

Retention and Classification Report

Agency: District Court (Fifth District : Washington County) (1682)

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St. George, UT 84770
435-986-5723

Records Officer: _____

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AGENCY: District Court (Fifth District : Washington County)

SERIES: 23597

3

TITLE: Citizenship certificate stubs

DATES: 1913-1929.

ARRANGEMENT: Numerical by entry number.

DESCRIPTION:

This series contains stubs for certificates of citizenship issued by the court to newly naturalized citizens. The court clerk was responsible for sending the federal Bureau of Immigration and Naturalization a duplicate of the certificate, "and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate." The preprinted stub forms were in volumes issued by the Bureau of Naturalization.

The essential facts included both filing information and personal history data: certificate number; name; age; declaration of intention filing data; petition for citizenship filing data; name, age, and residence of wife; names, ages, and residences of minor children; date of order admitting to citizenship with volume and page recorded; and signature of holder.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

APPRAISAL:

These records have historical value(s).

This disposition is based on the record's secondary informational value to researchers. These naturalization records are important sources for both the family historian and historical scholar studying immigration and ethnic settlement in Utah.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 3635

3

TITLE: Civil case files

DATES: 1896-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Original complaint or summons, and all legal papers filed through disposition or dismissal of civil cases, the proceedings between parties wherein rights are enforced or protected, or wrongs are prevented or redressed, which cannot legally be called criminal cases, involving real property and incidents in Washington. Transcripts and exhibits are not included. Civil cases include petitions for divorce, suits to recover money, voluntary withdrawal or dissolution of corporations, and writs of habeas corpus. For the approximately twenty years following statehood, grand jury reports and lists, various writs, oaths of office, etc, were also assigned civil case numbers.

RETENTION:

Retain permanently

DISPOSITION:

May Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: For records beginning in 1956 and continuing to the present. Retain in Office permanently.

Paper: For records beginning in 1896 through 1955. Retain in State Archives permanently with authority to weed.

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

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

Microfilm duplicate: Retain in Regional Repository permanently.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 3635

TITLE: Civil case files

(continued)

APPRAISAL:

These records have historical 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, as long as 25 years in some instances. 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 beyond the 25-year designation.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 18193

4

TITLE: Civil registers of actions

DATES: 1896-1990.

ARRANGEMENT: Numerical by case number, thereunder chronological
DESCRIPTION:

Civil cases document the legal process and the administration of justice in conjunction with civil proceedings for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed. Records and documents pertaining to a particular civil action are filed together by the court clerk and collectively these documents constitute the case file. As these records or actions are filed, the clerk enters them in the registers which comprise this series. The clerk is required as documents enter the case file to make a notation that shows "the nature of each paper filed or writ issued and the substance of each order or judgment of the court and of the returns showing execution of process. The notation of an order or judgment shall show the date the notation is made. When trial by jury has been properly demanded or ordered the clerk shall enter the word 'jury' on the page assigned to that action" [UCA 79 (b) (2)].

A register of actions may contain the following entries for each civil case: name of the attorney for plaintiff and defendant, name of the judge presiding over the case, petitions, complaints, summons, answers to summons, orders from the court, assignment of judges, exhibits, judgment, findings and conclusions, costs, decrees, requests by attorneys for instructions to the jury, verdict, motions for cross complaints or new trials, amendments to previous answers and disclaimers.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in Office until administrative use ends or until microfilmed and then destroy provided microfilm has passed inspection.

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 (Fifth District : Washington County)

SERIES: 18193

TITLE: Civil registers of actions

(continued)

Microfilm duplicate: Retain in Office permanently.

APPRAISAL:

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

This disposition is based on the legal and historical value of the District Court REGISTERS OF ACTIONS. The court clerk is required by law [UCA X, (79) (a)] to keep a register of actions that functions as a chronological list of papers filed and fees paid which relate to individual civil actions.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 26246

3

TITLE: Criminal case files

DATES: 1896-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Case files are made up of the various documents filed with the Fifth District Court in Washington County pertaining to each specific case. The records usually contain information such as the case number, and the names of the defendants, counsel, jurors, and witnesses. The case file may include complaints, indictments, subpoenas, verdicts, warrants of arrest, execution or confinement, warrant returns, affidavits, orders, judgments, appeal notices. Files rarely include transcripts of testimony.

