

1 **Rule 102. Motion and order for payment of costs and fees.**

2 (a) In an action under Utah Code ~~S~~section 30-3-3(1)~~81-1-203(1)~~, either party may move the
3 court for an order requiring the other party to provide costs, attorney fees, and witness fees,
4 including expert witness fees, to enable the moving party to prosecute or defend the action. The
5 motion ~~shall~~must be accompanied by an affidavit setting forth the factual basis for the motion
6 and the amount requested. The motion may include a request for costs or fees incurred:

7 ~~(a)~~(1) prior to the commencement of the action;

8 ~~(a)~~(2) during the action; or

9 ~~(a)~~(3) after entry of judgment for the costs of enforcement of the judgment.

10 (b) The court may grant the motion, in whole or in part, if the court finds that:

11 ~~(b)~~(1) the moving party lacks the financial resources to pay the costs and fees;

12 ~~(b)~~(2) the non-moving party has the financial resources to pay the costs and fees;

13 ~~(b)~~(3) the costs and fees are necessary for the proper prosecution or defense of the action; and

14 ~~(b)~~(4) the amount of the costs and fees ~~is~~are reasonable.

15 ~~(c) The court may deny the motion or award limited payment of costs and fees if the court finds~~
16 ~~that one or more of the grounds in paragraph (b) is missing or enters in the record the reason for~~
17 ~~denial of the motion.~~

18 ~~(c)~~(d) The order ~~shall~~will specify the amount of costs and fees to be paid. The award must be paid
19 within 30 days of entry of the order in a lump sum unless or the court ~~shall~~will ~~enter find~~orders
20 otherwise. ~~ings of fact that a delay in payment will not create an undue hardship to the moving~~
21 ~~party and will not impair the ability of the moving party to prosecute or defend the action. The~~
22 ~~court order will shall specify the amount to be paid.~~

23 (d) The court ~~may order the amount to be paid in a lump sum or in periodic payments. The court~~
24 may order the fees to be paid to the moving party or to the provider of the services for which the
25 fees are awarded.

26 *Effective:*