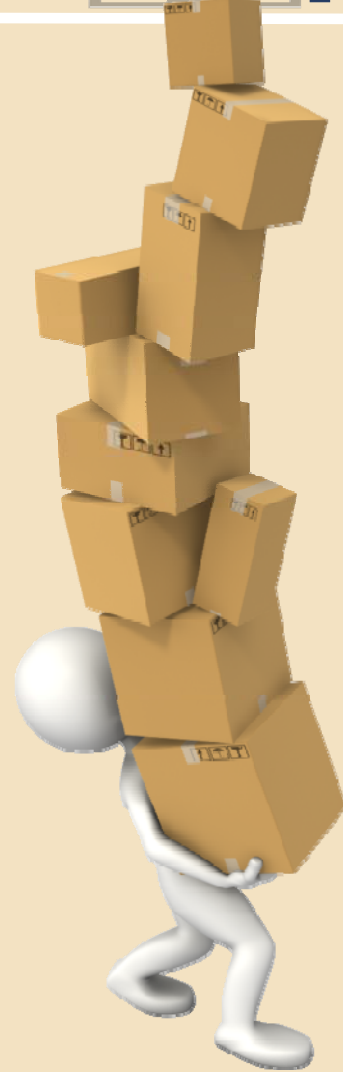




# Landlord Letter

September 2017

## Moving Out, Security Deposits & Damages



When a tenant moves out, the landlord should make sure several things happen. Some of these are required by Utah law (See Utah Code Ann. §57-17-1 to 5), others are “best practices.” It’s important to be thorough as you handle a tenant that just moved out.

First, take pictures of EVERYTHING. This is the one and only opportunity to document the condition of the property. This is especially true if there is any cleaning or repairs that need to be done. In today’s digital age, it’s easy to take

and save pictures to your computer. You never know when you’ll need them.

What can a landlord use a security deposit for? Deposits are commonly used to address cleaning, repairs, and damages beyond normal wear and tear. Under the statute (Utah Code Ann. §57-17-2(1)), the deposit can also be used for any unpaid rent or other amounts owed under the lease. This is where a strong lease that clearly defines

*(Continued on page 3)*

## DOs & DON'Ts of Serving Eviction Notices



### DO

- Attempt personal service, but post it on the front door if no answer.
- Snap a picture with your phone if you post it on the door.



### DON'T

- Serve a notice via email, regular mail or placing it under doormat.
- Forget to keep a second copy for your personal file.

# Dear Attorney,

## How much evidence is needed for my eviction case?



The more the merrier! Well, maybe that's not always the case, but the more evidence you have to support your claims, typically the better off you will be presenting your case.

your case involves damage to the property or lease violations, try to get as much documentation as you can (i.e. pictures, receipts for repairs, letters from city or code enforcement, etc.)

The idea with evidence is to make it as clear as possible for a judge. You want to present the case in a way that makes it an easy decision for the judge. Strong documentation will also allow the judge to hold something tangible that he or she can refer to in making a ruling on your case. Good record keeping will solve a multitude of problems with your tenant.

However, there are some pieces of evidence that can be more important than others. Those include a lease agreement, an eviction notice and an accurate ledger. If

# Know Your Notice

## •No Cause—Lease Termination•

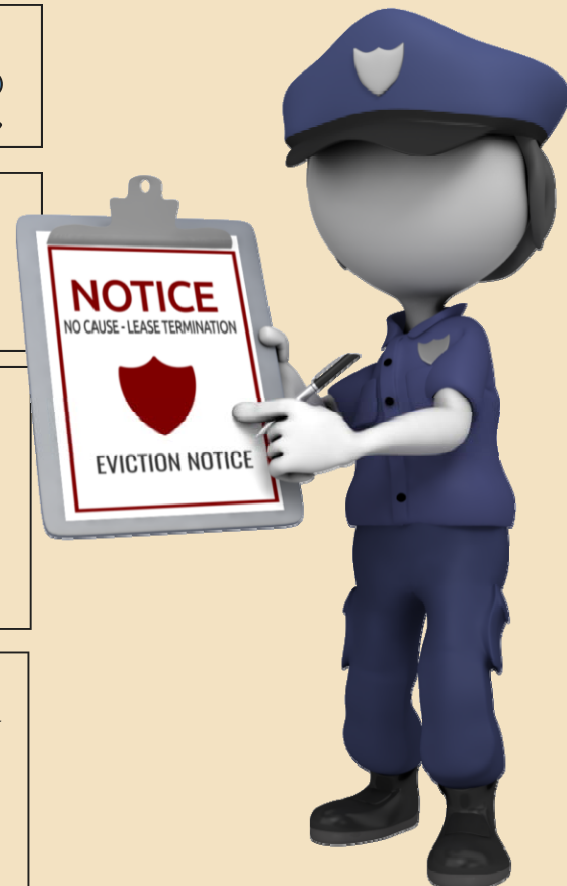
**Purpose:** Used to terminate your lease at the end of the initial term or during a month to month tenancy.