First, second, and third degree felony cases are the predominant case file type within this series (a major crime for which the maximum imprisonment is more than one year in a state correctional institution). This would include first degree offenses such as murder, rape, aggravated kidnapping, aggravated burglary and robbery, arson, and possession with intent to distribute drugs. Second degree offenses include: manslaughter, robbery, residential burglary, kidnapping, perjury, forgery, theft of property valued over \$1,000.00, forcible sexual abuse, and intentional child abuse. Third degree felonies include: burglary of non-dwellings, theft, aggravated assault, forgery, unlawful sexual intercourse, joyriding, possession with intent to distribute marijuana or cocaine, and false or forged prescriptions.

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 1896 through 1955. Retain in State Archives permanently with authority to weed.

Paper: For records beginning in 1956 and continuing to the

AGENCY: District Court (Fifth District : Washington County)

SERIES: 26246

TITLE: Criminal case files

(continued)

present. Retain in Office permanently.

Microfilm master: For records beginning in 1896 through 1955.

Retain in State Archives permanently with authority to weed.

Microfilm duplicate: For records beginning in 1896 through 1955.

Retain in State Archives permanently with authority to weed.

Microfilm duplicate: For records beginning in 1896 through 1955.

Retain in Regional Repository permanently.

APPRAISAL:

These records have historical value(s).

These are historically significant permanent records of the court.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 25159

3

TITLE: Criminal registers of actions

DATES: 1896-1990.

ARRANGEMENT: Numerical by case number, thereunder chronological by date.

DESCRIPTION:

Records and documents pertaining to a particular civil, criminal or probate action are filed together by the court clerk and collectively these documents constitute the case file. As these records or actions are filed, the clerk enters them in the registers which comprise this series.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in Office for 10 years and then microfilm and destroy provided microfilm has passed inspection.

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

Microfilm duplicate: Retain in Office permanently.

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

APPRAISAL:

These records have historical value(s).

This disposition is based on the legal and historical value of the District Court REGISTERS OF ACTIONS. The court clerk is required by law [UCA X, (79) (a)] to keep register of actions that functions as a chronological list of papers filed and fees paid which relate to individual civil actions.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23596

3

TITLE: Declarations of intention record books

DATES: 1897-1939.

ARRANGEMENT: Chronological by date.

DESCRIPTION:

To become a citizen of the United States, an individual normally filed a "declaration of intention to become a citizen" at least two years prior to applying for citizenship. The next step was the naturalization hearing at which the candidate and witnesses either made oral statements or filed written petitions and affidavits attesting to the applicant's character, worthiness to become a citizen, and the validity of statements made to the court. If the judge found the applicant eligible to become a citizen, an oath was administered and the individual renounced his former citizenship. At this point a certificate of citizenship was issued documenting the fact. These volumes contain recorded copies of the declarations of individuals' intentions to later become United States citizens and to renounce current citizenship. The first forms contain little more than the declarant's name and native country, but forms after 1906 contain more detailed information about both the individual and his family.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

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

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

Microfilm duplicate: Retain in Regional Repository permanently.

APPRAISAL:

These records have historical value(s).

Disposition based on these records serving as one of the few records of naturalization surviving from the court.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23596

TITLE: Declarations of intention record books

(continued)

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23780

4

TITLE: Estate administration index

DATES: 1880-1902.

ARRANGEMENT: Chronological by date

DESCRIPTION:

The Index to Record of Administration of Estates is a probate register of actions taken in estate and guardianship cases handled by the Washington County Probate Court, and subsequently by the probate division of Fifth District Court: Washington County. For each case the register names an individual, states the kind of case, and then lists each action taken in the case. Each entry provides both the date of action and a reference where that action was recorded in Probate Record Books F, G, H, or in the Will Book. While subsequent registers of action include all functions of the probate division, this index includes estate and guardianship cases only.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

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

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

APPRAISAL:

These records have historical value(s).

This index provides access to guardianship and estates cases presented to the Washington County Probate Court, and subsequently, to District Court (Fifth District: Washington County).

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 13505

3

TITLE: Guardianships and adoptions record

DATES: 1902-1920.

ARRANGEMENT: Chronological by filing date.

DESCRIPTION:

This volume contains affidavits, agreements, and orders pertaining to cases of adoption and guardianship. The nature of these documents varies widely from the establishment of an adoptive parent or legal guardianship for minors or in cases of insanity to the sale of real estate owned by a minor and overseen by a legal guardian. Each entry provides the names of the minors or patients as well as the names of the guardian or adoptive parent(s) and the biological parents involved in the proceeding, the date of proceeding and endorsement/filing date, and the signature of clerk or judge overseeing the proceeding.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

APPROVED: 04/2016

FORMAT MANAGEMENT:

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

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

Paper: Retain in State Archives permanently with authority to weed.

