



Landlord Letter

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Evictions in Weeks, Not Months!

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How to Pick an Attorney for Anything

Thankfully people don't often find themselves in a situation where they would need an attorney. Such situations can be extremely stressful in an of themselves, but on top of that stress they now need to find an attorney. But not just any attorney, an attorney that will be able to effectively and efficiently work through the tasks at hand. How does one pick a good attorney?

As an initial point, attorneys are not a "one size fits all." I don't think there is one attorney that can properly handle every aspect of the law. If you hire an amazing attorney that focuses on divorce to help set up your estate plan, you will likely be paying extra while the attorney educates themselves on trust and estate laws. Also, you run the risk of the attorney not setting up the estate

correctly, which can cause more problems than you were dealing with in the first place. Following these steps as you consider hiring an attorney will help you find the right attorney for you.

First — Start with a consultation. A consultation with an attorney is their opportunity to explain why you should hire them. It is an interview — Ask questions and get a general sense of how they think you should proceed. If you're not comfortable with their discussion, don't be afraid to continue to look around.

Second — Go with experience. Hire someone that can handle your case without much of the "educational factor". If you're asking questions about your case in the consultation, and they

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Courtroom Chronicles—24 Hour Eviction Order

We almost always try to work with the tenants on an agreed upon move-out date before we actually go in front of the judge. Tenants often see the writing on the wall and are willing to agree to leave so we don't have to have an argument in the courtroom. However, as most landlords know, some tenants feel that they're right no matter what we say.

Recently, a couple of tenants felt that they were right no matter what and were sure that the judge would see it their way. We tried to work with them, but they were adamant that a judge would never evict them in three days (which is the standard eviction order at a hearing).



I explained the history of the case to the judge, and asked for a three day eviction order. The judge then let the tenants talk. As they quickly saw that things were not going their way, they thought they could get more time by claiming they were just friends with the landlord and didn't even have a lease. The judge responded by saying "If you don't have a lease, why are you living there?" In the end, the tenants were actually right — we didn't get a three day eviction order. The judge was frustrated enough that he gave us a 24 hours eviction order. Had they been agreeable from the beginning, we would have agreed to additional time.

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don't have immediate answers, it might be because you have an unusual or difficult case. But it can also mean they aren't experienced to handle your issue. We handle several evictions that are well outside of the Wasatch Front because of our experience in evictions. I tell those potential clients that they can either pay us for a little bit of travel time or they can pay a local attorney for their education time (and hopefully they're educating themselves on the correct laws). I think it makes more sense to pay an attorney for travel than education.

Third — Pay attention to costs and how they bill you. When dealing with common issues, an attorney that's experienced can usually set up a flat fee. Charging an hourly rate is used for unique or complex legal matters (where it's difficult to predict the time and effort needed). Another situation we see hourly rates is where the attorney isn't experienced and isn't sure how much time it will

take to handle the case. An experienced attorney can handle most evictions with flat fees. I would recommend avoiding an attorney that regularly charges hourly fees for evictions.

Finally — Go with your gut. Picking the right attorney can make a significant difference as you work through a very difficult situation. Evictions are different than most lawsuits. It's common for lawsuits to last months or even years. Most of our evictions take 2-3 weeks to get the tenant out of the property, even if they dispute the case and we have to get it in front of a judge.

Hopefully these tips will help make the most of a difficult situation. As we close out our cases we very often get compliments and a thank you from clients stating how grateful they were to have someone that knew the process and worked through it quickly. If you're wondering whether we can help, call for a free consultation. If we pass our interview, we look forward to being your attorneys.

Jeremy M. Shorts

One of the best things at **Utah Eviction Law** is the ability to do everything online. From emailing clients to filing online with the court. We don't need to leave the office unless there is a hearing scheduled. Now isn't that fancy?



Need a Lease Agreement?
 What about an eviction notice for a tenant you want OUT?

www.utahevictionlaw.com
FREE landlord forms!
FREE eviction forms!

