



# Landlord Letter

April 2018

## What Are You Doing On April 25th???

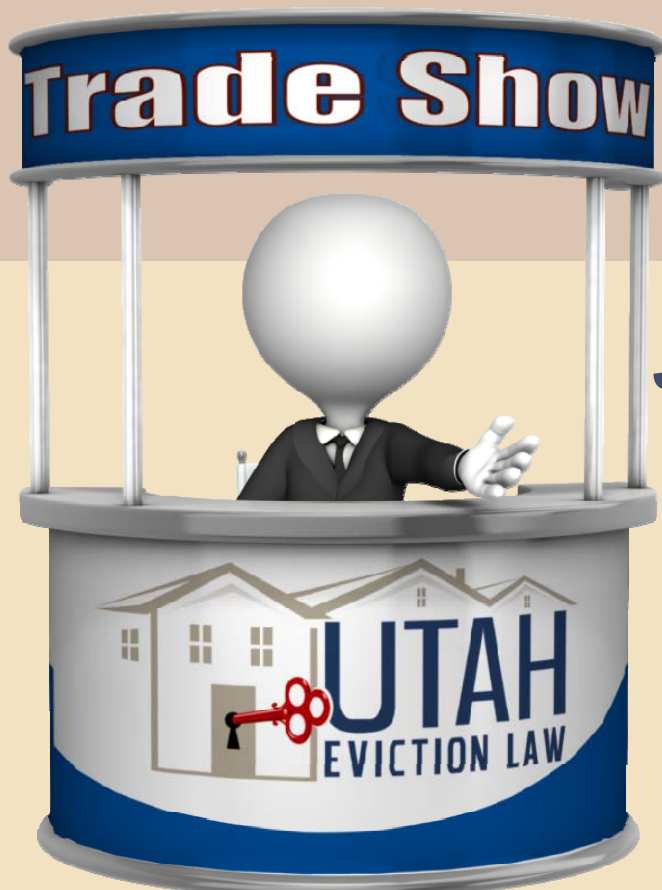
Last month we covered some of the benefits of the Utah Apartment Association. This month we wanted to highlight the annual UAA Trade Show and Education Conference. Whether you're an experienced property manager or just getting started with your first rental, we highly recommend the UAA Trade Show to everyone.

It's set for Wednesday, April 25, 2018, at the Mountain America Expo Center, 9575 State St., in Sandy (formerly the South Towne Expo Cen-

ter) from 8:00 AM to 5:00 PM. To start, they'll have dozens of vendor booths with different contacts and companies that can help you with every aspect of being a landlord. From getting help with repairs and maintenance to playing games and entering drawings to win free prizes, you won't be disappointed. Make sure you stop by our booth to say "Hi!" and enter our drawing for a free Amazon Echo for your house or office.

Another highlight of the day is the education classes, including the two classes we're teaching. First, at 2:15 PM we'll be covering evictions, including walking through the eviction notices allowed under Utah law as well as tips and tricks

*(Continued on page 2)*



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

**April 25th, 2017**

**2:15pm — Evictions**

**4:00pm — Collections**

**Mountain America Expo Center  
(formally South Town Expo)**

for strengthening your eviction case. Even if you don't have any immediate eviction issues you're dealing with, it's best to know your rights early so you're prepared if you end up in an eviction.

Second, at 4:00 PM we're teaching a class on collections. Again, hopefully you don't find yourself needing legal advice on collections, but there are several critical things you can do to (1) avoid a collection case altogether, and (2) improve your chances of collecting if you find yourself being owed money.

If we have time in the classes we're teaching, we'll also discuss some of the legislative changes

that were passed in this most recent legislative session. You should also stay tuned next month for a detailed look at these new laws, including SB 159 that made several improvements to landlord tenant law.

Make sure you register by visiting <https://utahapartmentutassoc.wliinc34.com//events/2018-Trade-Show-8/details>. The cost is \$45 for the full day , or \$70 for the trade show plus a very nice meal. The benefits of attending and the tips you'll learn will help you to be a better landlord.

Attorney Jeremy Shorts

# 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.*

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

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





## Dear Attorney,

***If I don't have any written lease in place, can I give the people living in my house a five day notice to a tenant at will?***

This is a common misconception. A tenant at will is someone who does not have ANY agreement or right to occupy the property. The typical example of a tenant at will is a squatter that moved into the property without the owner's permission.

If you're not sure whether you have a tenant at will, you should ask two questions: (1) How long have you known they live there? And (2) Have they paid you any rent? If the tenant has been there for a while and you haven't taken action to have them removed or if you've accepted rent from them, then at some point

you've probably given them permission to stay and they are NOT a tenant at will.

A common reason landlords think they have a tenant at will is if there is no written lease in place. Under Utah law, a verbal contract (or lease) is just as enforceable as a written contract (or lease). The difference between a written and verbal contract is that verbal contracts are MUCH harder to prove. If you're sure you have a tenant at will, you can serve them with a five day notice to a tenant at will asking them to leave. If you're not sure, it might be best to consider other notices.

## Quick Tips of Security Deposits

- ✓ Require the initial payment (rent & deposit) to be paid via certified mail or in person.
- ✓ Make sure your lease outlines the terms of the deposit (when it's paid, what it can be used for, and what portion is refundable) and don't allow the deposit to be used for rent.
- ✓ If the deposit has NOT been paid, apply the next rent payment towards the deposit and let the tenant know the rent has not been paid. Serve a three day pay or quit if needed.
- ✓ Do not assume the tenant will not ask for the deposit back after they have left. Ensure you detail how the deposit was applied and properly notify the tenant of the deposit disposition.

## Courtroom Chronicles — Poker Face



At one of our recent eviction hearings, when the tenant started to realize that he was going to lose, his frustration began to show. He became increasingly belligerent with our client and even the judge, which is NEVER a good idea.

When the tenant's attitude got even worse, the judge finally cut him off and said, "After receiving a notice to pay or quit, there are 3 types of people: (1) those who pay within 3 days; (2) those who leave within 3 days; and (3) those who don't pay and don't leave. We call them idiots."

As you can imagine, it caused our client to chuckle which made the tenant even angrier and words were exchanged between the landlord and tenant. After the hearing, the bailiff escorted the tenant out of the courtroom and the court clerk chastised the landlord for laughing.

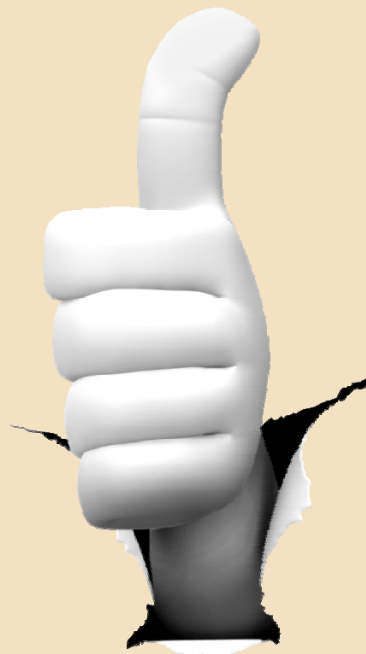
If you're ever in court, a poker face will take you far if you hear something surprising from the other party or even the judge.

## Parting Thoughts

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



**What people  
are saying  
about US!!!**



I first found out about Utah Eviction law when I attended one eviction class Attorney Jeremy Shorts teaches. I was very impressed by all the knowledge and expertise he shared with the class...

~Y.I. Orem —Google Review