APPRAISAL:

These records have historical value(s).

Disposition is based on the value of these records in identifying historic adoption records from the court.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 13505

TITLE: Guardianships and adoptions record

(continued)

PRIMARY DESIGNATION:

Private Adoptions are sealed for 100 years

SECONDARY DESIGNATION(S):

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 26247

3

TITLE: Index to civil and criminal actions

DATES: 1896-1937.

ARRANGEMENT: Alphabetical by surname of defendant.

DESCRIPTION:

This record series contains an index book kept by the clerk of the court for the purpose of tracking civil and criminal actions handled by Fifth District Court in Washington County. It lists the kind of action, civil or criminal, the names of plaintiff and defendant, a file number and a date of filing.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

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

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

Microfilm duplicate: Retain in Office permanently.

APPRAISAL:

These records have historical value(s).

This appraisal is based on the fact that this is one of the only known sources available for accessing historic case files from the court which have a permanent retention.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 84201

4

TITLE: Inheritance tax liens register

DATES: i 1904-1915.

ARRANGEMENT: Chronological

DESCRIPTION:

The court clerk's office registers the estate settlements showing the heirs, devisees, or grantees, and their relationship to the deceased. This settlement was then assessed for tax purposes. Appraisal of property is included and the executor or administrator is named. If any real estate was subject to liens the lien was also registered. The Washington County Inheritance Tax and Lien Book has only three entries. These are: Brigham J. Lund, 1905; George Woodward, 1905; and James Andrus, 1915.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Microfilm duplicate: Retain in State Archives permanently.

Paper: Retain in Office for 86 years after being microfilmed and then transfer to State Records Center. Retain in State Records Center until reviewed by State Archivist and then destroy.

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

AGENCY: District Court (Fifth District : Washington County)

SERIES: 26331

3

TITLE: Judgment dockets

DATES: 1896-1990.

ARRANGEMENT: Chronological by date.

DESCRIPTION:

This series contains the Judgment Dockets produced by the 5th District Court in Washington County. Dockets function as an agenda for the proceedings of the court, written in abstract or brief form to act as a record of the action relative to each case. The docket generally contains the following information: Plaintiff, Defendant, Nature of the Case, Attorneys for the Plaintiff and Defendant, Case Number, Date and Nature of each action taken in the case, any applicable fees for the action, along with the judge's disposition of the case.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

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

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

APPRAISAL:

These records have historical value(s).

This series is historically valuable since it provides access to the civil case files and all court proceedings.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 26330

3

TITLE: Judgment record books

DATES: 1896-1991.

ARRANGEMENT: Chronological by date.

DESCRIPTION:

This series contains judgment record books kept by the 5th District Court in Washington County. The text of judgments rendered in court cases are recorded in these volumes. These records function as a reference source for all final judgments made by the court in civil matters. Included are findings of fact, conclusions of law, and the decree or judgment. Recorded information includes the names of the parties involved, date, a summary of the case and findings, decisions rendered, and the names of officials. A case number is recorded in some instances.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

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

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

APPRAISAL:

These records have historical value(s).

This series has historical value as they provide access to judgments in historic case files.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23736

3

TITLE: Juror and witness fee book

DATES: 1919-1924.

ARRANGEMENT: Chronological by date.

DESCRIPTION:

These certificates are receipts for service as jurors or witnesses. The forms give receipt number, place, date, whether juror or witness and individual's name, number of days and per diem amount, number of miles and mileage amount, total, date of discharge, and signature that paid.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

APPRAISAL:

These records have historical value(s).

This disposition is based on the legal and historical value of registers which function as a chronological list of papers filed and fees paid relative to individual actions.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 13435

3

TITLE: Justice court records

DATES: 1882-1895.

ARRANGEMENT: none

DESCRIPTION:

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

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 (Fifth District : Washington County)

SERIES: 23738

3

TITLE: Minute Books

DATES: 1896-1974.

ARRANGEMENT: Chronological by date.

DESCRIPTION:

This series contains the minute books from the Fifth District Court in Washington County, with actions from the criminal, civil, and probate divisions appearing throughout. Minute books contain the documentation of daily proceedings of the court but are not transcripts of court cases. Business matters include court site and officers present, jury selection, judicial appointments, expense claims, as well as entries noting the day's proceedings on various cases. A typical case will span multiple dates and will include an indictment or indication of the filed complaint, procedural issues, presentation of the case, witnesses' names, the verdict, and precise sentencing or settlement.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Regional Repository permanently.

