

78B-6-1246 Abstract of title -- Costs and inspection.

- (1) If the court determines that it was necessary to have an abstract of the title to the property to be partitioned created and the abstract has been procured by a party to the proceeding, the cost of the abstract, with interest from the date of its creation and availability for inspection by the respective parties to the action, shall be allowed and taxed.
- (2) If the abstract is procured by the plaintiff before the commencement of the action the plaintiff shall file a notice with the complaint that an abstract of the title has been made and is available for the inspection and use of all the parties to the action. The notice shall state where the abstract will be available for inspection.
- (3) If the plaintiff did not procure an abstract before commencing the action, and a defendant procures an abstract, the defendant shall, as soon as it has been directed it to be made, file a notice in the action with the clerk of the court, stating who is making the abstract and where it will be kept when finished.
- (4) The court may direct who may have custody of the abstract.

Renumbered and Amended by Chapter 3, 2008 General Session