

16-16-1305 Proceeds and expenses.

- (1) Except as otherwise provided in Subsection (2):
 - (a) any proceeds or other benefits of a derivative action to enforce a right of a limited cooperative association, whether by judgment, compromise, or settlement, belong to the association and not to the plaintiff; and
 - (b) if the plaintiff in the derivative action receives any proceeds, the plaintiff shall immediately remit them to the association.
- (2) If a derivative action to enforce a right of a limited cooperative association is successful in whole or in part, the court may award the plaintiff reasonable expenses, including reasonable attorney fees and costs, from the recovery of the association.

Enacted by Chapter 363, 2008 General Session