



Landlord Letter

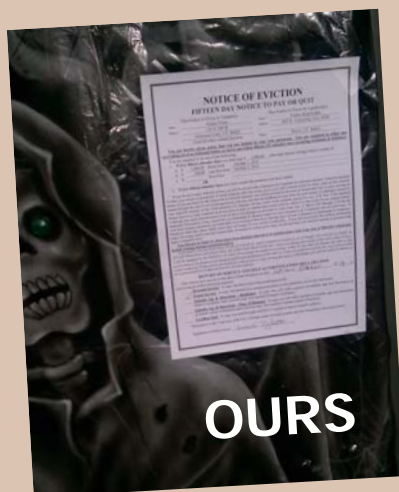
Free Forms & Notices — www.utaheviictionlaw.com

Phone: 801-610-9879 • Fax: 801-494-2058 • Email: info@utaheviictionlaw.com

Properly Serving Eviction Notices

In the past we've discussed the different types of eviction notices. On our website (www.utaheviictionlaw.com/evictionforms.html) you can view all of our eviction notices under Utah law. Since an eviction notice is the foundation of an eviction case, you should make sure it's done correctly. Properly serving an eviction notice doesn't always mean you can change the locks, it simply means that you are permitted to move on with the eviction process. However, serving an eviction notice incorrectly can be devastating to your case.

Under Utah law ([Utah Code Ann §78B-6-805](#)), an eviction notice can be served in any of the following ways: (1) Personal – give it to the tenant personally; (2) Substitute – if you can't find the tenant give it to a “person of suitable age and discretion” and



mail a copy; (3) Posted – If no one is home, you can post it “in a conspicuous place on the leased property”; or (4) Mailing – must be sent via registered or certified mail.

While service by registered or certified mail is approved under the law, the other methods are usually much faster. Also, if the tenant knows the notice is coming they are unlikely to sign for the certified letter, giving the tenant an argument that they never received the notice.



Also, what is “suitable age and discretion”? The focus is giving it to someone that is able to understand the importance of legal papers.

The industry standard for serving papers is typically at least 14 years old. If you have any doubt, you could still give the individual a copy and then post a second copy on the front door. In this

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Courtroom Chronicles — Case Closed!

One of our clients purchased a beautiful 5,000 square foot house in a foreclosure sale. When the prior owner wouldn't leave, we started the eviction process. The tenant's attorney wasn't familiar with the eviction process and made a few mistakes that gave us an eviction order to change the locks, but we weren't sure if it would stick.

We sent the sheriff out to serve the eviction order (giving them one final three day period to leave), but we told our client to expect them to fight it with the court. We were surprised when nothing happened, so we sent the sheriff out after the three days to change

the locks. That's when they started fighting.

Our client wanted to proceed ASAP, but we expected the tenants to do everything they could to stop the eviction. Our client hired a full moving crew, moving trucks, and cleared out the entire 5,000 square foot house into a storage unit within two hours. About an hour after they were finished, the court clerk called to say the judge wanted to stop the eviction until a hearing was held. When we reported that the eviction was completely finished, the tenant wasn't able to get back in the property and the judge later decided to let the eviction stick. Case closed!

DOs & DON'Ts of... Attending an Eviction Hearing



DO

- Dress nice. No shorts, hats, etc. We don't want the judge wondering whether you're the tenant!
- Speak to the judge only when the judge asks you directly to speak and never speak over the judge while they are talking.
- Be prepared. You most likely won't have to testify, but if you do need to speak, be prepared with the facts so that you can articulate your position effectively .



DON'T

- Laugh or snicker at the other party or anyone in the courtroom no matter how crazy what they say is.
- Leave your cell phone on. You might make the clerk, bailiff and judge angry if it goes off.
- Have a closed mind. Even though you know what you want, be open to alternative ideas to resolving the problem.

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scenario, if the person receiving the papers was not of suitable age or discretion (making substitute service ineffective), the posted service would be sufficient.

When serving eviction notices, we recommend the "Knock, Post and Picture" route. First, knock on the door to attempt personal or substitute service. If the tenant or "a person of suitable age and discretion" answers, give them a copy of the notice and service is complete. If no one answers, post the notice on the door and take two pictures with your phone (one close up so you can read the notice, the other from further back so you can see the front door and hopefully the house number). It is unlikely that your picture will become important, but we had a recent case where it was VERY helpful.

The property management com-

pany posted the notice on top of the tenant's Halloween decorations they had on the front door and took two pictures. In court the tenant claimed they were not properly served and produced a picture where they had re-positioned the notice BEHIND the Halloween decorations. You could barely see the notice, it was definitely NOT in a conspicuous place on the property.

In court, the tenant's attorney produced his single picture of the improper posting. After we produced both copies of my client's pictures showing proper service, the judge didn't even make us call any witnesses and granted our eviction. The tenant, and her attorney, looked rather foolish.

Since the eviction notice is the foundation of any eviction, it's usually not worth taking any risks. Make sure to use the correct notice and serve it in the correct way.

