

39-7-114 Installment contracts.

- (1) The creditor of a service member who, prior to entry into military service, has entered into an installment contract for the purchase of real or personal property may not terminate the contract or repossess the property for nonpayment or any breach occurring during military service without an order from a court of competent jurisdiction.
- (2) The court, upon application to it under this section, may, unless the court finds on the record that the ability of the service member to comply with the terms of the contract is not materially affected by reason of his military service:
 - (a) order repayment of any prior installments or deposits as a condition of terminating the contract and resuming possession of the property;
 - (b) order a stay of the proceedings on its own motion, or on motion by the service member or another person on his behalf; or
 - (c) make any other disposition of the case it considers to be equitable to conserve the interests of all parties.
- (3) Any person who knowingly repossesses property which is the subject of this section other than as provided in Subsection (1) is guilty of a misdemeanor.

Enacted by Chapter 306, 1997 General Session