorder which:
 - (A) is executed by each owner included in the exchange and by the land use authority;
 - (B) contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
 - (C) recites the descriptions of both the original parcels and the parcels created by the exchange of title; and
 - (ii) a document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.
 - (d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.
- (6) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).
 - (b) The surveyor preparing the amended plat shall certify that the surveyor:
 - (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - (ii) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; and
 - (iii) has placed monuments as represented on the plat.
 - (c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision recorded in the county recorder's office.
 - (d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

Amended by Chapter 136, 2014 General Session

17-27a-609. Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

- (1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:
 - (a) there is good cause for the vacation or amendment; and
 - (b) no public street, right-of-way, or easement has been vacated or amended.

- (2) (a) The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located.
- (b) If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.
- (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.
- (b) The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.
- (4) An amended plat may not be submitted to the county recorder for recording unless it is:
 - (a) signed by the land use authority; and
 - (b) signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.
- (5) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.
- (6) A plat may be corrected as provided in Section 57-3-106.

Amended by Chapter 136, 2014 General Session

17-27a-609.5. - Vacating a street, right-of-way, or easement.

- (3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:
 - (a) good cause exists for the vacation; and
 - (b) neither the public interest nor any person will be materially injured by the vacation.
- (4) If the legislative body adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
 - (a) a plat reflecting the vacation; or
 - (b) an ordinance described in Subsection (3).
- (5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:
 - (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated street, right-of-way, or easement; and
 - (b) may not be construed to impair:
 - (i) any right-of-way or easement of any lot owner; or
 - (ii) the franchise rights of any public utility.

Amended by Chapter 381, 2010 General Session

46-1-16. - Official signature -- Official seal -- Seal impression.

- 6) A notary acknowledgment on an annexation, subdivision, or other map or plat is considered complete without the imprint of the notary's official seal if:
- (a) the notary signs the acknowledgment in permanent ink; and
 - (b) the following appear below or immediately adjacent to the notary's signature:
 - (i) the notary's full name and commission number appears exactly as indicated on the notary's commission;
 - (ii) the words "A notary public commissioned in Utah"; and
 - (iii) the expiration date of the notary's commission.
- (7) A notary acknowledgment on an electronic message or document is considered complete without the imprint of the notary's seal if the following information appears electronically within the message:
- (a) the notary's full name and commission number appearing exactly as indicated on the notary's commission; and
 - (b) the words "notary public," "state of Utah," and "my commission expires on _____ (date)".

Amended by Chapter 47, 2008 General Session

17-27a-103. - Definitions.

- (37) "Official map" means a map drawn by county authorities and recorded in the county recorder's office that:
- (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
 - (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
 - (c) has been adopted as an element of the county's general plan.
- (39) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
- (a) no additional parcel is created; and
 - (b) each property identified in the agreement is unsubdivided land, including a remainder of subdivided land.
- (42) "Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.
- (48) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-23-17.
- (58) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

- (b) "Subdivision" includes:
 - (i) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
 - (ii) except as provided in Subsection (58)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- (c) "Subdivision" does not include:
 - (i) a bona fide division or partition of agricultural land for agricultural purposes;
 - (ii) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - (A) no new lot is created; and
 - (B) the adjustment does not violate applicable land use ordinances;
 - (iii) a recorded document, executed by the owner of record:
 - (A) revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property; or
 - (B) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
 - (iv) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
 - (A) an electrical transmission line or a substation;
 - (B) a natural gas pipeline or a regulation station; or
 - (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
 - (v) a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - (A) no new dwelling lot or housing unit will result from the adjustment; and
 - (B) the adjustment will not violate any applicable land use ordinance;
 - (vi) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels; or
 - (vii) a parcel boundary adjustment.
- (d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection (58) as to the un-subdivided parcel of property or subject the un-subdivided parcel to the county's subdivision ordinance.

Last amended in 2015

10-1-104. - Definitions.

- (5) (a) "Municipality" means
- (i) a city of the first class, city of the second class, city of the third class, city of the fourth class, city of the fifth class,
 - (ii) a town, as classified in Section 10-2-301.
 - (iii) a metro township as that term is defined in Section 10-2a-403 unless the term is used in the context of authorizing governing, or otherwise regulating the provision of municipal services.
- (6) "Peninsula," when used to describe an unincorporated area, means an area surrounded on more than 1/2 of its boundary distance, but not completely, by incorporated territory and situated so that the length of a line drawn across the unincorporated area from an incorporated area to an incorporated area on the opposite side shall be less than 25% of the total aggregate boundaries of the unincorporated area.
- (7) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- (8) "Provisions of law" shall include other statutes of the state of Utah and ordinances, rules, and regulations properly adopted by any municipality unless the construction is clearly contrary to the intent of state law.
- (9) "Recorder," unless clearly inapplicable, includes and applies to a town clerk.
- (10) "Town" means a municipality classified by population as a town under Section 10-2-301.
- (11) "Unincorporated" means not within a municipality.

Amended 2015 General Session

CONDOMINIUM OWNERSHIP ACT

TITLE 57 – 8

57-8-2. - Applicability of chapter.

