

38-9a-203 Hearing -- Court action.

- (1)
 - (a) A hearing requested by the respondent as allowed under Section 38-9a-202 shall be held within 10 days from the date the request is filed with the court, except as provided under Subsection (3).
 - (b) If the court finds compelling reasons to continue the hearing date, the hearing shall then be held at the earliest possible time.
- (2) At the hearing the court may modify, revoke, or continue the injunction. The burden is on the petitioner to show by a preponderance of the evidence that the respondent has made, uttered, recorded, or filed a wrongful lien against the petitioner or the petitioner's property.
- (3)
 - (a) If the respondent requests a hearing subsequent to the ten-day period after service, the court shall set a hearing within a reasonable time from the date requested.
 - (b) At the hearing, the burden is on the respondent to show good cause why the civil wrongful lien injunction should be nullified.

Enacted by Chapter 93, 2005 General Session