



# Landlord Letter

April 2017

## Avoiding Evictions & Good Landlords

I often have clients that lament about having to go through the eviction process with a problem tenant. Landlords don't usually get excited about hiring an eviction attorney. I admit that hiring us is not a "fun" or "luxury" service – we don't install swimming pools. It's probably similar to getting those 2:00 AM calls that the bathroom is flooding in one of your units (maybe worse). But when a landlord is dealing with a problem tenant, using a reputable and competent attorney is the best thing you can do.

We often get asked – "What should I do so I never have to hire you again?" My first piece of advice is to properly and thoroughly screen your tenants. A significant portion of our work is be-

cause a landlord didn't take a rental application, didn't verify employment or income, and didn't do a background check.

We even had one case where we had just evicted the tenants, and as they were moving into their new rental they left their eviction order out on the table. The landlord came by to do some last minute cleaning and saw our name on their fresh eviction paperwork. He recognized our law firm and called us a month later when the tenants gave him excuses about paying rent.

After advising a landlord to properly screen tenants, the next thing I tell them is to join the

*(Continued on page 2)*



**Jeremy is  
presenting at the  
UAA Trade Show**

**April 25th, 2017  
at 2:00 P.M.**

**South Towne Expo Center**

Utah Apartment Association (UAA). For several years now I've been able to work with the UAA. Their resources and impact on the apartment industry will greatly help you to become a better landlord, property manager, etc.

The UAA has documents and forms on their website available to members, they also conduct training and education seminars that are focused on helping you become a better landlord (which will save time, stress and money for both you and your tenants). If you are not familiar with them, I would encourage to look into them and become a member (visit [www.uaahq.org](http://www.uaahq.org)).

In fact, their largest event of the year is coming up on April 25, 2017 at the South Towne Expo Center in Sandy. They're expecting a few thou-

sand landlords, property managers and the vendors that provide valuable services to the industry. We'll have a booth there, so come visit and check us out. They also have education classes going on throughout the day, I'll be teaching the class on Evictions at 2:15 PM.

A few weeks ago I was able to travel with a group from the UAA as we attended the National Apartment Association Capitol Conference in Washington D.C. It was interesting and helpful to see the issues that landlords and property managers in other states are dealing with. Luckily many of the problems that landlords deal with nationwide have not yet crept into Utah, but it's not a matter of IF but WHEN these issues will come.

*Attorney Jeremy Shorts*



## *Do's and Don'ts of Issuing Eviction Notices*



**List all amounts owed under the list you can prove in court.**



**Serve via certified mail (causes delays).**



**List ALL adult tenants on each one of your notices.**



**Serve a notice unless the amount owed is "past due".**



**Serve it properly (knock, then post and take a picture).**



**Serve notices via text, email, doormat, etc. (not proper service).**

# Know Your Notice

## •Nuisance•

**Purpose:** Used to terminate your lease based on your tenant's actions 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 purchased a property and there is a tenant already there. No written lease exists. Should I give them a 5 day notice to a tenant at will?***



As is often the case – it depends. Most likely the previous owner had some type of an agreement (whether written or verbal) allowing the current tenant to be in the property. If that is the case, you need to treat the current tenant as though they are a month to month tenant and provide them with a 15 or 30 day notice that the agreement is terminated. This grants them sufficient time and opportunity to vacate the property under a lease or via Utah law.

You should also be careful to list the last day of the month as the

move out date. Even though Utah law only requires 15 day notice on a verbal lease, you usually cannot terminate the agreement in the middle of the month. So, if you gained ownership of the property on April 1<sup>st</sup>, you would need to provide notice that the agreement is terminated as of April 30<sup>th</sup>. If the prior owner never granted permission or rights for the person to occupy the property, you may be okay giving just a 5 day notice. But check with an attorney first to make sure which notice is the best option.



## UAA Trade Show

April 25, 2017

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 13—UAA Ogden Good Landlord Class
- April 16—Easter
- April 22 — Earth Day
- April 25 — 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 Re-views" click on our link).

