

1 **Rule 69C. Redemption of real property after sale.**

2 (a) **Right of redemption.** Real property may be redeemed unless the estate is less than a  
3 leasehold of a two-years' unexpired term, in which case the sale is absolute.

4 (b) **Who may redeem.** Real property subject to redemption may be redeemed by the  
5 defendant or by a creditor having a lien on the property junior to that on which the  
6 property was sold or by their successors in interest. If the defendant redeems, the effect  
7 of the sale is terminated and the defendant is restored to the defendant's estate. If the  
8 property is redeemed by a creditor, any other creditor having a right of redemption  
9 may redeem.

10 (c) **How made.** To redeem, the redemptioner shall pay the amount required to the  
11 purchaser and ~~must~~shall serve on the purchaser:

12 ~~(e)~~(1) a certified copy of the judgment or lien under which the redemptioner claims  
13 the right to redeem;

14 ~~(e)~~(2) an assignment, properly acknowledged if necessary to establish the claim; and

15 ~~(e)~~(3) an affidavit showing the amount due on the judgment or lien.

16 (d) **Time for redemption.** The property may be redeemed within 180 days after the sale.

17 (e) **Redemption price.** The price to redeem is the sale price plus six percent. The price  
18 for a subsequent redemption is the redemption price plus three percent. If the purchaser  
19 or redemptioner ~~files~~records with the county recorder notice of the amounts paid for  
20 taxes, assessments, insurance, maintenance, repair, or any lien other than the lien on  
21 which the redemption was based, the price to redeem includes such amounts plus six  
22 percent for an initial redemption or three percent for a subsequent redemption. Failure  
23 to ~~file~~record notice of the amounts with the county recorder waives the right to claim  
24 such amounts.

25 (f) **Dispute regarding price.** If there is a dispute about the redemption price, the  
26 redemptioner ~~must~~shall within 21 days of the redemption pay into court the amount

27 necessary for redemption less the amount in dispute and file and serve upon the  
28 purchaser a petition setting forth the items to which the redemptioner objects and the  
29 grounds for the objection. The petition is deemed denied. The court may permit  
30 discovery. The court ~~will~~~~shall~~ conduct an evidentiary hearing and enter an order  
31 determining the redemption price. The redemptioner ~~must~~~~shall~~ pay to the clerk any  
32 additional amount within seven days after the court's order.

33 (g) **Certificate of redemption.** The purchaser ~~must~~~~shall~~ promptly execute and deliver to  
34 the redemptioner, or the redemptioner to a subsequent redemptioner, a certificate of  
35 redemption containing:

36 ~~(g)~~(1) a detailed description of the real property;

37 ~~(g)~~(2) the price paid;

38 ~~(g)~~(3) a statement that all right, title, ~~and~~ interest of the purchaser in the property is  
39 conveyed to the redemptioner; and

40 ~~(g)~~(4) if known, whether the sale is subject to redemption.

41 The redemptioner or subsequent redemptioner ~~must~~~~shall~~ ~~file~~~~record~~ a duplicate of the  
42 certificate with the county recorder.

43 (h) **Conveyance.** The purchaser or last redemptioner is entitled to conveyance upon the  
44 expiration of the time permitted for redemption.

45 (i) **Rents and profits, request for accounting, extension of time for redemption.**

46 ~~(i)~~(1) Subject to a superior claim, the purchaser is entitled to the rents of the property  
47 or the value of the use and occupation of the property from the time of sale until  
48 redemption. Subject to a superior claim, a redemptioner is entitled to the rents of the  
49 property or the value of the use and occupation of the property from the time of  
50 redemption until a subsequent redemption. Rents and profits are a credit upon the  
51 redemption price.

52 | ~~(f)~~(2) Upon written request served on the purchaser before the time for redemption  
53 | expires, the purchaser ~~shall~~ must prepare and serve on the requester a written and  
54 | verified account of rents and profits. The period for redemption is extended to  
55 | ~~seven~~7 days after the accounting is served. If the purchaser fails to serve the  
56 | accounting within 30 days after the request, the redemptioner may, within 60 days  
57 | after the request, bring an action to compel an accounting. The period for  
58 | redemption is extended to 21 days after the court's order ~~of the court~~.

59 | (j) **Remedies.**

60 | ~~(f)~~(1) **For waste.** A purchaser or redemptioner may file a motion requesting the court  
61 | to restrain the commission of waste on the property. After the estate has become  
62 | absolute, the purchaser or redemptioner may file an action to recover damages for  
63 | waste.

64 | ~~(f)~~(2) **Failure to obtain property.**

65 | ~~(f)~~(2)(A) A purchaser or redemptioner who fails to obtain the property or who is  
66 | evicted from the property because the judgment against the defendant is  
67 | reversed or discharged may file a motion for judgment against the plaintiff for  
68 | the purchase price plus amounts paid for taxes, assessments, insurance,  
69 | maintenance, and repair, plus interest.

70 | ~~(f)~~(2)(B) A purchaser or redemptioner who fails to obtain the property or who is  
71 | evicted from the property because of an irregularity in the sale or because the  
72 | property is exempt may file a motion for judgment against the plaintiff or the  
73 | defendant for the purchase price plus amounts paid for taxes, assessments,  
74 | insurance, maintenance, and repair, plus interest. If the court enters judgment  
75 | against the plaintiff, the court ~~will~~ will revive the plaintiff's judgment against  
76 | defendant for the amount of the judgment against plaintiff.

77 | ~~(f)~~(2)(C) Interest on a judgment in favor of a purchaser or redemptioner is  
78 | governed by Utah Code Section 15-1-4. Interest on a revived judgment in favor of

79           the plaintiff against the defendant is at the rate of the original judgment. The  
80           effective date of a revived judgment in favor of plaintiff against defendant is the  
81           date of the original judgment except as to an intervening purchaser in good faith.

82   (k) **Contribution and reimbursement.** A defendant may claim contribution or  
83   reimbursement from other defendants by filing a motion.

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85   *Effective date:*