

78B-6-1245 Lien for costs and expenses advanced by one for benefit of all.

- (1) The court shall allow expenses incurred, including attorney fees, in prosecuting or defending other actions or proceedings by any one of the tenants in common for the protection, confirmation or perfecting of the title, or setting the boundaries, or making a survey or surveys of the estate partitioned to be recovered by the party incurring the expenses.
- (2) The court shall determine the amounts with interest from the date the expenditures occurred.
- (3) The costs shall be:
 - (a) pleaded and allowed by the court;
 - (b) included in the final judgment;
 - (c) a lien upon the share of each tenant, in proportion to the tenant's interest; and
 - (d) enforced in the same manner as taxable costs of partition are taxed and collected.

Renumbered and Amended by Chapter 3, 2008 General Session