

***Superseded 5/4/2022***

**78B-5-825 Attorney fees -- Award where action or defense in bad faith -- Exceptions.**

- (1) In civil actions, the court shall award reasonable attorney fees to a prevailing party if the court determines that the action or defense to the action was without merit and not brought or asserted in good faith, except under Subsection (2).
- (2) The court, in its discretion, may award no fees or limited fees against a party under Subsection (1), but only if the court:
  - (a) finds the party has filed an affidavit of impecuniosity in the action before the court; or
  - (b) the court enters in the record the reason for not awarding fees under the provisions of Subsection (1).