

HB0091H2001

- 1 Page 1-line 5 After "specified;" insert "authorizing a civil
2 action for new instruments recorded to remove
3 an enforceable restrictive covenant;".
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- 5 Page 1-line 10 Delete "and 34-1-155" and insert "through
6 34-1-156".
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- 8 Page 2-line 19 After "(b)" delete balance of line.
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- 10 Page 2-line 20 Delete "contrary" and insert "Except as
11 provided in W.S. 34-1-156".
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- 13 Page 5-after line 17 Insert:

14
15 **"34-1-156. Civil action for removing enforceable covenants.**
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17 (a) Any person whose real property is subject to, or is
18 benefitted by, a restrictive covenant that was removed under W.S.
19 34-1-155 and who believes the restrictive covenant is valid, may
20 petition the court having jurisdiction over the property. The
21 petition shall state the grounds upon which relief is requested,
22 and shall be supported by the affidavit of the petitioner or his
23 attorney setting forth a concise statement of the facts upon which
24 the petition is based. The clerk of court shall assign a case
25 number to the petition and obtain from the petitioner a filing fee
26 of thirty-five dollars (\$35.00). Upon the filing of the petition
27 the following shall apply:
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29 (i) The court may enter its order, which may be granted
30 ex parte, directing the person who filed and recorded the
31 instrument to appear before the court at a time no earlier than
32 six (6) nor later than fifteen (15) days following the date of
33 service of the petition, and order the person to show cause, if
34 any, why the relief provided in this subsection should not be
35 granted. Service under this section shall be made in accordance
36 with the rules of civil procedure;
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39 (ii) If, following a hearing on the matter the court
40 determines that the restrictive covenant under subsection (a) of
41 this section is valid and enforceable, the court shall issue an
42 order so stating and awarding damages of up to one thousand dollars
43 (\$1,000.00) as determined by the court or actual damages, whichever

1 is greater, costs and reasonable attorneys' fees to the petitioner
2 to be paid by the person who filed and recorded the instrument;

3
4 (iii) If the court determines that the restrictive
5 covenant is void and unenforceable, the court shall issue an order
6 so stating and shall award costs and reasonable attorneys' fees to
7 the person who filed and recorded the instrument to be paid by the
8 petitioner.". CRAGO