

Retention and Classification Report

Agency: District Court (Seventh District : Grand County) (1700)

125 East Center Street
Moab, UT 84532
435-259-4081

Records Officer: _____

16948	Case files
13111	Civil case files
13114	Criminal case files
26262	Probate case files

AGENCY: District Court (Seventh District : Grand County)

SERIES: 16948

3

TITLE: Case files

DATES: 1970-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

RETENTION:

Retain permanently

DISPOSITION:

May Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series are authorized by the Administrative Office of the Courts.

APPROVED: 09/2009

FORMAT MANAGEMENT:

Paper: Retain in Office permanently and then microfilm.

Microfilm master: Retain in State Archives permanently with authority to weed.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

PRIMARY DESIGNATION:

Private

AGENCY: District Court (Seventh District : Grand County)

SERIES: 13111

3

TITLE: Civil case files

DATES: 1896-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

These case files from the Seventh District Court in Grand County document the legal process and the administration of justice in conjunction with a civil proceeding for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed. Included are all cases which cannot legally be called "criminal cases." Records and documents pertaining to a particular action are filed together by the court clerk, who is required by the Rules of Civil Procedure to file pleadings and other legal papers. Collectively they constitute the case file.

A civil action commences with the filing of a complaint with the court or by service to the defendant of a summons together with a copy of the complaint. A unique case number is assigned by the court when the papers are filed with the clerk. The case file for a particular action includes the original complaint or summons together with all legal papers subsequently filed in connection with the court proceeding through disposition or dismissal. Included are such documents as: depositions (or written testimony), demurrers (which are pleas for the dismissal of a lawsuit on the grounds that even if the statements of the opposition are true, they do not sustain the claim), interrogatories (a pretrial discovery tool in which written questions are propounded by one party and served to the adversary, who must answer by written replies made under oath), answers, counter claims, replies, motions, petitions, affidavits (written statements made under oath before an officer of the court, notary public, or other authorized person), stipulations (an agreement between attorneys that concerns business before a court and is designed to simplify, shorten, or settle litigation and save costs), exhibit documents (written contracts, bills, receipts, etc.), notices, objections, citations, sheriff's certificates, judge's orders and rulings, judge's instructions to the jury, judge's findings of fact and conclusions of law, final decrees, judgments, and executions (the process of carrying into effect a court's judgment, decree, or order).

Demurrers, pleas, and exceptions for insufficiency were abolished in 1953. Transcripts (an official and certified copy of what transpired in court or at an out-of-court deposition) and exhibits (items of real evidence) are not included in the case files.

AGENCY: District Court (Seventh District : Grand County)

SERIES: 13111

TITLE: Civil case files

(continued)

Petitions for divorce are the predominant type of action in the civil case files. Suits to recover money are also common. These actions arise out of failure to honor promissory notes or other contract terms and non- payment of rent, lease payments, and court-ordered judgments. Attempts by plaintiffs to recover medical costs and lost income arising out of personal injury cases resulting from alleged carelessness or neglect appear frequently. These include traffic mishaps or accidents involving neighbors, employees, or business customers. Property cases include disputed ownership, damage, and contested improvements.

Legal actions include voluntary withdrawal or dissolution of corporations as well as petitions for a writ of habeas corpus (a court order requiring that a prisoner be brought before a judge to decide the legality of his detention or imprisonment). Court business (grand jury lists and reports, orders summoning persons to serve as jurors, various writs, etc.) have also been assigned civil case numbers.

According to statute, the district court has jurisdiction in all civil matters not excepted by the state constitution and not prohibited by law. During each calendar year the court is required to hold at least three terms at the county seat of each county within the district. The county clerk in each county serves as ex- officio clerk to the court and is responsible for maintaining the case files for actions arising in that county.

Responsibility for cases involving minimal monetary claims was reassigned to the newly created small claims departments of inferior courts in 1933. When inferior courts have original jurisdiction, the district court is limited to hearing appeals. Included are violations of city and town ordinances, as well as minor traffic laws, where a City Court or Justice of the Peace Court is established. Upon receipt of an appeal, the district court conducts a complete retrial of the case.

