

57-1-31.5 Reinstatement or payoff statement -- Timeliness of request -- Trustee's duty to provide statement -- Statement to include accounting of costs and fees.

(1) As used in this section:

- (a) "Approved delivery method" means delivery by:
 - (i) certified or registered United States mail with return receipt requested; or
 - (ii) a nationally recognized letter or package delivery or courier service operating in the state that provides a service for:
 - (A) tracking the delivery of an item; or
 - (B) documenting:
 - (I) that the item was received by the intended recipient; or
 - (II) a refusal to accept delivery of the item.
- (b) "Compensation" means anything of economic value that is paid, loaned, granted, given, donated, or transferred to a trustee for or in consideration of:
 - (i) services;
 - (ii) personal or real property; or
 - (iii) other thing of value.
- (c) "Interested party" means a person with a right under Subsection 57-1-31(1) to reinstate an obligation secured by a trust deed.
- (d) "Payoff statement" means a statement under Subsection (2) that an interested party requests in order to obtain the amount required to pay off a loan secured by a trust deed.
- (e) "Reinstatement statement" means a statement under Subsection (2) that an interested party requests in order to obtain the amount required under Subsection 57-1-31(1) to reinstate an obligation secured by a trust deed.

(2)

- (a)
 - (i) An interested party may submit a written request to a trustee for a statement of the amount required to be paid:
 - (A) to reinstate an obligation secured by a trust deed; or
 - (B) to pay off a loan secured by a trust deed.
 - (ii)
 - (A) A request for a reinstatement statement is not timely unless the trustee receives the request at least 10 business days before expiration of the three-month period under Section 57-1-31 to reinstate an obligation.
 - (B) A request for a payoff statement is not timely unless the trustee receives the request at least 10 business days before the trustee's sale.
 - (iii) An interested party submitting a reinstatement statement or payoff statement to a trustee shall submit the statement to the trustee:
 - (A) at the address specified in the trust deed for notices to the trustee; or
 - (B) at an alternate address approved by the trustee for delivery of mail or notices.
 - (iv) A trustee is considered to have received a request submitted under Subsection (2)(a)(i) if:
 - (A) the interested party submitted the request through an approved delivery method; and
 - (B) documentation provided under the approved delivery method indicates that:
 - (I) the request was delivered to the trustee; or
 - (II) delivery of the request was refused.
- (b)
 - (i) A trustee who receives a written request under Subsection (2)(a) shall provide the statement to the interested party.

- (ii) A trustee is considered to have provided the statement requested under Subsection (2)(a) on the date that the trustee deposits the statement with an approved delivery method:
 - (A) with all delivery costs prepaid; and
 - (B) addressed to the interested party at the address provided in the request.
- (c)
 - (i) If the trustee provides a requested reinstatement statement later than five business days after the request is received, the time to reinstate under Section 57-1-31 is tolled from the date of the request to the date that the trustee provides the statement.
 - (ii) If, after scheduling a trustee's sale, the trustee fails to provide a requested payoff statement within five business days after the request is received, the trustee shall:
 - (A) cancel the trustee's sale; or
 - (B) postpone the trustee's sale to a date at least 10 business days after the trustee provides the statement.
- (3) A trustee shall include with each statement required under Subsection (2)(a):
 - (a) a detailed listing of any of the following that the trustor would be required to pay to reinstate or payoff the loan:
 - (i) attorney fees;
 - (ii) trustee fees; or
 - (iii) any costs including:
 - (A) title fees;
 - (B) publication fees; or
 - (C) posting fees; and
 - (b) subject to Subsection (4), a disclosure of:
 - (i) any relationship that the trustee has with a third party that provides services related to the foreclosure of the loan; and
 - (ii) whether the relationship described in Subsection (3)(b)(i) is created by:
 - (A) an ownership interest in the third party; or
 - (B) contract or other agreement.
- (4) Subsection (3)(b) does not require a trustee to provide a trustor:
 - (a) a copy of any contract or agreement described in Subsection (3)(b);
 - (b) specific detail as to the nature of the ownership interest described in Subsection (3)(b); or
 - (c) the amount of compensation the trustee receives related to the foreclosure of the loan under a relationship described in Subsection (3)(b).

Amended by Chapter 24, 2010 General Session