This act shall be applicable only to property which the sole owner or all the owners submit to the provisions of the act by duly executing and recording a declaration as provided in the act.

Enacted by Chapter 111, 1963 General Session

57-8-10. - Contents of declaration.

- (1) Before the conveyance of any unit in a condominium project, a declaration shall be recorded that contains the covenants, conditions, and restrictions relating to the project that shall be enforceable equitable servitudes, where reasonable, and which shall run with the land. Unless otherwise provided, these servitudes may be enforced by a unit owner or a unit owner's successor in interest.
- (2) (a) For every condominium project, the declaration shall:
- (i) include a description of the land or interests in real property included within the project;

- (ii) contain a description of any buildings that states the number of stories and basements, the number of units, the principal materials of which the building is or is to be constructed, and a description of all other significant improvements contained or to be contained in the project;
 - (iii) contain the unit number of each unit, the square footage of each unit, and any other description or information necessary to properly identify each unit;
 - (iv) describe the common areas and facilities of the project; and
 - (v) describe any limited common areas and facilities and state to which units the use of the common areas and facilities is reserved.
- (b) Any shutters, awnings, window boxes, doorsteps, porches, balconies, patios, or other apparatus intended to serve a single unit, but located outside the boundaries of the unit, shall constitute a limited common area and facility appertaining to that unit exclusively, whether or not the declaration makes such a provision.
- (c) The condominium plat recorded with the declaration may provide or supplement the information required under Subsections (2)(a) and (b).
- (d) (i) The declaration shall include the percentage or fraction of undivided interest in the common areas and facilities appurtenant to each unit and the unit owner for all purposes, including voting, derived and allocated in accordance with Subsection 57-8-7(2).
- (ii) If any use restrictions are to apply, the declaration shall state the purposes for which the units are intended and the use restrictions that apply.
- (iii) (A) The declaration shall include the name and address of a person to receive service of process on behalf of the project, in the cases provided by this chapter.
- (B) The person described in Subsection (2)(d)(iii)(A) shall be a resident of, or shall maintain a place of business within, this state.
- (iv) The declaration shall describe the method by which the declaration may be amended consistent with this chapter.
- (v) Any further matters in connection with the property may be included in the declaration, which the person or persons executing the declaration may consider desirable, consistent with this chapter.
- (vi) The declaration shall contain a statement of intention that this chapter applies to the property.
- (e) The initial recorded declaration shall include:
- (i) an appointment of a trustee who qualifies under Subsection 57-1-21(1)(a)(i) or (iv); and
 - (ii) the following statement: "The declarant hereby conveys and warrants pursuant to U.C.A. Sections 57-1-20 and 57-8-45 to (name of trustee), with power of sale, the unit and all improvements to the unit for the purpose of securing payment of assessments under the terms of the declaration."
- (3) (a) If the condominium project contains any convertible land,
- (b) The condominium plat recorded with the declaration may provide or supplement the information required under Subsection (3)(a).

- (4) (a) If the condominium project is an expandable condominium project...,
 - (b) The condominium plat recorded with the declaration may provide or supplement the information required under Subsections (4)(a)(iv) through (a)(vii) and (a)(x) through (a)(xiii).
- (5) If the condominium project is a contractible condominium project...,
- (6) (a) If the condominium project is a leasehold condominium,
- (7) (a) If the condominium project contains time period units, the declaration shall also contain the location of each condominium unit in the calendar year.
- (8) (a) The declaration, bylaws, and condominium plat shall be duly executed and acknowledged by all of the owners and any lessees of the land which is made subject to this chapter.
 - (b) As used in Subsection (8)(a), "owners and lessees" does not include, in their respective capacities, any mortgagee, any trustee or beneficiary under a deed of trust, any other lien holder, any person having an equitable interest under any contract for the sale or lease of a condominium unit, or any lessee whose leasehold interest does not extend to any portion of the common areas and facilities.

Amended by Chapter 397, 2014 General Session

57-8-11. - Contents of deeds of units. A deed of units may include:

- (1) a description of the land as provided in Section 57-8-10, including the book and page or entry number and date of recording of the declaration;
- (2) the unit number of the unit and any other data necessary for its proper identification;
- (3) percentage of undivided interest appertaining to the unit in the common or community areas and facilities; and
- (4) any further particulars that the grantor and grantee consider desirable to set forth consistent with the declaration and this chapter.

Amended by Chapter 268, 2007 General Session

57-8-12. - Recording.

- (1) The declaration, any amendment, any instrument by which the provisions of this act may be waived, and every instrument affecting the property or any unit shall be entitled to be recorded. Neither the declaration nor any amendment thereof shall be valid unless recorded.

Enacted by Chapter 111, 1963 General Session

57-8-13. - Condominium plat to be recorded.