Questions?
 Call: 801-610-9879
 Email: info@utahevictionlaw.com

DOs & DON'Ts of... Post Foreclosure Evictions

- ## DO
- Provide the tenants with a 5 Day Notice to a tenant at will and a 90 day notice to a tenant that has a lease agreement with the prior owner.
 - Familiarize yourself with the Protecting Tenants at Foreclosure Act by calling us or reading its requirements.

- ## DON'T
- Assume the tenants will just move out without a notice from you.
 - Give them a 30 day notice to vacate as it will most likely be invalid.
 - Assume that the tenants have a bonafide prior lease agreement without receiving a copy of the agreement.

Know Your Notice

•Lease Violations•

Purpose: To evict or bring them back into compliance



There are two main types of lease violations, those that can be cured and those that cannot be cured. Make sure you use the right notice.



Usually you will want to use a lease violation notice that gives the tenant 3 days to come back into compliance or vacate.

Try to document the lease violations as much as possible in case you need to proceed with an eviction based on the tenant's failure to comply.

Provide a detailed description of the lease violations in the notice so that your tenant is fully aware of the lease violations that have been committed.

Dear Attorney,

Q: My deadbeat tenants are out of the property,. What should I do to make sure I can hold them responsible for all of the damage they caused to the property before they left?

A: In many eviction cases, the tenants vacate the property and leave a huge mess.

Along with the unpaid rent, utilities and late fees, they've left you with a lot to repair and cleanup. The best thing you can do is to document as much as possible every part of the cleanup and repair process from the date you get back into the property.

Lots of pictures and estimates on what the cleanup and repairs will be are extremely helpful. If you hire someone to repair and clean the property, make sure to hold on to

any invoices you receive from them. If you end up doing the repairs and cleanup on your own, keep a detailed log of the time you spend and keep track of any receipts for items purchased to make repairs or clean.



A detailed log and ledger of the cleanup and repair process will be essential to recovering the amounts owed from your tenant. Think of it as compiling a paper trail to back up every number you want to hold them accountable for. If done right, they won't have much to argue about.

FAQ:

The eviction process can be confusing, so here are some Frequently Asked Questions about Utah Eviction Law:

- Q:** What Eviction Notice do I serve?
- A:** Depends on your situation. Call us for a free landlord consultation.

- Q:** How long does an eviction take?
- A:** Our goal from filing the case until lockout is 2-3 weeks.

- Q:** The eviction notice expired. They are still there. Now what?
- A:** It's time to move to Step #2. Call us and we can help you get the case filed with the court.

- Q:** What if the property is damaged when my tenants vacate?
- A:** We can discuss getting a Judgment against them.

- Q:** The tenants have been served, but they keep calling. What do I do?
- A:** Refer them to us. Having us there to talk to them is the benefit of hiring us to help you.

- Q:** I have a judgment, and I know where they work, now what?
- A:** Our attorneys can work on getting a wage garnishment in place.

- Q:** What do I do with items that are left behind at the property?
- A:** You need to make reasonable attempts to contact the tenant. After 30 days you can dispose of their items.



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Meet the Team:
Lauren Thayne

- Lauren Thayne
- Graduating in Spring 2015 from Utah Valley University with a Bachelors in Legal Studies.
 - Loves spending time with her husband of one year, friends and family (even though I have 6 crazy little brothers.
 - Loves camping, boating, crocheting, and reading!

Welcome to the team Lauren!
We are so happy to have you!

Calendar of Events

- August 12 — UAA's SLC Good Landlord Class
- August 31 — UAA's Landlord Legal Cruise
- August 26 — UAA's Ogden Membership Meeting
- August 27 — UAA's Orem Membership Meeting
- August 28 — UAA's SLC Membership Meeting



Parting Thoughts

- We're working to build our readership, tell your friends to subscribe to this FREE newsletter. Send us an email at info@utahevictionlaw.com.
- Have an eviction question? Email it to us for a future newsletter!
- Help us build our online presence! You can "Like" our Facebook page (www.facebook.com/utahevictionlaw).
- You can also give us a Five Star Google Review (search "Utah Eviction Law Reviews" and click on our link).

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