

***Effective 5/13/2014***

**38-9-202 County recorder may reject wrongful lien within scope of employment -- Good faith requirement.**

- (1)
  - (a) A county recorder may refuse to record a lien if the county recorder determines that the lien is a wrongful lien.
  - (b) If the county recorder refuses to record a lien in accordance with Subsection (1)(a), the county recorder shall immediately return the original document together with a notice that the document was rejected pursuant to this section to the person attempting to record the document or to the address provided on the document.
- (2) A county recorder who, within the scope of the county recorder's employment, rejects or accepts a document for recording in good faith under this section is not liable for damages.
- (3) If a document that a county recorder refuses to record under this section is later found not to be a wrongful lien pursuant to a court order, it shall have no retroactive recording priority.
- (4) Nothing in this chapter precludes a person from pursuing any remedy pursuant to Utah Rules of Civil Procedure, Rule 65A, Injunctions.

Renumbered and Amended by Chapter 114, 2014 General Session