

**57-4a-4 Presumptions.**

- (1) A recorded document creates the following presumptions regarding title to the real property affected:
  - (a) the document is genuine and was executed voluntarily by the person purporting to execute it;
  - (b) the person executing the document and the person on whose behalf it is executed are the persons they purport to be;
  - (c) the person executing the document was neither incompetent nor a minor at any relevant time;
  - (d) delivery occurred notwithstanding any lapse of time between dates on the document and the date of recording;
  - (e) any necessary consideration was given;
  - (f) the grantee, transferee, or beneficiary of an interest created or described by the document acted in good faith at all relevant times;
  - (g) a person executing a document as an agent, attorney in fact, officer of an organization, or in a fiduciary or official capacity:
    - (i) held the position he purported to hold and acted within the scope of his authority;
    - (ii) in the case of an officer of an organization, was authorized under all applicable laws to act on behalf of the organization; and
    - (iii) in the case of an agent, his agency was not revoked, and he acted for a principal who was neither incompetent nor a minor at any relevant time;
  - (h) a person executing the document as an individual:
    - (i) was unmarried on the effective date of the document; or
    - (ii) if it otherwise appears from the document that the person was married on the effective date of the document, the grantee was a bona fide purchaser and the grantor received adequate and full consideration in money or money's worth so that the joinder of the nonexecuting spouse was not required under Sections 75-2-201 through 75-2-207;
  - (i) if the document purports to be executed pursuant to or to be a final determination in a judicial or administrative proceeding, or to be executed pursuant to a power of eminent domain, the court, official body, or condemnor acted within its jurisdiction and all steps required for the execution of the document were taken; and
  - (j) recitals and other statements of fact in a document, including without limitation recitals concerning mergers or name changes of organizations, are true.
- (2) The presumptions stated in Subsection (1) arise even though the document purports only to release a claim or to convey any right, title, or interest of the person executing it or the person on whose behalf it is executed.

Amended by Chapter 88, 1989 General Session