



# Landlord Letter

Free Forms & Notices — [www.utaheviictionlaw.com](http://www.utaheviictionlaw.com)  
 Phone: 801-610-9879 • Fax: 801-494-2058 • Email: [info@utaheviictionlaw.com](mailto:info@utaheviictionlaw.com)

## *Should I Hire an Attorney?*

Do you remember the old “Choose Your Own Adventure” books? You’d read a few pages and then you, as the reader, get to decide whether to (1) turn to page 50 to let Timmy go into the cave to fight the dragon, or (2) turn to page 35 to go fishing on the river. After a few more pages you have another decision and get to turn to that page to continue your journey. Deciding to go fishing may seem like a safe and easy decision. But what they don’t tell you is that when you get to the river you’re confronted by a family of angry bears.

I think eviction cases are like this, and every case is just a little bit different. Even a simple and straightforward eviction case can quickly become complicated. Every now and then we have someone think that they’d like to handle their case themselves. Under Utah law, you can represent yourself in court (but if you

have an LLC, corporation, etc. then you MUST have an attorney because that business entity is legally separate from you personally). However, as a practical matter, simply because legally you can try something doesn’t always mean it’s a good idea (think sky diving with a bunch of rookies, changing the brakes on your car without any experience, etc.). Legally I can change my own oil but I have someone else do it because they’ll change my oil faster and better than what I could do, and they’re much more likely to catch any small problems that could cause big problems down the road. The primary downside of getting my oil changed, and to hiring an attorney, is the cost. But “an ounce of prevention is worth a pound of cure.” Experienced landlords, even if they’re able to han-

*(Continued on page 2)*



**Jeremy is  
 presenting at the  
 UAA Trade Show  
 April 27th, 2016  
 at 2:00p.m.  
 South Towne Expo Center**

More details on page 4

(Continued from page 1)

dle the case themselves, understand this. They quickly see the value in hiring an experienced attorney to handle their cases.

Last month our “Dear Attorney” section talked about a case where the landlord asked about handling the hearing on their own because it appeared that it would be uneventful. When all was said and done, the client was grateful we were there because the tenant’s father (a police officer) appeared and made a few arguments that caused the judge to think about what to do. Because we were there we were able to quickly address the problems and in short order had a resolution in our favor. Without an experienced attorney, I’m confident the case would have been delayed, or something worse.

Also, it is important NOT to underestimate the value of experience with your specific legal issues. We have gone up against attorneys with 30+ years of experience and have done very well,. This is probably because we handle more evictions in a month than most attorneys handle in their entire careers. Except for patent law issues, as an

attorney I am licensed and legally capable of handling ANY legal issue in Utah. Legally I’m licensed to handle the most complicated medical malpractice case, but you shouldn’t ask me to take that case (and I would turn it down). Unfortunately, attorneys can market and take cases that they shouldn’t. No matter the issue you’re facing, don’t be afraid to ask important questions to address the attorney’s experience. We usually do this with doctors, but it also applies to attorneys. Don’t hire a podiatrist to walk out of one of his foot surgeries so that he could perform your brain surgery, even if he offers you a discount.

As you’re “Choosing Your Own Eviction Adventure”, you should really have someone by your side that is familiar with the process; that knows what they are doing and what to watch for. When we appear on a case, we bring with us years of handling eviction issues over thousands of cases. So that WHEN (not if) the case takes a turn you may not expect, it’s very likely that we’ve dealt with something similar and can quickly adjust in the middle of the case.

*Attorney Jeremy Shorts*



## Do’s and Don’ts of Filing an Eviction



- Make sure your file is complete with signed eviction notices
- Include a copy of your eviction notice with the complaint filed with the court.
- List all known amounts owed to you in the complaint, in case the tenant defaults and you are awarded a default judgment.
- Provide a copy of your lease and know the terms of the lease well before you file.



- Under prepare and assume your tenant will not dispute the eviction.
- Rely on verbal communication, make sure important parts of your case are in writing.
- Rely on the internet for your knowledge of Utah eviction laws. Some websites can be very helpful ([utahevictionlaw.com](http://utahevictionlaw.com)), but check with an attorney before you get too far into the process.

# Know Your Notice

## •Nuisance•

**Purpose:** Used to terminate your lease based on your tenant's acts that constitute a nuisance.

*Use this notice when your tenant is interfering with someone else's comfortable and quiet enjoyment of their life or property.*



*A nuisance can be anything that injures someone's health, is indecent, or is offensive to the senses.*

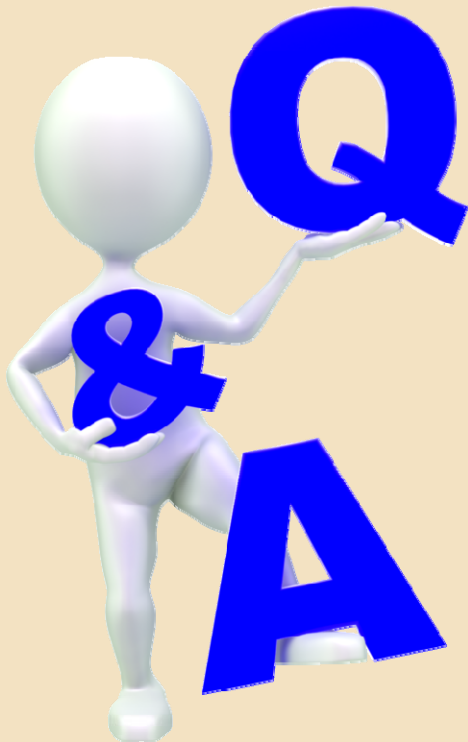
*Some typical types of nuisance: Disturbing neighbors, late and loud parties, smoking, gambling, prostitution, buying/manufacturing/selling drugs.*

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



## Dear Attorney,

*I am considering evicting my tenants, but I'm hesitant because I'm worried they will damage the property on their way out. What should I do?*



This is a common concern, but it is rare that it actually happens. And in fact, filing an eviction can help avoid damage for two significant reasons.

First, an open eviction case sends a clear message to the tenant that attorneys, the judge, and the court in general will be supervising what is happening. When they realize that others are watching, I think they are less likely to cause problems and damage to the property.

Second, our average eviction takes 2-3 weeks to have the tenants removed from the property. With an eviction that happens that quickly, the tenant has less time and opportunity to damage the property. This, coupled with court supervision, help to avoid damage to the unit.

At the end of the day, however, if a tenant is going to damage property it's going to happen. If it happens, which is rare, Utah law allows damages like this to be trebled (or tripled) under the statute.



## UAA Trade Show

April 27, 2016

South Towne Expo Center

Doors open at 8 am.

Jeremy will be a featured presenter about the **Eviction ABC's** from the eviction notices to the court order.

**Presentation begins at 2pm (right after lunch)**

*Admission fee required upon arrival to the trade show.*

# Calendar of Events



- April 1 — April Fools Day
- April 22 — Earth Day
- April 12—UAA Ogden Good Landlord Class
- April 22—UAA Multi-City Good Landlord Class
- April 27 — UAA Trade Show (Come see us!)



## Parting Thoughts

- We're working to build our readership, tell your friends to subscribe to this FREE newsletter. Send us an email [info@utahevictionlaw.com](mailto: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](http://www.facebook.com/utahevictionlaw)).
- You can also give us a Five Star Google Review (search "Jeremy Shorts Utah Reviews" click on our link).

