

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

2 (a) **Right of redemption.** Real property may be redeemed unless the estate is less
3 than a 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
5 the 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 may
9 redeem.

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

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

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

16 (c)(3) an affidavit showing the amount due on the judgment or lien.

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

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

27 (f) **Dispute regarding price.** If there is a dispute about the redemption price, the
28 redemptioner shall within ~~20~~21 days of the redemption pay into court the amount
29 necessary for redemption less the amount in dispute and file and serve upon the
30 purchaser a petition setting forth the items to which the redemptioner objects and the

31 grounds for the objection. The petition is deemed denied. The court may permit
32 discovery. The court shall conduct an evidentiary hearing and enter an order
33 determining the redemption price. The redemptioner shall pay to the clerk any additional
34 amount within seven days after the court's order.

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

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

39 (g)(2) the price paid;

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

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

43 The redemptioner or subsequent redemptioner shall file a duplicate of the certificate
44 with the county recorder.

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

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

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

54 (i)(2) Upon written request served on the purchaser before the time for
55 redemption expires, the purchaser shall prepare and serve on the requester a
56 written and verified account of rents and profits. The period for redemption is
57 extended to ~~five~~7 days after the accounting is served. If the purchaser fails to serve
58 the accounting within 30 days after the request, the redemptioner may, within 60
59 days after the request, bring an action to compel an accounting. The period for
60 redemption is extended to ~~45~~21 days after the order of the court.

61 (j) **Remedies.**

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

66 (j)(2) **Failure to obtain property.**

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

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

79 (j)(2)(C) Interest on a judgment in favor of a purchaser or redemptioner is
80 governed by Utah Code Section 15-1-4. Interest on a revived judgment in favor
81 of the plaintiff against the defendant is at the rate of the original judgment. The
82 effective date of a revived judgment in favor of plaintiff against defendant is the
83 date of the original judgment except as to an intervening purchaser in good faith.

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

86