*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).*



*(Continued from page 1)*

what the deposit can be used for is helpful. Also under Utah law, if any portion of the security deposit is non-refundable it must be in writing at the time the deposit is taken.

For any charges against the deposit, it's best to save receipts, invoices, or other documentation supporting the amount of the deposit being retained. Landlords can preform cleaning and repairs themselves, but this will typically be viewed with more scrutiny. Make sure the charges are reasonable (get estimates or quotes from a contractor or reputable third party to show your charges are within market rates).

Utah law requires a deposit closing statement be sent to the tenant's last known address within thirty days after the tenant vacates the property. This itemized report should detail the entire de-

posit paid, minus any charges which the landlord will be retaining.

If the landlord fails to provide a deposit closing statement, the tenant may serve the landlord with a "Tenant's Notice to Provide Deposit Disposition". The landlord then has five days after service to provide the itemized closing statement.

If the landlord still fails to comply by providing an itemized deposit closing statement, the tenant can then recover (1) the full deposit, (2) any prepaid rent, and (3) a civil penalty of \$100. If the tenant shows the landlord acted in bad faith, the tenant can also recover attorney fees.

As a landlord, it is important that all move outs are handled promptly and in compliance with Utah law. Be thorough and careful because you never know when a tenant may try to challenge the fees you're claiming from their security deposit.

*Attorney Jeremy Shorts*

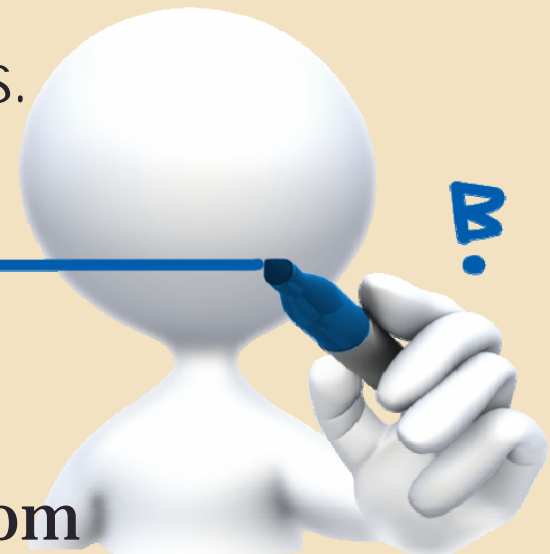


Let us help you connect the eviction dots.

Contact us for a ***FREE*** **A**  
15 minute consultation

**Phone:** (801) 610-9879

**Email:** [info@utahevictionlaw.com](mailto:info@utahevictionlaw.com)



## Landlord Laughs — Bad Check

It's always good to know the answer to a question before you ask a witness on the stand. In a recent case, the landlord testified that the tenant had not sent any written request to add a sign outside the commercial property which the landlord felt violated the lease. With the landlord on the stand, the tenant's attorney produced a receipt showing that the tenant had mailed something to the landlord on a specific date. After producing a copy of the receipt of mailing to the landlord, the attorney asked the landlord if he knew what that was. Without hesitation, the landlord said, "Absolutely!" He explained that instead of being written notice for the sign, the tenant sent a bounced check to try and pay rent. After realizing his questions weren't going anywhere, the tenant's attorney gave up. Now the judge knew two things: (1) the tenant failed to properly make a request about the sign, and (2) the tenant bounced his rent check!



# Calendar of Events

- September 4 — Labor Day
- September 11 — Patriot Day
- September 14 — UAA's Refresher Ogden Good Landlord Class
- September 22—Fall begins



***Evictions in Weeks, Not Months!***

### Parting Thoughts

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