

57-1-23.5 Civil liability for unauthorized person who exercises power of sale.

(1) As used in this section:

- (a) "Unauthorized person" means a person who does not qualify as a trustee under Subsection 57-1-21(1)(a)(i) or (iv).
- (b) "Unauthorized sale" means the exercise of a power of sale by an unauthorized person.

(2)

- (a) An unauthorized person who conducts an unauthorized sale is liable to the trustor for the actual damages suffered by the trustor as a result of the unauthorized sale or \$2,000, whichever is greater.
- (b) In an action under Subsection (2)(a), the court shall award a prevailing plaintiff the plaintiff's costs and attorney fees.

Enacted by Chapter 228, 2011 General Session