- (1) (a) Simultaneously with the recording of the declaration there shall be recorded a standard size, original linen (21" x 31") condominium plat with 6-1/4" x 1-1/2" recording information block, which map shall be made by a registered Utah land surveyor and shall set forth:

- (i) a description of the surface of the land included within the project, including all angular and linear data along the exterior boundaries of the property;
 - (ii) the linear measurement and location, with reference to the exterior boundaries, of the building or buildings, if any, located or to be located on the property other than within the boundaries of any convertible lands;
 - (iii) diagrammatic floor plans of the building or buildings, if any, built or to be built on the property, other than within the boundaries of any convertible lands, in sufficient detail to identify each convertible space and physical unit contained within a building, including its identifying number or symbol, the official datum elevations of the finished or unfinished interior surfaces of the floors and ceilings and the linear measurements of the finished or unfinished interior surfaces of the perimeter walls, and the lateral extensions, of every such convertible space and unit;
 - (iv) a description or delineation of the boundaries of any unit or convertible space not contained or to be contained in a building or whose boundaries are not to be coextensive with walls, ceilings, or floors within a building, other than units located within the boundaries of any convertible lands, including the horizontal (upper and lower) boundaries, if any, as well as the vertical (lateral or perimetric) boundaries;
 - (v) a distinguishing number or other symbol for every physical unit identified on the condominium plat;
 - (vi) to the extent feasible, the location and dimensions of all easements appurtenant to the land included within the project;
 - (vii) the label "convertible space" for each such space, if any;
 - (viii) the location and dimensions of any convertible lands within the condominium project, with each such convertible land labeled as such, and if there be more than one such land, with each labeled with a different letter or number;
 - (ix) the location and dimensions of any withdrawable lands, with each such withdrawable land labeled as such, and if there be more than one such land, with each labeled with a different letter or number;
 - (x) if with respect to any portion or portions, but less than all, of the land included within the project the unit owners are to own only an estate for years, the location and dimensions of any such portion, with each labeled as a leased land, and if there be more than one such land, with each labeled with a different letter or number; and
 - (xi) any encroachments by or on any portion of the condominium project.
- (b) Each such condominium plat shall be certified as to its accuracy and compliance with the provisions of this Subsection (1) by the land surveyor who prepared or who supervised the preparation of the same and shall be executed and acknowledged as provided in Subsection 57-8-10(8).
- (2) When converting all or any portion of any convertible land or when adding additional land to an expandable condominium, the declarant shall record a new or supplemental condominium plat which shall contain the information necessary to comply with the requirements of Subsection (1) of this section. In any case where less than all of a convertible land is being converted, the condominium plat shall show the location and dimensions of the remaining portion or portions of the land in addition to otherwise meeting such requirements.

- (3) When converting all or any portion of any convertible space into one or more units or limited common areas and facilities, the declarant shall record, with regard to the structure or portion of it constituting that convertible space, a supplemental condominium plat showing the location and dimensions of the vertical and horizontal boundaries of each unit formed out of this space. The supplemental map shall be certified as to its accuracy and compliance with this Subsection (3) by the land surveyor who prepared or who supervised the preparation of it.
- (4) In interpreting the condominium plat or any deed or other instrument affecting a building or unit, the boundaries of the building or unit constructed or reconstructed in substantial accordance with the condominium plat shall be conclusively presumed to be the actual boundaries rather than the description expressed in the condominium plat, regardless of the settling or lateral movement of the building and regardless of minor variance between boundaries shown on the condominium plat and those of the building or unit.

Amended by Chapter 265, 2003 General Session

57-8-13.2. - Conversion of convertible land -- Amendment to declaration -- Limitations.

- (1) The declarant may convert all or any portion of any convertible land into one or more units or limited common areas and facilities subject to any restrictions and limitations which the declaration may specify. Any such conversion shall be deemed to have occurred at the time of the recordation of the appropriate instruments under Subsection (2) of this section and Subsection 57-8-13(2).
- (2) Simultaneously with the recording of the condominium plat pursuant to Subsection 57-8-13(2), the declarant shall prepare, execute, and record an amendment to the declaration describing the conversion. The amendment shall assign an identifying number to each unit formed out of a convertible land and shall reallocate undivided interests in the common areas and facilities in accordance with Subsection 57-8-13.10(2). The amendment shall describe or delineate the limited common areas and facilities formed out of the convertible land, showing or designating the unit or units to which each is assigned.
- (3) All convertible lands shall be deemed part of the common areas and facilities except for such portions of them as are converted in accordance with this section. No such conversions shall occur after five years from the recordation of the declaration, or such shorter period of time as the declaration may specify, unless three-fourths of unit owners vote in favor of converting the land after the time period has expired.

Amended by Chapter 265, 2003 General Session

57-8-13.6. - Expansion of project.

A condominium project may be expanded under the provisions of the declaration and of this act. Any such expansion shall be deemed to have occurred at the time of the recordation of the condominium plat under Subsection 57-8-13(2), together with an amendment to the declaration, duly executed and acknowledged by the declarant, including, without limitation, all of the owners and lessees of the additional land added to the condominium project. The amendment shall contain a legal description by metes and bounds of the land added to the condominium project and shall reallocate undivided interests in the common areas and facilities in accordance with Subsection 57-8-13.10(2).

