

1       **Rule 52. Findings by the court; [correction of the record.](#)**

2       (a) Effect. In all actions tried upon the facts without a jury or with an advisory jury,  
3 the court shall find the facts specially and state separately its conclusions of law  
4 thereon, and judgment shall be entered pursuant to Rule 58A; in granting or refusing  
5 interlocutory injunctions the court shall similarly set forth the findings of fact and  
6 conclusions of law which constitute the grounds of its action. Requests for findings are  
7 not necessary for purposes of review. Findings of fact, whether based on oral or  
8 documentary evidence, shall not be set aside unless clearly erroneous, and due regard  
9 shall be given to the opportunity of the trial court to judge the credibility of the witnesses.  
10 The findings of a master, to the extent that the court adopts them, shall be considered  
11 as the findings of the court. It will be sufficient if the findings of fact and conclusions of  
12 law are stated orally and recorded in open court following the close of the evidence or  
13 appear in an opinion or memorandum of decision filed by the court. The trial court need  
14 not enter findings of fact and conclusions of law in rulings on motions, except as  
15 provided in Rule 41(b). The court shall, however, issue a brief written statement of the  
16 ground for its decision on all motions granted under Rules 12(b), 50(a) and (b), 56, and  
17 59 when the motion is based on more than one ground.

18       (b) Amendment. Upon motion of a party made not later than 10 days after entry of  
19 judgment the court may amend its findings or make additional findings and may amend  
20 the judgment accordingly. The motion may be made with a motion for a new trial  
21 pursuant to Rule 59. When findings of fact are made in actions tried by the court without  
22 a jury, the question of the sufficiency of the evidence to support the findings may  
23 thereafter be raised whether or not the party raising the question has made in the  
24 district court an objection to such findings or has made either a motion to amend them,  
25 a motion for judgment, or a motion for a new trial.

26       (c) Waiver of findings of fact and conclusions of law. Except in actions for divorce,  
27 findings of fact and conclusions of law may be waived by the parties to an issue of fact:

28       (c)(1) by default or by failing to appear at the trial;

29       (c)(2) by consent in writing, filed in the cause;

30       (c)(3) by oral consent in open court, entered in the minutes.

31 (d) Correction of the record. If anything material is omitted from or misstated in the  
32 transcript of an audio or video record of a hearing or trial, or if a disagreement arises as  
33 to whether the record accurately discloses what occurred in the proceeding, a party may  
34 move to correct the record. The motion must be filed within 10 days after the transcript  
35 of the hearing is filed, unless good cause is shown. The omission, misstatement or  
36 disagreement shall be resolved by the court and the record made to accurately reflect  
37 the proceeding.

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