

1 **CONDOMINIUM FORECLOSURE AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen H. Urquhart**

5 House Sponsor: _____

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7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions related to the foreclosure of a trust deed secured by real
10 property that is subject to an association of unit owners under Title 57, Chapter 8,
11 Condominium Ownership Act, or an association under Title 57, Chapter 8a,
12 Community Association Act.

13 **Highlighted Provisions:**

14 This bill:
15 ▸ defines terms; and
16 ▸ requires the beneficiary of a trust deed that is secured by real property that is subject
17 to an association of unit owners under Title 57, Chapter 8, Condominium
18 Ownership Act, or an association under Title 57, Chapter 8a, Community
19 Association Act, to pay the unit's share of certain common costs to the association
20 after the trustee files a notice of default.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **57-1-36.5**, Utah Code Annotated 1953



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

Section 1. Section **57-1-36.5** is enacted to read:

57-1-36.5. Payment of certain costs to condominium or community association after notice of default.

(1) As used in this section:

(a) "Association" means:

(i) an association of unit owners, as defined in Section 57-8-3; or

(ii) an association, as defined in Section 57-8a-102.

(b) "Unit" means:

(i) a lot, as defined in Section 57-8a-102; or

(ii) a unit, as defined in Section 57-8-3.

(2) (a) In accordance with this section, the beneficiary of a trust deed that is secured by a unit that is part of an association shall pay to the association the amount of the unit's share of the costs described in Subsection (4)(a) from the day after a notice of default is recorded until the day on which:

(i) the unit is sold at a trustee's sale; or

(ii) the notice of default is cancelled.

(b) The beneficiary shall pay the amount described in Subsection (2)(a) to the association within 10 days after the later of the day on which:

(i) the unit is sold at a trustee's sale;

(ii) the notice of default is cancelled; or

(iii) the beneficiary receives the document described in Subsection (4).

(3) (a) Within three days after the day on which a trustee records a notice of default under Section 57-1-24 against a unit that is part of an association, the trustee shall deliver to the association, at the association's address on file with the Department of Commerce:

(i) in accordance with Subsection (3)(b), written notice that a notice of default was recorded on the unit; and

(ii) a copy of the notice of default.

(b) A written notice under Subsection (3)(a)(i) shall state:

(i) the name and address of the trustee;

- 59 (ii) the name and address of the beneficiary; and
60 (iii) the date on which the notice of default was recorded.
61 (4) Within 30 days after the day on which an association receives the notice described
62 in Subsection (3), the association shall deliver to the beneficiary a document that includes:
63 (a) the amount of the unit's monthly share of:
64 (i) landscaping maintenance in the common areas;
65 (ii) water; and
66 (iii) insurance; and
67 (b) the method by which the beneficiary shall make the payment required under
68 Subsection (2) to the association.
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Legislative Review Note
as of 3-1-13 3:13 PM

Office of Legislative Research and General Counsel