Amended by Chapter 265, 2003 General Session

57-8-14. - Legal description of units.

- (1) A deed, lease, mortgage, or other instrument may legally describe a unit by its identifying number or symbol as designated in the declaration or as shown on the condominium plat.
- (2) Each description under Subsection (1) shall be considered:
 - (a) to be good and sufficient for all purposes; and
 - (b) to convey, transfer, encumber or otherwise affect the unit owner's corresponding percentage of ownership in the common or community areas and facilities even though the percentage of ownership is not expressly mentioned or described.

Amended by Chapter 268, 2007 General Session

57-8-22. - Removal of property from statutory provisions.

- (1) All of the unit owners may remove a property from the provisions of this act by an instrument duly recorded to that effect, provided that the holders of all liens affecting any of the units consent or agree by instruments duly recorded, that their liens be transferred to the percentage of the undivided interest of the unit owner in the property.
- (2) Upon removal of the property from the provisions of this act, the property shall be deemed to be owned in common by the unit owners. The undivided interest in the property owned in common which shall appertain to each unit owner shall be the percentage of undivided interest previously owned by such owner in the common areas and facilities.

Enacted by Chapter 111, 1963 General Session

57-8-27. - Separate taxation.

- (1) Each unit and its percentage of undivided interest in the common or community areas and facilities shall be considered to be a parcel and shall be subject to separate assessment and taxation by each assessing unit, local district, and special service district for all types of taxes authorized by law, including ad valorem levies and special assessments. Neither the building or buildings, the property, nor any of the common areas and facilities may be considered a parcel.
- (2) In the event any of the interests in real property made subject to this chapter by the declaration are leasehold interests, if the lease creating these interests is of record in the office of the county recorder, if the balance of the term remaining under the lease is at least 40 years at the time the leasehold interest is made subject to this chapter, if units are situated or are to be situated on or within the real property covered by the lease, and if the lease provides that the lessee shall pay all taxes and assessments imposed by governmental authority, then until 10 years prior to the date that the leasehold is to expire or until the lease is terminated, whichever first occurs, all taxes and assessments on the real property covered by the lease shall be levied against the owner of the lessee's interest. If the owner of the reversion under the lease has executed the declaration and condominium plat, until 10 years prior to the date that the leasehold is to expire, or until the lease is terminated, whichever first occurs, all taxes and assessments on the real property covered by the lease shall be separately levied against the unit owners having an interest in the lease, with each unit owner for taxation purposes being considered the owner of a parcel

consisting of his undivided condominium interest in the fee of the real property affected by the lease.

- (3) No forfeiture or sale of the improvements or the property as a whole for delinquent real estate taxes, special assessments, or charges shall divest or in anywise affect the title to an individual unit if the real estate taxes or duly levied share of the assessments and charges on the individual unit are currently paid.
- (4) Any exemption from taxes that may exist on real property or the ownership of the property may not be denied by virtue of the submission of the property to this chapter.
- (5) Timeshare interests and timeshare estates, as defined in Subsection 57-19-2(19), may not be separately taxed but shall be valued, assessed, and taxed at the unit level. The value of timeshare interests and timeshare estates, for purposes of ad valorem taxation, shall be determined by valuing the real property interest associated with the timeshare interest or timeshare estate, exclusive of the value of any intangible property and rights associated with the acquisition, operation, ownership, and use of the timeshare interest or timeshare estate, including the fees and costs associated with the sale of timeshare interests and timeshare estates that exceed those fees and costs normally incurred in the sale of other similar properties, the fees and costs associated with the operation, ownership, and use of timeshare interests and timeshare estates, vacation exchange rights, vacation conveniences and services, club memberships, and any other intangible rights and benefits available to a timeshare unit owner. Nothing in this section shall be construed as requiring the assessment of any real property interest associated with a timeshare interest or timeshare estate at less than its fair market value. Notice of assessment, delinquency, sale, or any other purpose required by law is considered sufficient for all purposes if the notice is given to the management committee.

Amended by Chapter 166, 2012 General Session

57-8-35. - Effect of other laws -- Compliance with ordinances and codes -- Approval of projects by municipality or county.

- (3) From and after the time a municipality or county shall have established a planning commission, no condominium project or any condominium plat, declaration, or other material as required for recordation under this chapter shall be recorded in the office of the county recorder unless and until the following mentioned attributes of said condominium project shall have been approved by the municipality or county in which it is located.

Amended by Chapter 254, 2005 General Session

57-8-55. - Consolidation of multiple associations of unit owners.

- (1) Two or more associations of unit owners may be consolidated into a single association of unit owners as provided in Title 16, Chapter 6a, Part 11, Merger, and this section.
- (2) Unless the declaration, articles, or bylaws otherwise provide, a declaration of consolidation between two or more associations of unit owners to consolidate into a single association of unit owners is not effective unless it is approved by the unit owners of each of the consolidating associations of unit owners, by the highest percentage of allocated voting interests of the unit owners required by each association of unit owners to amend its respective declaration, articles, or bylaws.

