

40-1-6 Affidavit of performance of annual labor or payment of maintenance fee.

- (1) As used in this section, "assessment work" means the performance of labor or making of improvements on or for the benefit of a mining claim.
- (2) Within 30 days after the end of the annual period specified in 30 U.S.C. Sec. 28 the owner of an unpatented lode or placer mining claim, or a mill or tunnel site claim or someone on his behalf, shall record an affidavit in the office of the county recorder of the county in which the claim is located setting forth:
 - (a) the name and address of the owner of the claim;
 - (b) the name of the claim and the serial number, if any, assigned to the claim by the United States Bureau of Land Management;
 - (c) if assessment work was required to be performed under 30 U.S.C. Sec. 28 or other federal law to maintain the claim, a statement that the annual assessment work required to maintain the claim was performed; and
 - (d) if the assessment work was not required to be performed under 30 U.S.C. Sec. 28 or other federal law, a statement that it is the intention of the owner to hold the claim, and if a claim maintenance fee was paid as required by the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66 or other federal law, a statement that the fee was paid in a timely manner.
- (3) The affidavit, or a certified copy, shall be prima facie evidence of the facts stated in the affidavit.
- (4) The amendments made in this section do not affect any act or right accruing or which has accrued or been established or any suit or proceeding commenced before May 1, 1995.

Amended by Chapter 85, 1999 General Session