

***Effective 5/10/2016***

**78B-6-1304.5 Civil liability for recording wrongful notice of pendency -- Damages.**

A person is liable to the record owner of real property, or to a person with a leasehold interest in the real property that is damaged by the maintenance of a notice of pendency, for \$10,000 or for treble actual damages, whichever is greater, and for reasonable attorney fees and costs, if the person records or causes to be recorded a notice of pendency against the real property, knowing or having reason to know that:

- (1) legal action against the property has not been filed as required by Section 78B-6-1303;
- (2) the notice is groundless;
- (3) the notice fails to comply with the notice requirements of Subsection 78B-6-1303(2); or
- (4) the notice contains an intentional material misstatement or false claim.

Enacted by Chapter 306, 2016 General Session