

**REMOVAL OF UNENFORCEABLE COVENANTS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Lyle W. Hillyard**

AN ACT RELATING TO REAL ESTATE; DEFINING UNENFORCEABLE COVENANT;  
PROVIDING FOR THE RECORDING OF DOCUMENTS WITH UNENFORCEABLE  
COVENANTS; VOIDING UNENFORCEABLE COVENANTS; AND MAKING TECHNICAL  
CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**57-3-107**, as renumbered and amended by Chapter 61, Laws of Utah 1998

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **57-3-107** is amended to read:

**57-3-107. Unenforceable covenants -- Definition -- Inclusion in recorded document.**

(1) ~~[Restrictions on alienation of real property contained in a document to be recorded]~~ As used in this chapter, "unenforceable covenant" means a restriction on alienation of real property, whether recited in a document to be recorded under this chapter, or recited in a document of record under this chapter, which [are] is based on race, gender, national origin, marital status, or a similar classification determined to be unenforceable under state or federal law[~~, do not affect the eligibility of that document for recording under this chapter].~~

~~[(2) A restriction described in Subsection (1) may be removed from a document eligible for recording under this section by any of the following means:]~~

~~[(a) A purchaser or seller of real estate may amend a prior recorded restriction by causing a corrected copy of the documents to be prepared for recording which deletes the unenforceable language from the document.]~~

~~[(b) A purchaser or seller of real estate may cause a copy of the documents to be prepared on which the unenforceable language has been overwritten or stamped with words such as "VOID", "UNENFORCEABLE UNDER LAW", or words of similar meaning.]~~

~~[(c) A purchaser or seller of real estate may cause a copy of the documents to be prepared~~

on which appears the statement "Any provision of this document which violates state or federal law is void."]

~~[(3) The cost of preparing and filing a document under Subsection (2) shall be the responsibility of the purchaser or seller making the correction and not that of the county recorder.]~~

(2) A document which recites an unenforceable covenant may be recorded as provided in this chapter.

(3) Any unenforceable covenant recited in a document to be recorded under this chapter or recited in a document of record is considered void, but does not invalidate the remainder of the document.