

Retention and Classification Report

Agency: District Court (Sixth District : Sanpete County) (1694)

Sanpete County Courthouse
160 North Main, P.O. Box 100
Manti, UT 84642
435-835-2135

Records Officer: _____

03638	Civil case files
14695	Criminal case files
21850	Minute Books
14694	Probate case files
26743	Transcripts
85304	Wills

AGENCY: District Court (Sixth District : Sanpete County)

SERIES: 3638

3

TITLE: Civil case files

DATES: 1887-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

These case files from the Sixth District Court in Sanpete 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 (Sixth District : Sanpete County)

SERIES: 3638

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 (Sixth District : Sanpete County)

SERIES: 3638

TITLE: Civil case files

(continued)

RETENTION:

Permanent. Retain for 50 year(s)

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in Office for 50 years and then transfer to State Archives with authority to weed.

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 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 (Sixth District : Sanpete County)

SERIES: 3638

TITLE: Civil case files

(continued)

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Sixth District : Sanpete County)

SERIES: 14695

3

TITLE: Criminal case files

DATES: 1893-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Indictments, subpoenas, verdicts, warrants, returns of warrants, informational papers, affidavits, affidavits of impecuniosity, court orders, judgments, warrants of execution and confinement, warrants of death, notices of appeal, demurrers, answers to demurrers, complaints, and orders to show cause that constitute criminal case files tried by the Sixth District Court in Sanpete Court. Includes predominantly first, second and third degree felonies, but also misdemeanor and juvenile cases.

RETENTION:

Permanent. Retain for 10 year(s)

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

APPROVED: 11/2003

FORMAT MANAGEMENT:

Paper: For records beginning in 1893 through 1945. Retain in State Archives permanently with authority to weed.

Microfilm master: Retain in State Archives permanently.

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

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

Microfilm duplicate: Retain in Office permanently.

AGENCY: District Court (Sixth District : Sanpete County)

SERIES: 14695

TITLE: Criminal 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. 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

AGENCY: District Court (Sixth District : Sanpete County)

SERIES: 21850

3

TITLE: Minute Books

DATES: 1896-

ARRANGEMENT: Chronological by court date.

DESCRIPTION:

This series contains the minute books from the Sixth District Court in Sanpete 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 Office for 50 years and then transfer to State Archives.

Microfilm master: 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 understanding all actions associated with the case files of the court.

PRIMARY DESIGNATION:

Public

AGENCY: District Court (Sixth District : Sanpete County)

SERIES: 21850

TITLE: Minute Books

(continued)

SECONDARY DESIGNATION(S):

Exempt.

Exempt: UCA 78-30-15 (2008) occasional references to adoptions are restricted for 100 years.

AGENCY: District Court (Sixth District : Sanpete County)

SERIES: 14694

3

TITLE: Probate case files

DATES: 1882-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Case files pertaining primarily to the estates of deceased persons, minors, and the incompetent. May also include adoptions. Documents pertaining to Probate Judge distribution of land to towns are also included.

RETENTION:

Permanent. Retain for 50 year(s)

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in Office for 50 years and then transfer to State Archives with authority to weed.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: 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).
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 (Sixth District : Sanpete County)

SERIES: 14694

TITLE: Probate case files

(continued)

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 (Sixth District : Sanpete County)

SERIES: 26743

1

TITLE: Transcripts

DATES: 1896-

ARRANGEMENT: Chronological by date.

DESCRIPTION:

RETENTION:

Permanent. Retain until administrative need ends

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series is proposed and has not yet been approved.

FORMAT MANAGEMENT:

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

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. 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

AGENCY: District Court (Sixth District : Sanpete County)

SERIES: 85304

4

TITLE: Wills

DATES: undated

ARRANGEMENT: none

DESCRIPTION:

A legal instrument which divides a person's possessions and assets among his/her beneficiaries. Wills are administered by probate courts if the need arises and give 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 that concern the estate.

RETENTION:

Retain permanently

DISPOSITION:

May Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in State Archives permanently.