

**RULE 296. TRIAL COURT MAY MAKE ORAL FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

In any case tried in the district or county court without a jury, the trial court may orally state its findings of fact and conclusions of law on the record, in the presence of counsel, promptly after the close of the evidence. The court shall cause the court reporter to promptly transcribe the findings of fact and conclusions of law, file the same, and send a copy to each party.

**RULE 297 REQUESTS FOR FINDINGS OF FACT AND CONCLUSIONS
OF LAW WHEN NO ORAL FINDINGS OF FACT ARE MADE**

(a) Request for Findings of Fact and Conclusions of Law.

If oral findings of fact are not made by the trial court, any party may make a written request to the court to make findings of fact and conclusions of law. The request should be entitled "Request for Findings of Fact and Conclusions of Law" and must be filed with the clerk of the court within thirty days after judgment is signed. The clerk must immediately call such request to the attention of the judge who tried the case.

(b) Duty to Make Findings and Conclusions.

The judge must make findings of fact and conclusions of law on each ultimate issue raised by the pleadings and evidence. Unless otherwise required by law, findings of fact should be in broad form whenever feasible. The trial court's findings must include only so much of the evidentiary facts as are necessary to disclose the factual basis for the court's decision. Unnecessary or voluminous evidentiary findings are not to be made.

(c) Time To Make Written Findings of Fact and Conclusions of Law.

Upon timely request, the court must make and file its written findings of fact and conclusions of law within fifty days after the date a final judgment is signed and promptly send a copy to each party.

RULE 298. ADDITIONAL OR AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

(a) Request for Additional or Amended Findings and Conclusions.

After the court makes original findings of fact and conclusions of law pursuant to Rule 296 or Rule 297, any party may file a request for additional or amended findings of fact or conclusions of law. The request must state the specific additional or amended findings of fact or conclusion of law requested and be made no later than twenty days after the filing of the court's original findings of fact and conclusions of law, but in no event earlier than thirty days after the date the judgment is signed.

(b) Duty to Make Additional or Amended Findings and Conclusions.

The court must make and file any additional or amended findings of fact and conclusions of law within twenty days after the request is filed and promptly send a copy to each party. Any additional or amended findings of fact and conclusions of law made by the trial court must be in writing and filed with the clerk.

RULE 299. OMITTED FINDINGS

(a) Omitted Grounds .

The trial court's findings of fact shall form the basis of the judgment upon all grounds of recovery or defense embraced therein. If no request is made for a finding on any element of a ground of recovery or defense and the ground has not been found by the trial court, the unrequested ground is waived unless the ground has been conclusively established under the evidence.

(b) Partially Determined Grounds: Presumed Findings.

When the trial court has made findings on some but not all elements of a ground of recovery or defense, the omitted elements that are necessarily referable to the elements found are presumed in support of the judgment when supported by factually sufficient evidence. There is no presumed finding on the omitted element if a finding on that element has been requested.

(c) Trial Court's Failure To Make Findings of Fact.

A trial court's failure to make a requested additional finding will not result in a presumed finding. Refusal of the court to make a requested finding shall be reviewable on appeal.

**RULE 299a. FINDINGS OF FACT TO BE SEPARATELY FILED
AND NOT RECITED IN A JUDGMENT**

Findings of fact must be filed apart from the judgment as a separate document. If there is a conflict between recitals in a judgment and findings of fact made pursuant to Rules 297 and 298, the latter findings will control for appellate purposes. Rules 296-299a do not apply to any recitals of findings of fact in a judgment.