CHAPTER 53

Declaratory Judgments

**SECTION 15‑53‑10.** Short title.

This chapter may be cited as the "Uniform Declaratory Judgments Act."

HISTORY: 1962 Code Section 10‑2001; 1952 Code Section 10‑2001; 1948 (45) 2014.

**SECTION 15‑53‑20.** Courts of record may declare rights, status and other legal relations.

Courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect. Such declarations shall have the force and effect of a final judgment or decree.

HISTORY: 1962 Code Section 10‑2002; 1952 Code Section 10‑2002; 1948 (45) 2014.

**SECTION 15‑53‑30.** Determination of questions under deed, will, written contract, statute, municipal ordinance, contract or franchise.

Any person interested under a deed, will, written contract or other writings constituting a contract or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

HISTORY: 1962 Code Section 10‑2003; 1952 Code Section 10‑2003; 1948 (45) 2014.

**SECTION 15‑53‑40.** Construction of contract before or after breach.

A contract may be construed either before or after there has been a breach thereof.

HISTORY: 1962 Code Section 10‑2004; 1952 Code Section 10‑2004; 1948 (45) 2014.

**SECTION 15‑53‑50.** Rights under trust or estate of decedent, infant, lunatic or insolvent.

Any person interested as or through an executor, administrator, trustee, guardian or other fiduciary, creditor, devisee, legatee, heir, next of kin or cestui que trust in the administration of a trust or of the estate of a decedent, infant, lunatic or insolvent may have a declaration of rights or legal relations in respect thereto:

(1) To ascertain any class of creditors, devisees, legatees, heirs, next of kin or others;

(2) To direct the executors, administrators or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

(3) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

HISTORY: 1962 Code Section 10‑2005; 1952 Code Section 10‑2005; 1948 (45) 2014.

**SECTION 15‑53‑60.** Enumeration is no restriction on general powers.

The enumeration in Sections 15‑53‑30 to 15‑53‑50 does not limit or restrict the exercise of the general powers conferred in Section 15‑53‑20 in any proceeding when declaratory relief is sought in which a judgment or decree will terminate the controversy or remove an uncertainty.

HISTORY: 1962 Code Section 10‑2006; 1952 Code Section 10‑2006; 1948 (45) 2014.

**SECTION 15‑53‑70.** Declaratory judgment may be refused.

The court may refuse to render or enter a declaratory judgment or decree when such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding.

HISTORY: 1962 Code Section 10‑2007; 1952 Code Section 10‑2007; 1948 (45) 2014.

**SECTION 15‑53‑80.** Parties.

When declaratory relief is sought all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise the municipality shall be made a party and shall be entitled to be heard. If the statute, ordinance or franchise is alleged to be unconstitutional the Attorney General shall also be served with a copy of the proceeding and be entitled to be heard.

HISTORY: 1962 Code Section 10‑2008; 1952 Code Section 10‑2008; 1948 (45) 2014.

**SECTION 15‑53‑90.** Determination of facts; jury trials.

When a proceeding under this chapter involves the determination of an issue of fact such issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending. All existing rights to jury trials are hereby preserved.

HISTORY: 1962 Code Section 10‑2009; 1952 Code Section 10‑2009; 1948 (45) 2014.

**SECTION 15‑53‑100.** Costs.

In any proceeding under this chapter the court may make such award of costs as may seem equitable and just.

HISTORY: 1962 Code Section 10‑2010; 1952 Code Section 10‑2010; 1948 (45) 2014.

**SECTION 15‑53‑110.** Review of declaratory judgments.

All orders, judgments and decrees under this chapter may be reviewed as other orders, judgments and decrees.

HISTORY: 1962 Code Section 10‑2011; 1952 Code Section 10‑2011; 1948 (45) 2014.

**SECTION 15‑53‑120.** Granting of further relief based on declaratory judgment.

Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree to show cause why further relief should not be granted forthwith.

HISTORY: 1962 Code Section 10‑2012; 1952 Code Section 10‑2012; 1948 (45) 2014.

**SECTION 15‑53‑130.** Chapter shall be construed liberally.

This chapter is declared to be remedial. Its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations. It is to be liberally construed and administered.

HISTORY: 1962 Code Section 10‑2013; 1952 Code Section 10‑2013; 1948 (45) 2014.

**SECTION 15‑53‑140.** Chapter intended to make uniform the laws of the states.

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact substantially identical legislation and to harmonize, as far as possible, with Federal laws and regulations on the subject of declaratory judgments and decrees.

HISTORY: 1962 Code Section 10‑2014; 1952 Code Section 10‑2014; 1948 (45) 2014.