- (4) A declaration of consolidation under Subsection (2) is not effective until it is recorded in the office of each applicable county recorder.
- (5) Unless otherwise provided in the declaration of consolidation, the consolidated association of unit owners resulting from a consolidation under this section:
 - (a) is the legal successor for all purposes of all of the consolidating associations of unit owners;
 - (b) the operations and activities of all of the consolidating associations of unit owners shall be consolidated into the consolidated association of unit owners; and
 - (c) the consolidated association of unit owners holds all powers, rights, obligations, assets, and liabilities of all consolidating associations of unit owners.

Enacted by Chapter 152, 2013 General Session

PROBATE CODE

75-1-201. - General definitions.

- (3) "Beneficiary," as it relates to trust beneficiaries, includes a person who has any present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer; as it relates to a charitable trust, includes any person entitled to enforce the trust; as it relates to a "beneficiary of a beneficiary designation," ... or other nonprobate transfer at death; and, as it relates to a "beneficiary designated in a governing instrument," includes a grantee of a deed, a devisee, a trust beneficiary, a beneficiary of a beneficiary designation, a donee, appointee, or taker in default of a power of appointment, and a person in whose favor a power of attorney or a power held in any individual, fiduciary, or representative capacity is exercised.
- (9) "Descendant" of an individual means all of his descendants of all generations, with the relationship of parent and child at each generation being determined by the definition of child and parent contained in this title.
- (10) "Devise," when used as a noun, means a testamentary disposition of real or personal property and, when used as a verb, means to dispose of real or personal property by will.
- (11) "Devisee" means any person designated in a will to receive a devise. For the purposes of Title 75, Chapter 3, Probate of Wills and Administration, in the case of a devise to an existing trust or trustee, or to a trustee in trust described by will, the trust or trustee is the devisee, and the beneficiaries are not devisees.
- (14) "Estate" includes the property of the decedent, trust, or other person whose affairs are subject to this title as originally constituted and as it exists from time to time during administration.
- (21) "Heirs," except as controlled by Section 75-2-711, means persons, including the surviving spouse and state, who are entitled under the statutes of intestate succession to the property of a decedent.
- (22) "Incapacitated" or "incapacity" is measured by functional limitations and means a judicial determination after proof by clear and convincing evidence that an adult's ability to do the following is impaired to the extent that the individual lacks the ability, even with appropriate technological assistance, to meet the essential requirements for financial protection or physical health, safety, or self-care:

- (a) receive and evaluate information;
 - (b) make and communicate decisions; or
 - (c) provide for necessities such as food, shelter, clothing, health care, or safety.
- (30) "Mortgage" means any conveyance, agreement, or arrangement in which property is used as security.
- (36) (a) "Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status.
- (39) "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.
- (42) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (46) "Sign" means, with present intent to authenticate or adopt a record other than a will:
- (a) to execute or adopt a tangible symbol; or
 - (b) to attach to or logically associate with the record an electronic symbol, sound, or process.
- (50) "Successors" means persons, other than creditors, who are entitled to property of a decedent under the decedent's will or this title.
- (58) "Will" includes codicil and an

Amended by Chapter 364, 2013 General Session

75-3-101. - Devolution of estate at death -- Restrictions.

The power of a person to leave property by will and the rights of creditors, devisees, and heirs to his property are subject to the restrictions and limitations contained in this code to facilitate the prompt settlement of estates. Upon the death of a person his real and personal property devolves to persons to whom it is devised by his last will or to those indicated as substitutes for them in cases involving lapse, renunciation, or other circumstances affecting the devolution of testate estate, or in the absence of testamentary disposition, to his heirs, or to those indicated as substitutes for them in cases involving renunciation or other circumstances affecting devolution of intestate estates, subject to homestead allowance, exempt property and family allowance, rights of creditors, elective share of the surviving spouse, and administration.

Enacted by Chapter 150, 1975 General Session

75-3-901. - Successors' rights if no administration.

In the absence of administration, the heirs and devisees are entitled to the estate in accordance with the terms of a probated will or the laws of intestate succession. Devisees may establish title by the probated will to devised property. Persons entitled to property by homestead allowance, exemption, or intestacy may establish title thereto by proof of the decedent's ownership, his death, and their relationship to the decedent. Successors take subject to all charges incident to administration, including the claims of creditors and allowances of surviving spouse and dependent children, and subject to the rights of others resulting from abatement, retainer, advancement, and redemption.

Enacted by Chapter 150, 1975 General Session

57-1-2. - Words of inheritance not required to pass fee.

The term "heirs," or other technical words of inheritance or succession, are not requisite to transfer a fee in real estate.

No Change Since 1953

75-3-907. - Distribution in kind -- Evidence.

If distribution in kind is made, the personal representative shall execute an instrument or deed of distribution assigning, transferring, or releasing the assets to the distributee as evidence of the distributee's title to the property.

Enacted by Chapter 150, 1975 General Session

22-2-1. - Death of trustee -- Trust estate vests in successor.

Upon the death of a sole or surviving trustee of an express trust the trust estate does not descend to his heirs or pass to his personal representatives, but shall by virtue hereof, upon the appointment and qualification of a successor to such trustee, become immediately vested in such successor in trust.

