

1 **REPEAL PROVISIONS RELATED TO**
2 **ASSUMPTION OF INDEBTEDNESS ON**
3 **RESIDENTIAL REAL PROPERTY**

4 2008 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Kevin S. Garn**

7 Senate Sponsor: Scott K. Jenkins

8
9 **LONG TITLE**

10 **General Description:**

11 This bill repeals provisions related to assumption of indebtedness on residential real
12 property.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ repeals provisions related to assumption of indebtedness on residential real property;
16 and
17 ▶ makes technical and conforming changes.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **7-7-44**, as enacted by Laws of Utah 1983, Chapter 8

25 REPEALS:

26 **57-15-1**, as enacted by Laws of Utah 1981, Chapter 224

27 **57-15-2**, as enacted by Laws of Utah 1981, Chapter 224

28 **57-15-3**, as enacted by Laws of Utah 1981, Chapter 224

29 **57-15-4**, as enacted by Laws of Utah 1981, Chapter 224

- 30 **57-15-5**, as enacted by Laws of Utah 1981, Chapter 224
- 31 **57-15-6**, as last amended by Laws of Utah 1995, Chapter 20
- 32 **57-15-7**, as enacted by Laws of Utah 1981, Chapter 224
- 33 **57-15-8**, as enacted by Laws of Utah 1981, Chapter 224
- 34 **57-15-8.5**, as last amended by Laws of Utah 2007, Chapter 56
- 35 **57-15-9**, as enacted by Laws of Utah 1981, Chapter 224
- 36 **57-15-10**, as enacted by Laws of Utah 1981, Chapter 224
- 37 **57-15-11**, as enacted by Laws of Utah 1985, Chapter 2

38

39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **7-7-44** is amended to read:

41 **7-7-44. Chapter controls over inconsistent laws.**

42 ~~[(1) Except as otherwise specified in Subsection (2), if any provisions]~~ If a provision of
43 this chapter ~~[are]~~ is inconsistent with ~~[the provisions]~~ a provision of any other state law
44 affecting ~~[associations]~~ an association existing as of ~~[the effective date of this act]~~ March 18,
45 1983, the ~~[provisions]~~ provision of this chapter ~~[shall control]~~ controls.

46 ~~[(2) Nothing in this chapter may be construed to supersede or repeal, or interpreted or~~
47 ~~applied, now or in the past or future, to supersede or repeal Title 57, Chapter 15.]~~

48 Section 2. **Repealer.**

49 This bill repeals:

50 Section **57-15-1, Legislative findings.**

51 Section **57-15-2, Provision for acceleration or increased interest on assumption**
52 **unenforceable -- Exception.**

53 Section **57-15-3, Substantial impairment of lender's prospect of prompt and full**
54 **payment.**

55 Section **57-15-4, Charge assessed by secured party for assumption -- Limitation.**

56 Section **57-15-5, Property subject to chapter.**

57 Section **57-15-6, Exempt lenders.**

- 58 Section **57-15-7, Calling entire balance on impairment of security.**
- 59 Section **57-15-8, Procedure for assumption -- Request to lender -- Effect of failure**
- 60 **to request -- Approval or refusal by lender -- Information furnished by lender.**
- 61 Section **57-15-8.5, Acceleration or maturing an indebtedness -- Conditions**
- 62 **authorizing -- Exemption of loans sold to federal agencies.**
- 63 Section **57-15-9, Liability for damages caused by violation.**
- 64 Section **57-15-10, Severability of provisions.**
- 65 Section **57-15-11, Limitation on enforcement of due-on-sale clauses.**