AGENCY: District Court (Seventh District : Grand County)

SERIES: 13111

TITLE: Civil case files

(continued)

RETENTION:

Permanent. Retain until administrative need ends

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: For records beginning in 1985 and continuing to the present. Retain in Office permanently.

Microfilm master: For records beginning in 1896 through 1956. Retain in State Archives permanently with authority to weed.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

Microfiche master: Retain in State Archives permanently with authority to weed.

APPRAISAL:

These records have administrative, historical, and/or legal value(s). Disposition based on documentation about individuals, legal procedure, court history and functions. Case files have legal and administrative value to the court through dismissal or satisfaction of the final judgment. They enforce or protect private rights and prevent or redress private wrongs. The value of the judge's decrees and final judgments to parties in an action may well extend beyond their immediate administrative use.

AGENCY: District Court (Seventh District : Grand County)

SERIES: 13111

TITLE: Civil case files

(continued)

PRIMARY DESIGNATION:

Public

REVIEW AND UPDATE STATUS:

This report was reviewed and updated on 03/2015.

AGENCY: District Court (Seventh District : Grand County)

SERIES: 13114

3

TITLE: Criminal case files

DATES: 1898-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Most of the criminal case file filming appears jumbled in with the Grand County "official records".

RETENTION:

Permanent. Retain until administrative need ends

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series are authorized by the Administrative Office of the Courts.

APPROVED: 04/1997. Utah State Court Records Retention Schedule(B)(5)(a)

FORMAT MANAGEMENT:

Paper: For records beginning in 1985 and continuing to the present. Retain in Office permanently or until microfilmed.

Microfilm master: Retain in State Archives permanently with authority to weed.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

Microfiche duplicate: For records beginning in 1896 through 1958. Retain in Office permanently.

Microfiche master: Retain in State Archives permanently with authority to weed.

APPRAISAL:

These records have historical, and/or legal value(s).

Disposition based on documentation about individuals, legal procedure, court history and functions. Case files have legal and administrative value to the court through dismissal or

AGENCY: District Court (Seventh District : Grand County)

SERIES: 13114

TITLE: Criminal case files

(continued)

satisfaction of the final judgment. They enforce or protect private rights and prevent or redress private wrongs. The value of the judge's decrees and final judgments to parties in an action may well extend beyond their immediate administrative use.

PRIMARY DESIGNATION:

Public

REVIEW AND UPDATE STATUS:

This report was reviewed and updated on 03/2015.

AGENCY: District Court (Seventh District : Grand County)

SERIES: 26262

3

TITLE: Probate case files

DATES: 1888-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Probate case files from the Seventh District Court in Grand County primarily involve the probate of estates for deceased persons and guardianship for minors and incompetent persons. Probate is judicial oversight of property in transition. Probate of estates is the process by which a deceased person's property is identified and maintained, his debts and taxes paid, and then remaining property distributed to beneficiaries as specified in a will or as required by law for persons who die intestate (without a will). In guardianship cases probate is the establishment of a guardian for minors or incompetent adults who hold property that needs management. In addition to probate these case files may also include name changes and some adoptions.

RETENTION:

Permanent. Retain until administrative need ends

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Microfiche master: Retain in State Archives permanently with authority to weed.

Paper: For records beginning in 1985 and continuing to the present. Retain in Office permanently.

Microfilm master: Retain in State Archives permanently with authority to weed.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

AGENCY: District Court (Seventh District : Grand County)

SERIES: 26262

TITLE: Probate case files

(continued)

APPRAISAL:

These records have administrative, historical, and/or legal value(s).

Disposition based on documentation about individuals, legal procedure, court history and functions. Case files have legal and administrative value to the court through dismissal or satisfaction of the final judgment. Because they enforce or protect private rights and prevent or redress private wrongs, the value of the judge's decrees and final judgments to parties in the action may well extend indefinitely.

PRIMARY DESIGNATION:

Public

SECONDARY DESIGNATION(S):

Private.

Judicial records are public unless restricted under rules of civil procedure (UCA 63G-2-301-[1][f]). Included are custody proceedings, guardianship files, minutes, & probate records. Wills are generally

REVIEW AND UPDATE STATUS:

This report was reviewed and updated on 03/2015.