

Effective 5/10/2016

Superseded 7/17/2016

31A-44-404 Nondisturbance of residents.

- (1) A person may not directly or indirectly disturb the rights of a resident or third party beneficiary under a continuing care contract and this chapter if the resident has substantially performed the resident's obligations under the continuing care contract.
- (2) If the person to whom a resident owes performance under the continuing care contract is contested, and a court has not issued a temporary or permanent order resolving the contest:
 - (a) the department may appoint a temporary receiver to receive the performance of the resident; and
 - (b) a court may appoint a receiver upon petition by the department.
- (3) A person that succeeds a provider in the provider's interest in a facility is bound by every continuing care contract concerning the facility, including a continuing care contract that provides for the return of entrance fees.