

Effective 11/6/2025

57-1-45 Boundary establishments -- Establishment documents -- Effect.

- (1) A boundary establishment shall:
 - (a) be finalized by recording an establishment document, as defined in Sections 10-20-102 and 17-79-102; and
 - (b) comply with this section.
- (2) An establishment document shall include:
 - (a) the name and signature of each party to the establishment document;
 - (b) the address of each party to the establishment document for assessment purposes;
 - (c) a statement describing the ambiguity, uncertainty, or dispute being resolved with the boundary establishment;
 - (d) a statement that the adjoining property owners agree on the established boundary location described in the establishment document;
 - (e) a current legal description of each parcel or lot that is subject to the established boundary;
 - (f) a new legal description of the established boundary;
 - (g)
 - (i) if the property owners have conducted a survey, a reference to a record of the survey map, as defined in Section 17-73-504, showing information necessary to identify the established boundary that may include:
 - (A) existing dwellings, outbuildings, improvements, and other physical features;
 - (B) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
 - (C) the location of the agreed boundary; and
 - (D) an explanation in the survey narrative of the reason for the boundary establishment; or
 - (ii) if the parcels or lots are unimproved, or if the property owners have otherwise not conducted a survey, an attached visual or graphic depicting a representation of the location of the established boundary relative to physical objects marking the established boundary;
 - (h) if any of the property that is the subject of the establishment document is located in a recorded subdivision, an acknowledgment that each party to the agreement has been notified of the potential requirement of a subdivision plat amendment; and
 - (i) a sufficient acknowledgment for each party's signature.
- (3) An establishment document described in Subsection (2) may not be used to create a new parcel or new lot.
- (4) Property owners who agree to a boundary establishment shall treat the established boundary as the common boundary, as demonstrated by:
 - (a) actual possession by each owner of the owner's property up to the common boundary, as visibly marked by monuments, fences, buildings, or other physical improvements; or
 - (b) each owner cultivating or controlling the owner's property up to the visibly marked common boundary.
- (5)
 - (a) Before recording an establishment document, a county recorder shall confirm that the establishment document and any accompanying exhibit is presented in a legible and recordable format.
 - (b) Upon receipt of an establishment document that is not in a legible and recordable format, the county recorder shall provide the person submitting the establishment document with an explanation of corrections necessary to record the establishment document.
- (6)
 - (a) An establishment document is effective on the day it is recorded.
 - (b) A recorded establishment document creates a boundary establishment.

- (c) If a judgment made by a court that establishes the location of a disputed boundary is recorded in the county title record:
 - (i) the judgment is considered an establishment document; and
 - (ii) the recording of the judgment creates a boundary establishment.
- (7) Once recorded, an establishment document described in Subsection (2):
 - (a) does not affect any previously recorded easement;
 - (b) establishes the location of the common boundary between the adjoining properties;
 - (c) conveys the ownership of the adjoining parties to the agreed boundary; and
 - (d) shall be indexed by a county recorder in the title record against each property affected by the established boundary.
- (8) The recording of an establishment document does not constitute a land use approval by a municipality or a county.
- (9) A municipality or a county may enforce a municipal or county ordinance against, or withhold approval of a land use application for, property that is subject to a boundary establishment if the municipality or the county determines that the established boundary was not in compliance with the municipality's or the county's land use regulations in effect on the day on which the boundary establishment was recorded.

Amended by Chapter 16, 2025 Special Session 1