

**Effective 5/4/2022**

**78B-6-1270 Definitions.**

As used in this part:

- (1) "Ascendant" means an individual who precedes another individual in lineage, in the direct line of ascent from the other individual.
- (2) "Collateral" means an individual who is related to another individual under the law of intestate succession of this state but who is not the other individual's ascendant or descendant.
- (3) "Descendant" means an individual who follows another individual in lineage, in the direct line of descent from the other individual.
- (4) "Determination of value" means a court order:
  - (a) determining the fair market value of heirs' property under Section 78B-6-1274 or 78B-6-1278; or
  - (b) adopting the valuation of the property agreed to by all the cotenants.
- (5) "Heirs' property" means real property held in tenancy in common that satisfies all of the following requirements as of the filing of a partition action:
  - (a) there is no agreement in a record binding all the cotenants that governs the partition of the property;
  - (b) one or more of the cotenants acquired title from a relative, whether living or deceased; and
  - (c) any of the following applies:
    - (i) 20% or more of the interests are held by cotenants who are relatives;
    - (ii) 20% or more of the interests are held by an individual who acquired title from a relative, whether living or deceased; or
    - (iii) 20% or more of the cotenants are relatives.
- (6) "Partition by sale" means a court-ordered sale of the entire heirs' property, whether by an auction, sealed bids, or an open-market sale conducted under Section 78B-6-1278.
- (7) "Partition in kind" means the division of heirs' property into physically distinct and separately titled parcels.
- (8) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (9) "Relative" means an ascendant, a descendant, a collateral, or an individual otherwise related to another individual by blood, marriage, adoption, or a law of this state other than this part.

Enacted by Chapter 304, 2022 General Session