

**78B-5-412 Temporarily determining the United States dollar value of foreign-money claims for limited purposes.**

- (1) For the limited purpose of facilitating the enforcement of provisional remedies in an action:
  - (a) the value in United States dollars of assets to be seized or restrained pursuant to a writ of attachment, garnishment, execution, or other legal process;
  - (b) the amount of United States dollars at issue for assessing costs; or
  - (c) the amount of United States dollars involved for a surety bond or other court-required undertaking shall be ascertained as provided in Subsections (2) and (3).
- (2) The party seeking the process, costs, bond, or other undertaking shall compute the dollar amount of the foreign money claimed from a bank-offered spot rate of exchange prevailing at or near the close of business on the banking day next preceding the filing of a request or application for the issuance of process or for the determination of costs, or an application for a bond or other court-required undertaking.
- (3) The party seeking the process, costs, bond, or other undertaking shall file with each request or application an affidavit or certificate executed in good faith by its counsel or a bank officer, stating the market quotation used, how obtained, and setting forth the calculation. Affected court officials incur no liability, after a filing of the affidavit or certificate, for acting as if the judgment was in the amount of United States dollars stated in the affidavit or certificate.
- (4) Computations under this section are for the limited purposes of this section and do not affect computation of the United States dollar equivalent of the money of the judgment for payment purposes.

Renumbered and Amended by Chapter 3, 2008 General Session