Microfilm duplicate: Retain in State Archives permanently.

APPRAISAL:

These records have historical value(s).

Disposition is based on the value of these records in understanding all actions associated with the case files of the court.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23738

TITLE: Minute Books

(continued)

PRIMARY DESIGNATION:

Public

SECONDARY DESIGNATION(S):

Exempt.

UCA 78-30-15 (2008). As of 1 July 1999, adoptions become public after 100 years; until then they are sealed and only obtainable through the court. These books include occasional reference to adoptions.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23595

3

TITLE: Naturalization record books

DATES: 1896-1940.

ARRANGEMENT: Chronological by date.

DESCRIPTION:

To become a citizen of the United States, an individual normally filed a "declaration of intention to become a citizen" at least two years prior to applying for citizenship. The next step was the naturalization hearing at which the candidate and witnesses either made oral statements or filed written petitions and affidavits attesting to the applicant's character, worthiness to become a citizen, and the validity of statements made to the court. If the judge found the applicant eligible to become a citizen, an oath was administered and the individual renounced his former citizenship. At this point a certificate of citizenship was issued documenting the fact. These volumes contain documentation of the final steps of becoming a United States citizen. They include petitions for naturalization, certificates of citizenship, and accompanying documentation.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

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

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

Microfilm duplicate: Retain in Regional Repository permanently.

APPRAISAL:

These records have historical value(s).

This retention reflects a previous decision by the Judicial Council (1983) and the historical value of these records to document the naturalization process.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23595

TITLE: Naturalization record books

(continued)

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 3636

3

TITLE: Probate case files

DATES: 1896-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

A collection of all documents and actions filed with the court clerk in the course of probating wills of deceased persons make up the probate case files. Guardianships and adoptions may be included. 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. Case numbers are assigned by the court when papers are initially filed with the clerk.

Files for probate cases include such documents as wills, decrees, continuations of hearings, discharges, petitions, notices, bonds, letters testamentary, testimonies, findings of fact and conclusions of law, commitments, affidavits, proof of publication, appraisals, reports, orders, depositions, property inventories, etc.

RETENTION:

Retain permanently

DISPOSITION:

May Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: For records beginning in 1856 through 1955. Retain in State Archives permanently with authority to weed.

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

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

Microfilm duplicate: Retain in Regional Repository permanently.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 3636

TITLE: Probate case files

(continued)

Paper: For records beginning in 1956 and continuing to the present. Retain in Office permanently or until microfilmed.

APPRAISAL:

These records have historical 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):

Exempt. 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

AGENCY: District Court (Fifth District : Washington County)

SERIES: 18215

4

TITLE: Probate record books

DATES: 1897-1991.

ARRANGEMENT: Chronological by date.

DESCRIPTION:

Probate record books are a daily record of what documents were filed in court on a particular day. They contain details of the proceedings in estate cases. Personal name change cases may also appear. For deceased persons, the will, appraisals and inventories, and the settlements are recorded. For guardianships the appointment of a guardian and frequently an account of some property are noted. Adoption records give the full order of the adoption, often with statements from both the natural and adoptive parents or a social service agency detailing circumstances of the adoption.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in Office permanently or until microfilmed.

Microfilm master: For records beginning in 1877 through 1981.

Retain in State Archives permanently with authority to weed.

Microfilm duplicate: For records beginning in 1877 through 1981.

Retain in Office permanently.

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

APPRAISAL:

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

Probate case documents contain much socioeconomic as well as family information.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 18215

TITLE: Probate record books

(continued)

PRIMARY DESIGNATION:

Public

SECONDARY DESIGNATION(S):

Exempt. Adoption records are sealed for 100 years.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 18217

3

TITLE: Probate registers of action

DATES: 1902-1990.

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Probate registers of action list each action taken in the cases presented to the probate division of Fifth District Court: Washington County. In addition to handling the estates of deceased persons, the probate division also dealt with adoptions, guardianships, and insanity and incompetency cases. The court was responsible for adjudicating and conveying ownership of town site lands (Utah Code, 57-7-19, 1953). Occasionally, the court handled name changes and inquests regarding the cause of a death. In each case the probate register indicates the name or names of the individuals involved, the kind of case, and the name of the petitioner's attorney, followed by a list of each action taken in the case and the date that action was taken.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

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

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

Paper: Retain in State Archives permanently with authority to weed.

Microfilm duplicate: Retain in Regional Repository permanently.

APPRAISAL:

These records have historical value(s).