No Change Since 1953

75-1-302. - Subject matter jurisdiction.

- (1) To the full extent permitted by the Constitution of Utah, the court has jurisdiction over all subject matter relating to:
 - (a) estates of decedents, including construction of wills and determination of heirs and successors of decedents, and estates of protected persons;
 - (b) protection of minors and incapacitated persons; and
 - (c) trusts.
- (2) The court has full power to make orders, judgments, and decrees and take all other action necessary and proper to administer justice in the matters which come before it.

Enacted by Chapter 150, 1975 General Session

**UTAH UNIFORM PROBATE CODE
TITLE 75 CHAPTER 5
PROTECTION OF PERSONS UNDER DISABILITY AND THEIR PROPERTY**

Part 2 – Guardians of minors

Part 3 – Guardians of incapacitated persons

Part 4 – Protection of Property of Persons Under Disability and Minors

75-5-401. - Protective proceedings.

- (1) Upon petition and after notice and hearing in accordance with the provisions of this part, the court may appoint a conservator ...

Amended by Chapter 375, 2001 General Session

75-5-420. - Conservators -- Title by appointment.

- (1) The appointment of a conservator vests in the conservator title as fiduciary to all property of the protected person.

Amended by Chapter 274, 2012 General Session

78B-3-105. - Definition of heir. As used in Sections 78B-3-106 and 78B-3-107, "heirs" means:

- (1) the following surviving persons:
- (a) the decedent's spouse;
 - (b) the decedent's children as provided in Section 75-2-114;
 - (c) the decedent's natural parents, or if the decedent was adopted, then his adoptive parents;
 - (d) the decedent's stepchildren who:
 - (i) are in their minority at the time of decedent's death; and
 - (ii) are primarily financially dependent on the decedent.
- (2) "Heirs" means any blood relative as provided by the law of intestate succession if the decedent is not survived by a person under Subsections (1)(a), (b), or (c).

Renumbered and Amended by Chapter 3, 2008 General Session

75-7-816. - Recitals when title to real property is in trust -- Failure.

- (1) When title to real property is granted to a person as trustee, the terms of the trust may be given either:
- (a) in the deed of transfer; or
 - (b) in an instrument signed by the grantor and recorded in the same office as the grant to the trustee.
- (2) If the terms of the trust are not made public as required in Subsection (1), a conveyance from the trustee is absolute in favor of purchasers for value who take the property without notice of the terms of the trust.
- (3) The terms of the trust recited in the deed of transfer or the instrument recorded under Subsection (1)(b) shall include:
- (a) the name of the trustee;

- (b) the address of the trustee; and
 - (c) the name and date of the trust.
- (4) Any real property titled in a trust which has a restriction on transfer described in Section 25-6-14 shall include in the title the words "asset protection trust."

Enacted by Chapter 89, 2004 General Session

UTAH COORDINATE SYSTEM

57-10-1. - Plane coordinate systems designated -- Zones within the systems by county.

- (1) The systems of plane coordinates that have been established by the National Ocean Service/National Geodetic Survey (formerly the United States Coast and Geodetic Survey) or its successors for defining and stating the geographic positions or locations of points on the surface of the earth within the state of Utah are known and designated as the Utah Coordinate System of 1927 and the Utah Coordinate System of 1983.
- (2) For the purpose of the use of these systems, the state is divided into three zones: North, Central, and South Zones.
 - (a) The area now included in the following counties constitutes the North Zone: Box Elder, Cache, Daggett, Davis, Morgan, Rich, Summit, and Weber.
 - (b) The area now included in the following counties constitutes the Central Zone: Carbon, Duchesne, Emery, Grand, Juab, Millard, Salt Lake, Sanpete, Sevier, Tooele, Uintah, Utah, and Wasatch.
 - (c) The area now included in the following counties constitutes the South Zone: Beaver, Garfield, Iron, Kane, Piute, San Juan, Washington, and Wayne.

Repealed and Re-enacted by Chapter 60, 1988 General Session

57-10-2. - Zones must be named in maps and documents

Repealed and Re-enacted by Chapter 60, 1988 General Session

57-10-3. - North to South and East to West coordinate values

The plane coordinate values for a point on the earth's surface used to express the geographic position or location or point in the appropriate zone of this system shall consist of two distances expressed in U.S. survey feet and decimals of a foot when using the Utah Coordinate System of 1927 and expressed in meters and decimals of a meter when using the Utah Coordinate System of 1983.

- (1) One of these distances, known as the "x-coordinate" or "E-coordinate," shall give the position in an east-west direction; the other, known as the "y-coordinate" or "N-coordinate," shall give the position in a north-south direction.
- (2) These coordinates shall be made to depend upon and conform to plane rectangular coordinate values computed on the systems defined in this chapter for the monumented points of the North American Horizontal Geodetic Control Network, as published by the National Ocean Service/National Geodetic Survey (formerly the United States Coast and Geodetic Survey) or its successors.

- (3) Any such station may be used for establishing a survey connection to either Utah coordinate system.