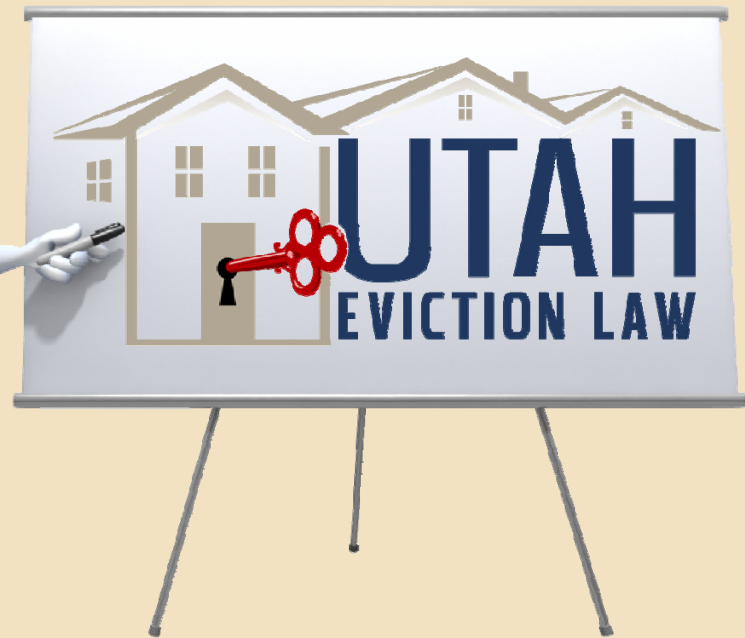
Attorney Jeremy M. Shorts

Eviction notices are the first step in the eviction process, so they must be handled properly!

Call our office for a FREE 15 minute consultation to discuss the correct eviction notice for your case!

P: (801) 610-9879

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Dear Attorney,



Q: *I need to evict my tenant, but they keep threatening bankruptcy. Should I start the eviction process?*

A: Typically yes. If your tenant is trying to work with you to get payments resolved, it may sometimes be beneficial to work with them to avoid dealing with an eviction and bankruptcy issue.

However, most often a tenant will use this as a delay tactic to get you to hold off on going through the process. If you proceed and your tenant does file bankruptcy, it can delay the process and cost more time and money to get them out.

The alternative, is to hold off on the eviction, which also benefits the tenant, to see if your tenant will fol-

low through. The problem with that option is if your tenant does not follow through, you have already lost more time and may be dealing with the bankruptcy issue anyway.

I would most always suggest moving forward with the eviction and calling the tenant's bluff. If they file for bankruptcy, you have at least started the process and don't run the risk of losing out on more time because you felt like you could trust the tenant. The tenant has not followed through before and I would bet on them not following through again. Our office can help you navigate any bankruptcy issue that may arise.



Know Your Notice

•No Cause—Lease Termination•

Purpose: Used to terminate your lease at the end of the initial term or during a month to month tenancy.

Like other eviction notices, it must be served in person, posted or sent via certified mail. It cannot be given verbally, texted or emailed.



Even if both the landlord and tenant have verbally stated a termination date, it is best practice to follow up with a written no cause notice.

You normally can't terminate a lease in the middle of a month. If a 15 day notice is given March 20, the lease would terminate April 30.

Unless your lease requires more or less time, Utah law only requires 15 days notice to terminate a lease (but most written leases require 30 days notice).

“I would rather sit on a pumpkin, and have it all to myself, than be crowded on a velvet cushion.”
~Henry David Thoreau





Utah Eviction Law has been helping landlords deal with tenant problems for six years. Read what our clients think about us and when you are having tenant issues, contact us and see what we can do for you!

I hired Utah Eviction Law to take my case against a non-paying client in a foreclosure. **He consistently took the time to talk to me through each situation and went above and beyond my expectations in all matters. They are very enthusiastic and it would be my pleasure to recommend Jeremy to anyone in this situation.** *B.T. - Logan, Utah.*

☆☆☆

I contacted Utah Eviction Law about a renter who hadn't paid any rent for five months and they got the family out in less than a month. They were very helpful too, giving me tips and documents to make the procedure go smoothly. *J.H. - Salt Lake City, Utah.*

☆☆☆

Utah Eviction Law was great and did exactly what they said they'd do — get our tenants out as fast as possible. **We didn't even have to go to court.** They were able to work a deal with the tenants before we saw the judge. They know what they're doing. And while I hope I never have to evict another tenet, if I did, I'd use them again. *H.B. - Charlotte, N.C.*

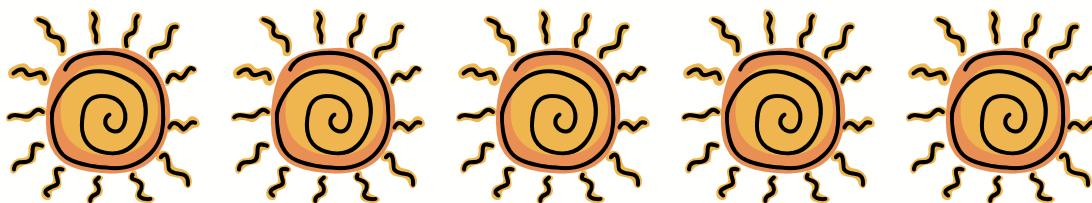
☆☆☆

Jeremy is the most hard working attorney that I have ever known! Jeremy knows the evictions laws inside and out. **Not only that, but his office is extremely quick in processing the paperwork and they work hard in getting settlements fast.** *L.D. ~Salt Lake City*

Calendar of Events



- September 1 — Labor Day
- September 11 — Patriot Day
- September 22 — UAA's Ogden Membership Meeting
- September 23 — UAA's Orem Membership Meeting
- September 24 — 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).

Evictions in Weeks, Not Months!