This registry serves as an index to the 5th District Court probate cases, which in turn provide valuable information for social historians and family historians.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 18217

TITLE: Probate registers of action

(continued)

PRIMARY DESIGNATION:

Public

SECONDARY DESIGNATION(S):

Exempt. Adoptions are sealed for 100 years

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23737

3

TITLE: Register of actions

DATES: 1895-1899.

ARRANGEMENT: Chronological by date.

DESCRIPTION:

This volume records actions taken in civil, criminal, and probate cases giving date, description of action, and fee. It appears to cover cases 1-35.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

APPRAISAL:

These records have historical value(s).

This disposition is based on the legal and historical value of the District Court REGISTERS OF ACTIONS. The court clerk is required by law [UCA X, (79) (a)] to keep register of actions that functions as a chronological list of papers filed and fees paid which relate to individual actions.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23739

3

TITLE: Will record books

DATES: 1876-1988.

ARRANGEMENT: Chronological by date.

DESCRIPTION:

Legislators at the second Utah Territorial Legislative Assembly organized probate courts in each of Utah's counties and endowed these courts with the right to exercise jurisdiction in the probate of wills and the administration of estates of deceased persons (Laws of Utah, Chapter 42, 1852). The assembly clarified the manner in which estates should be settled. By law any person of full age and of sound mind could dispose of all of his property by will, with the exception that sufficient first be withheld to pay any outstanding debts. The signatures of two competent witnesses in addition to the testator validated a completed will. The law provided that wills could be sealed and deposited with the clerk of the probate court where they would be preserved until the death of the testator. Otherwise, any person having custody of a will could bring it into the court at the death of the testator. The law stated that if the court allowed and attested the will, it should be carried into effect (Compiled Laws of Utah, 1876, Title 14, chapter 1, sections 1-6).

Volumes one and two are transcribed by hand while volumes four, five, and six are typed transcriptions. Regardless of the medium and complexity of the case, each will follows a similar format. It states that the testator meets the requirement of being of sound mind and legal age. It names who the testator desires to be the executor of his estate. It enumerates the testator's property and designates whom he wishes to inherit each item. Volume three contains preprinted forms created by the court. These were

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23739

TITLE: Will record books

(continued)

available by 1903 though Washington County used them for only a dozen cases and most of these cases are also available as handwritten transcriptions of the will in volume two. The preprinted forms each contain an Order Appointing Time for Probate of Will, Testimonies of Subscribing Witnesses on Probate of Will, Testimony of Applicant on Probate of Will, Order Admitting Will to Probate, Executor Bond, Oath of Sureties, Letters Testamentary, Letters of Administration with Will Annexed, Order Appointing Appraisers, Decree Showing that Due and Legal Notice to Creditors has been given, and a Final Discharge of Executor.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

Paper: Retain in Office for 10 years and then microfilm and destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Microfilm duplicate: Retain in State Archives permanently.

Microfilm master: For records beginning in 1875 through 1966. Retain in State Archives permanently.

Microfilm duplicate: For records beginning in 1875 through 1966. Retain in State Archives permanently.

AGENCY: District Court (Fifth District : Washington County)

SERIES: 23739

TITLE: Will record books

(continued)

APPRAISAL:

These records have historical value(s).

Disposition based on the value of these records in researching wills, which the court apparently didn't keep.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Fifth District : Washington County)

SERIES: 29877

3

TITLE: Wills deposited for safekeeping

DATES: 1890-2017.

ARRANGEMENT:

DESCRIPTION:

These original wills were deposited by individuals with district courts for safekeeping, as per Utah Code 75-2-901 (2016). Wills are legal instruments which divide an individual's possessions and assets among his/her beneficiaries and include information concerning the executor of the estate, as well as the signatures of witnesses and attorneys involved. A will may be divided into several sections and cover a variety of topics regarding the estate.

RETENTION:

Retain permanently

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

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

APPROVED: 04/2008. Utah Court Retention Schedule (A)(6)(f) (2008).

FORMAT MANAGEMENT:

Paper: Retain in Office for 1 year and then transfer to State Records Center. Retain in State Records Center for 49 years and then transfer to State Archives with authority to weed.

APPRAISAL:

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

AGENCY: District Court (Fifth District : Washington County)

SERIES: 29877

TITLE: Wills deposited for safekeeping

(continued)

PRIMARY DESIGNATION:

Private Utah Code 63G-2-302 (1)(b), (2)(b), and 2(d)(2018)

SECONDARY DESIGNATION(S):

Public. Utah Code 63G-2-310 (2008)