

Part 7 Affidavits

78B-5-701 Taking of affidavits in this state.

An affidavit to be used before any court, judge, or officer of this state may be taken before any judge, the clerk of any court, any justice court judge, or any notary public in this state.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-5-702 Taking of affidavits in another state.

An affidavit taken in another state or territory of the United States, to be used in this state, may be taken before a commissioner appointed by the governor of this state to take affidavits and depositions in another state or territory, or before any notary public in another state or territory, or before any judge or clerk of a court of record having a seal.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-5-703 Taking of affidavits in foreign country.

An affidavit taken in a foreign country, to be used in this state, may be taken before an ambassador, minister, consul, vice consul or consular agent of the United States, or before any judge of a court of record having a seal, in the foreign country.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-5-704 Certification of affidavits taken before foreign court or judge.

When an affidavit is taken before a judge or court in another state or territory, or in a foreign country, the genuineness of the signature of the judge, the existence of the court, and the fact that the judge is a member of the court, shall be certified by the clerk of the court under the court's seal.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-5-705 Unsworn declaration in lieu of affidavit.

(1) If the Utah Rules of Criminal Procedure, Civil Procedure, or Evidence require or permit a written declaration upon oath, an individual may, with like force and effect, provide an unsworn written declaration, subscribed and dated under penalty of this section, in substantially the following form:

"I declare (or certify, verify, or state) under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on (date).

(Signature)".

(2) A person who knowingly makes a false written statement as provided under Subsection (1) is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 119, 2008 General Session