

78B-6-1315 Judgment on default -- Court must require evidence -- Conclusiveness of judgment.

- (1) If the summons has been served and the time for answering has expired, the court shall proceed to hear the cause as in other cases.
- (2) The court may examine and determine the legality of the plaintiff's title and the title and claims of all the defendants and all unknown persons.
- (3) The court may not enter any judgment by default against unknown defendants, but in all cases shall require evidence of plaintiff's title and possession and hear the evidence offered respecting the claims and title of any of the defendants. The court may enter judgment in accordance with the evidence and the law only after hearing all the evidence.
- (4) The judgment shall be conclusive against all the persons named in the summons and complaint who have been served and against all unknown persons as stated in the complaint and summons who have been served by publication.

Renumbered and Amended by Chapter 3, 2008 General Session