

**4-25-4 Possession of estrays -- Determination and location of owner -- Sale -- Disposition of proceeds -- Notice -- Title of purchaser -- Immunity from liability.**

- (1)
  - (a) Except as provided in Section 4-25-5, a county shall:
    - (i) take physical possession of an estray it finds within its boundaries; and
    - (ii) attempt to determine the name and location of the estray's owner.
  - (b) The department shall assist a county that requests its help in determining the name and location of the owner or other person responsible for the estray.
  - (c)
    - (i) Notwithstanding the requirements of Title 67, Chapter 4a, Unclaimed Property Act, if the county cannot determine the estray's owner, or, if having determined ownership, neither the county nor the department is able to locate the owner within a reasonable period of time, the estray shall be sold at a livestock or other appropriate market.
    - (ii) The proceeds of a sale under Subsection (1)(c)(i), less the costs described in Subsection (1)(c)(iii), shall be paid to the county selling the estray.
    - (iii) The livestock or other market conducting the sale under Subsection (1)(c)(i) may deduct the cost of feed, transportation, and other market costs from the proceeds of the sale.
- (2) A county shall publish notice of the sale of an estray:
  - (a) at least once 10 days before the date of the sale; and
  - (b) in a publication with general circulation within the county where the estray was taken into custody.
- (3) A purchaser of an estray sold under this section shall receive title to the estray free and clear of all claims of the estray's owner and a person claiming title through the owner.
- (4) A county that complies with the provisions of this section is immune from liability for the sale of an estray sold at a livestock or other appropriate market.
- (5) Notwithstanding the requirements of Subsection (1)(c), a county may employ a licensed veterinarian to euthanize an estray if the licensed veterinarian determines that the estray's physical condition prevents the estray from being sold.

Amended by Chapter 282, 2009 General Session