

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 ~~shall~~ 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:*