Repealed and Re-enacted by Chapter 60, 1988 General Session

57-10-4. - Legal effect of descriptions using coordinate values.

- (1) A description of the location of any survey station or land boundary corner in the state is complete, legal, and satisfactory if it is expressed by use of the system of plane coordinates defined in this chapter.
- (2) For purposes of sale or title transfer, no real property may be described solely by reference to coordinate values from the Utah coordinate system or any other coordinate system.
- (3) When coordinates based on the Utah coordinate system are used in the description of any tract of land, they are supplemental to the basic description relating to existing recognized monuments and land lines of record.
- (4) The description by reference to the subdivision, line, or corner of the United States public land surveys prevails over the description by coordinates, if there is any conflict between the descriptions.

Repealed and Re-enacted by Chapter 60, 1988 General Session

57-10-6. - Utah Coordinate Systems of 1927 and 1983 defined.

Amended by Chapter 62, 2001 General Session

57-10-7. - Coordinates required to be based on control stations.

Amended by Chapter 167, 1990 General Session

57-10-8. - Use of terms on maps and documents.

- (1) Any document identifying or using a coordinate system shall, in accordance with Section 57-10-9, clearly and completely identify the system used.
 - (a) The use of the term "Utah Coordinate System of 1927 (North, Central, South) Zone" on any map, report of survey, or other document shall be used to reference the system, the coordinates, and the unit of measure as defined in Subsection 57-10-6(1).
 - (b) The use of the term "Utah Coordinate System of 1983 (HARN 1994, or the current federal coordinate update used as the basis of the system being used) (North, Central, South) Zone" shall be used to reference the system, the coordinates, and the unit of measure as defined in Subsection 57-10-6(2).
- (2) Anyone using a coordinate system similar to the Utah coordinate system, such as one where a modified elevation datum is used, shall clearly include "modified" in the title of the coordinate system.
- (3) Any survey or map based on any such modified coordinate system shall show the title of the coordinate system, including "modified" in the title and show the appropriate combined adjustment factor relating the system to the Utah coordinate system.

Amended by Chapter 62, 2001 General Session

57-10-9. - Use of coordinate system optional.

The use of the Utah coordinate system by any person, corporation, or governmental agency engaged in land surveying or mapping, or both, is optional.

Amended by Chapter 62, 2001 General Session

57-10-11. - 1983 system to be used after certain dates.

After January 1, 2002, any person, corporation, municipality, county, or state agency who is not utilizing an existing county coordinate system and is establishing a new countywide coordinate network for surveying or mapping, or both, must conform to the Utah Coordinate System of 1983, along with the current federal coordinate update.

Amended by Chapter 62, 2001 General Session

Mines and Mining

40-1-4. Copy of location notice to be recorded.

Within 30 days after the date of posting the location notice upon the claim, the locator, or the locator's assigns, shall record a substantial copy of the notice of location in the office of the county recorder of the county in which the claim is situated.

Amended by Chapter 85, 1999 General Session

Land Conservation Easement

57-18-4. - Requirements for creation.

- 1) Any property owner may grant a conservation easement to any other qualified person as defined in Section 57-18-3 in the same manner and with the same effect as any other conveyance of an interest in real property.
- (2) (a) A conservation easement shall be in writing and shall be recorded in the office of the recorder of the county in which the easement is granted.

(b) Within 10 days after a conservation easement is recorded, the owner of real property for which the conservation easement is granted shall deliver to the assessor of the county in which the property is located a copy of the conservation easement and proof that the conservation easement has been recorded.

(c) Before January 1, 2012, each owner of property subject to a conservation easement recorded before May 10, 2011, shall deliver to the assessor of the county in which the property is located a copy of the conservation easement and proof that the conservation easement has been recorded.

What are some of the main statutorily required functions of a county recorder's office with respect to mapping/platting functions?

The county recorder

1. Is custodian of all recorded documents...and shall determine appropriate method for public to obtain copies of public records (includes maps and plats) UCA 17-21-1(1-2)
2. Shall establish procedures to govern electronic submission of plats UCA 17-21-1(4)
3. Shall keep an index of recorded maps, plats, and subdivisions UCA 17-21-6(1)(g)
4. Shall prepare and keep ownership plats drawn to a convenient scale, which shows record owners of each tract of land in the county, together with dimensions of tract
(See section for modifications) UCA 17-21-21(1)
5. Each year prepares copies of ownership plats and descriptions, showing record owners at noon on January 1, transmits copies to county assessor. Reports all changes in recorded ownership. Transmits changes of ownership on appropriate forms that show current owner's name and full legal description conveyed. In cases in which only part of property is conveyed, transmits additional form showing full legal description of portion retained.
[Remainder parcels] UCA 17-21-22(1-2)
6. Verifies that new subdivision plats proposed for recording meet recording requirements, i.e. each owner of record of land described on the plat has signed the owner's dedication, and is acknowledged as provided by law. UCA 17-27a-603(4)(a)
7. Records and maintains records, including plats, of annexations, boundary adjustments for municipalities, counties, taxing districts, school districts, etc. UCA 10-2-4(91)(b)

DEFINITIONS

Terms commonly seen in Recordors' Records

Black's Law Dictionary, Tenth Edition, © 2014

Absolute Conveyance: A conveyance in which a right or property is transferred to another free of conditions or qualifications.

