



Landlord Letter

Free Forms & Notices — www.utahevictionlaw.com

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

Are You a Member of the UAA?

You've probably heard Benjamin Franklin's famous quote "An ounce of prevention is worth a pound of cure." It's effective advice because it's completely true. Oftentimes a skilled attorney or experienced landlord can provide protection up front that will avoid problems and costly legal battles down the road. The time, effort, and money you spend up front usually helps to significantly reduce the headaches you will have to deal with down the road. For example, using excellent tenant screening practices and a strong lease agreement up front will help to not only deal with problems as they come up, but this will help you avoid problems altogether by renting to good and qualified tenants.

For over 80 years, one Utah non-profit organization, the Utah Apartment Association (UAA), has protected and prevented problems for landlords throughout Utah. Whether you realize it or not, the UAA has played a significant role in advocating for

(Continued on page 2)



I am very impressed with Jeremy at Utah Eviction Law. He is tenacious, thorough, and effective.

~Ross Mitchell
Google Review

Landlord Laughed—Eviction Order Left Behind

Our clients come from a variety of sources – referrals from other landlords, the internet, or returning clients. We've even had opposing attorneys refer eviction cases to us because we were so effective in evicting their clients in the past. But one case stands out in terms of how it ended up in our office.

A landlord called with the common scenario – his tenants had just moved in but wouldn't pay rent or move. We talked about some options and discussed how most of our evictions are handled in 2-3 weeks, which he was pleased with. I then asked how the landlord found us.

The day the tenants moved into the prop-

erty, the landlord was in the kitchen making a few final repairs. As the tenants were unloading the truck, they placed a stack of important papers on the kitchen counter. To the landlord's surprise, the top page was an eviction order! It listed our law firm on the first page showing that we had just evicted the tenants the week before. Based on this, the landlord figured we'd be able to do it again, which we promptly did.

This was also a perfect lead in to explain we also conduct extensive background checks. You never want to start out a relationship by renting to someone in the middle of an eviction.



(Continued from page 1)

landlords and property managers in our critical industry. With membership of more than 3,700 representing more than 104,000 units throughout Utah, they work with legislators (many of whom are also landlords), cities and other governmental organizations to maintain and improve your standing in the industry. I am confident that without the UAA, landlords would have to deal with many more burdens and restrictions.

Every now and then I hear someone complain about the eviction process; primarily that it takes too long to evict a problem tenant. When that happens, I ask them if they're familiar with eviction laws in other states. When one of our clients has a problem tenant, Utah's eviction laws allow us to navigate the court process within about 2-3 weeks. Other states this same process can take 2-3 MONTHS for even the most simple and basic eviction.

I have worked with the UAA over the past few years and I am currently a member of the Board of Directors at the UAA. This role has allowed me to see and hear first-hand the benefits that the UAA provides to landlords and the rental housing industry. Their programs and benefits are so beneficial that over half of all members are re-

ferred by another member.

If you're already a member, sign in to your online account and spend some time digging into what the UAA offers because I doubt you are taking advantage of all of the benefits they provide to their members. If you are not a member of the UAA, I would encourage you to sign up ASAP (see www.uaahq.org for more details or call them at 801-487-5619). By the way, the UAA's member referring members program gives a \$25 benefit credit to any member involved in a referral. Mention that you were referred by Jeremy Shorts to receive that credit.

Also, by joining the UAA, did you realize that you also become a member of the National Apartment Association and are entitled to their benefits as well? From forms and training provided directly to landlords, to behind-the-scenes legislative work, the UAA really does make your job as a landlord easier.

If an ounce of prevention is worth a pound of cure, that is only multiplied where the UAA provides much more than a few ounces of prevention. If Benjamin Franklin were a landlord in Utah, I think it's safe to say that he would have been a member of the Utah Apartment Association.

~Jeremy M. Shorts



Know Your Notice • Unlawful Business •

Purpose: To evict your tenant for conducting an unlawful business on the property.

Make sure your evidence is strong (witnesses, police reports, activity logs, etc.).

This notice does NOT give the tenant an opportunity to cure. The tenant must vacate within 3 days or face an eviction.

Keep good records of the unlawful business being conducting (i.e. pictures, emails, texts, etc.)

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



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DO's and DON'Ts of Entering/Inspecting the Property

-  Provide your tenant with at least 24 hours written notice of any inspections .
-  If you're concerned about your tenant, have someone else accompany you .
-  Document (including pictures) any damage or lease violations you observe.
-  Cause any damage or remove any property.
-  Change locks prior to receiving a court order .
-  Overuse inspections. Take steps to ensure their quiet enjoyment of the property.

Dear Attorney,



*I'd like a judgment for **EVERYTHING** my tenant owes (rent & damage), but worried if the judgment is too high the tenant may file bankruptcy. What should I do?*

Eviction cases allow for treble damages, which can increase the judgment amount dramatically. The larger the judgment, the more likely the tenant may file bankruptcy. While there is no crystal ball on what will happen, typically we recommend asking for the largest judgment allowed under Utah law. The reason is that even if you end up with a large judgment, you can always negotiate down if the tenant begins to cooperate with collections or a payment plan.

A lot of it will depend on the circumstances of each case and the circumstances of the tenant. Most collection cases turn on the financial status of the tenant – you can't get blood out of a turnip. If the tenant has limited financial resources or several other creditors, your large judgment may push them over the top. If you are the only creditor, the chances of them filing bankruptcy should go down. No matter what, attempting to work with your tenant is often the best way to go. At the end of the day, you don't have the final say on whether or not your tenant files bankruptcy. But if you're cautious you can try to avoid that result.

Calendar of Events



- February 2 — Groundhog Day
- February 8—Chinese New Year
- February 14 — Valentine's Day
- February 10 — Ash Wednesday
- February 15 — President's Day
- February 18— UAA's Multi-City Good Landlord Refresher Class

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).

