

78B-6-1215 Confirmation, modification, or vacation by court -- Effect of death of party before judgment.

- (1) The court may confirm, change, modify, or set aside the report, and if necessary, appoint new referees. Upon the report being confirmed judgment must be rendered that the partition be effectual forever. The judgment shall be binding and conclusive on all persons:
 - (a) named as parties to the action and their legal representatives, who have at the time any interest in the property, whether as:
 - (i) owners in fee;
 - (ii) tenants for life or for years; or
 - (iii) entitled to the reversion, remainder, or the inheritance of the property or of any portion after the determination of a particular estate in it;
 - (b) who by any contingency may be entitled to a beneficial interest in the property, or who have an interest in any undivided share thereof as tenants for years or for life;
 - (c) interested in the property who may be unknown, to whom notice of the action for partition has been given by publications; and
 - (d) claiming from any parties or persons in Subsection (1)(c).
- (2) A judgment is not invalid by reason of the death of any party before final judgment or decree, but the judgment or decree is as conclusive against the heirs, legal representatives, or assigns of the decedent as if it had been entered before the person's death.

Renumbered and Amended by Chapter 3, 2008 General Session