STATUTES INVOLVED

The texts of the following statutes relevant to the determination of the present case are set forth in the Appendix: Utah Code Ann. 33-8-34 (1994) and Utah Code Ann. 33-8-35(2) (1994).

STANDARD OF REVIEW

This is an appeal from a decision to grant the plaintiff's Motion for Summary Judgment according to Utah R. Civ. P. 56(a). The district Court's decision is considered a matter of law. The standard of review is based on the conclusions of law for correctness with the evidence in the light most favorable to the losing party.