Appurtenance: Something that belongs or is attached to something else; something that is part of something else that is more important.

Bargain and sale: (1) A negotiated transaction, usually for goods, services, or real property. (2) A written agreement for the sale of land whereby the buyer would give valuable consideration (recited in the agreement) without having to enter the land and perform livery of seisin, so that the parties equitably "raised a use" in the buyer. The result of the transaction is to leave the legal estate in fee simple in the seller and to create an equitable estate in fee simple in the buyer until legal title is transferred to the buyer by the delivery of a deed.

Bargain and sale deed: A deed that conveys property to a buyer for valuable consideration but that lacks any guarantee from the seller about the validity of the title.

Cadastre: A survey and valuation of real estate in a county or region compiled for tax purposes.

Chattel: Movable or transferable property; personal property, especially a physical object capable of manual delivery and not the subject of real property. Ex. Chattel mortgage

Chattel Real: A real property interest that is less than a freehold or fee, such as a leasehold estate. The most important chattel real is an estate for years in land, which is considered a chattel because it lacks the indefiniteness of time essential to real property. Also termed real chattel.

Conveyance: The voluntary transfer of a right or property.

Deed: (2) A written instrument by which land is conveyed. (3) At common law, any written instrument that is signed, sealed, and delivered and that conveys some interest in property. Also termed (in senses 2 and 3) evidence of title.

Enfeoffment: (1) At common law, the act or process of transferring possession and ownership of an estate in land. (2) The property or estate so transferred. (3) The instrument or deed by which one obtains such property or estate.

Fee Simple: An interest in land that, being the broadest property interest allowed by law, endures until the current holder dies without heirs; esp. a fee simple absolute. Often shortened to fee; also termed estate in fee simple; fee simple title; exclusive ownership; feudum simplex; estate in fee.

Freehold: (1) An estate in land held in fee simple, in fee tail, or for term of life; any real property interest that is or may become possessory. At common law, these estates were all created by enfeoffment with livery of seisin. (2) The tenure by which such an estate is held. Also termed freehold estate, estate in freehold, freehold interest, frank-tenement; liberum tenementum.

Grant: (1) An agreement that creates a right or interest in favor of a person or that effects a transfer of a right or interest from one person to another. Examples include leases, easements, charges, patents, franchises, powers, and licenses. (2) The formal transfer of real property. (3) The document by which a transfer is effected; esp. deed. (4) The property or property rights so transferred.

Grantee: One to whom property is conveyed.

Grantor: (1) Someone who conveys property to another; (2) Settlor.

Greenbelt: An undeveloped area of land around a city, esp. one set aside for parks or farmland or preserved as natural wilderness.

Hereditaments: (1) Any property that can be inherited; anything that passes by intestacy. (2) Real property; land.

Intestacy: The quality, state, or condition of a person's having died without a valid will.

Operative Words: In a transactional document, the words that actually effect the transaction; the particular phraseology by which the object of a legal instrument is given effect. For example, in a conveyance, the operative words are those that pass title.

Owner: Someone who has the right to possess, use, and convey something; a person in whom one or more interests are vested. An owner may have complete property in the thing or may have parted with some interests in it (as by granting an easement or making a lease)

Property: (1) Collectively, the rights in a valued resource such as land, chattel, or an intangible. It is common to describe property as a “bundle of rights”. Those rights include the right to possess and use. (2) Any external thing over which the right of possession, use, and enjoyment are exercised.

Real Property: Land and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land. Real property can be either corporeal (soil and buildings) or incorporeal (easements).

Record Owner: (1) A property owner in whose name the title appears in the public records. (2) Stockholder of record.

Seisin: (1) Completion of the ceremony of feudal investiture by which the tenant was admitted into “freehold”. (2) Possession of a freehold estate in land ownership.

Settlor: (1) Someone who makes a settlement of property, especially one who sets up a trust; Also termed creator, donor, trustor, grantor, founder. (2) A party to an instrument. Also spelled (in both senses) settler.

Tenancy: (1) The possession or occupancy of land under a lease; a leasehold interest in real estate. (2) The period of such possession or occupancy. (3) The possession of real or personal property by right or title, especially under a conveying instrument such as a deed or will.

NOTE: See The Black’s Law Dictionary for definition of 28 different tenancy relationships or circumstances, i.e. Joint Tenancy, Tenancy in Common, et al.

Tenement: Property, (esp. land) held by freehold; an estate or holding of land.

Vest: (1) To confer ownership (of property) on a person; (2) To invest (a person) with the full title to property; (3) To give (a person) an immediate, fixed right of present or future enjoyment; (4) To put (a person) into possession of land by the ceremony of investiture.

NOTE: The Utah Code Annotated contains definitions of terms of art as relates to this industry, and the laws governing it. We refer the reader to the various code sections for specific statutory definitions.