

## Checklist for Counter-Petition for Adjudication of Priority to Funds

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- You must complete a form before you file it. These instructions will help you complete the forms.
- If you still have difficulty after reading these instructions, contact the Self Help Center. See <http://www.utcourts.gov/selfhelp/contact/>.
- The judicial services representative cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Check with your court about local requirements.

### (1) Coversheet

- Print your name and address and those of the other parties and lawyers (if known).
- You are not claiming damages, so leave that line blank or print “none.” A jury trial is not permitted in this type of case, so check “no.”
- On page 2, check the box next to “Lien/Mortgage Foreclosure.”

### (2) Counter-Petition

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Print the judicial district number, the county name and the court address on the blank lines.
- Paragraph (1): Enter the amount from the trustee’s sale that was deposited with the court, and the date it was deposited.
- Paragraph (2): Enter the address of the property sold at the trustee’s sale.
- Paragraph (3): List the names and addresses of all other claimants to the funds.
- Paragraph (4): Check the correct box to show whether you request a hearing. If there is no hearing, the judge will decide the petition based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.

- Do not include any private or protected information on this form. When filed, this form is a public record. [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form, attachments and proof of service with the judicial services representative.

### **(3) Attend the Hearing**

If there is a hearing, be sure to attend.

### **(4) Findings of Fact and Order**

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Print the judicial district number, the county name and the court address on the blank lines.
- Attach any required documents or forms.
- If there is a hearing, the judge will decide the issues and will tell one of the parties to prepare the Order. Listen carefully to the judge's decision. The documents must agree with that decision, and you may have to prepare them.
- If you are told to prepare the Order, complete all of them except the judge's signature. What you write in the documents must agree with what the judge decided.

### **(5) Notice of Order**

If you prepared the order, or if the judge says you have to serve the signed order:

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Print the judicial district number, the county name and the court address on the blank lines.
- Attach any required documents and forms.

- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form and attachments with the judicial services representative.