

SUPREME COURT OF UTAH

Checkrite Recovery Services v. King

52 P.3d 1265 (Utah 2002) · Decided July 30, 2002

SUMMARY

The Utah Supreme Court interprets Utah Code section 7-15-1(7)(b) regarding recovery in civil actions involving dishonored checks. It holds that the phrase “all costs of collection, including all court costs and reasonable attorneys’ fees” permits recovery of collection costs in addition to court costs, and reverses and remands for amendment of the judgment.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Howe; Chief Justice Durham; Justice Russon; Justice Wilkins
JURISDICTION	Utah
DECIDED	July 30, 2002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Checkrite Recovery Services appealed from a default judgment in its favor after the trial court awarded the principal amount of dishonored checks, statutory damages, court costs, and attorney fees, but refused to award additional collection costs.
STANDARD OF REVIEW	The court reviewed the meaning of the governing statute as a question of statutory interpretation.
PRECEDENTIAL VALUE	Published Utah Supreme Court opinion
PARTIES	Checkrite Recovery Services v. Deborah M. King

TOPICS

- statutory interpretation
- commercial litigation
- remedies
- damages

PRACTICE AREAS

- statutory interpretation
- commercial litigation
- remedies

QUESTIONS PRESENTED

1. Whether Utah Code Ann. section 7-15-1(7)(b)(ii), which permits recovery of "all costs of collection, including all court costs and reasonable attorneys' fees" in a civil action on a dishonored check, authorizes recovery of collection costs in addition to court costs.

HOLDINGS

1. The phrase "all costs of collection, including all court costs and reasonable attorneys' fees" includes collection costs in addition to court costs and reasonable attorney fees.

KEY QUOTATIONS

"We conclude that section 7-15-1(7)(b)(ii), which provides for the recovery in a civil action on a dishonored check for "all costs of collection, including court costs and reasonable attorneys' fees," includes costs of collection in addition to any court costs." (52 P.3d at 1267)

FACTUAL BACKGROUND

Deborah M. King wrote nine checks to different payees, and the checks were dishonored upon presentment. Checkrite sought recovery under Utah's dishonored-check statute, including \$180.72 in collection costs calculated at \$20.08 per check. The trial court awarded the check amounts, statutory damages, court costs, and attorney fees, but excluded the collection costs.

PROCEDURAL HISTORY

Checkrite obtained a default judgment against King for the principal amount of nine dishonored checks, statutory damages, court costs, and attorney fees. The trial court declined to include \$180.72 in collection costs, relying on a policy followed by some Third District judges. The Utah Supreme Court reversed and remanded for amendment of the judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court was instructed to amend the judgment to include Checkrite's collection costs in addition to all court costs.

CASES CITED

- Cherry Creek Sch. Dist. v. Voelker, 859 P.2d 805, 813 (Colo. 1998)
- Bd. of County Comm'rs v. Bassett, 8 P.3d 1079, 1083 (Wyo. 2000)

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