



# Landlord Letter

February 2019

## How does Utah Compare?



Every now and then we hear complaints from clients that “Landlords don’t have any rights!” That’s often because they’re frustrated with a tenant that they’ve let get too far behind on rent. But how does Utah compare? Anytime a landlord gets frustrated with the eviction process in Utah, I usually invite them to compare Utah to other states.

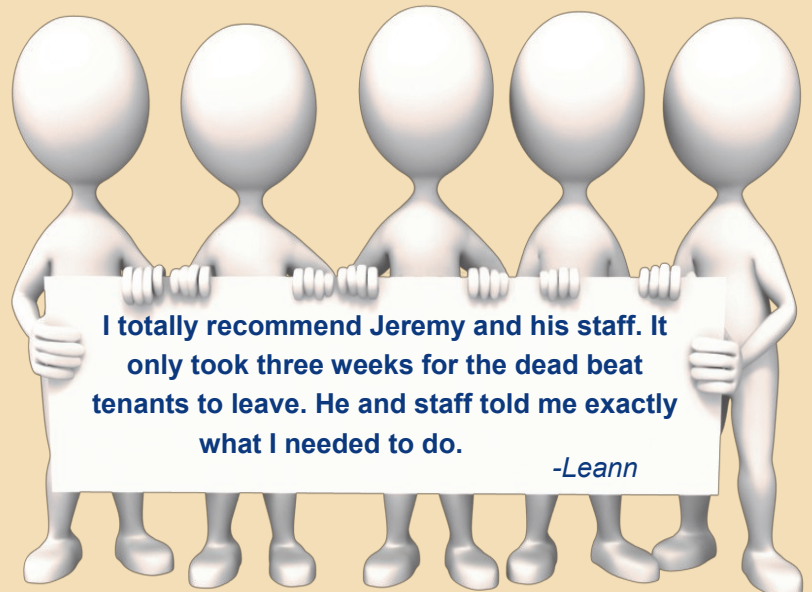
We had a case where an eviction attorney in Chicago called to ask some questions about one of his Illinois evictions where the tenants had moved to Utah. After helping him with the case, I asked a few

questions about the eviction process in Chicago.

He stated that his average eviction takes around six weeks for a default where the tenant does not dispute the case (that’s 3 times longer than Utah!). If the tenant fights the eviction then the process is even longer. You should expect additional delays if there is bad weather or if holidays are involved. The City of Chicago has specific ordinances that create more hoops for landlords to jump through that delay the eviction even longer.

*(Continued on page 2)*

## What people are saying about US!!!



**I totally recommend Jeremy and his staff. It only took three weeks for the dead beat tenants to leave. He and staff told me exactly what I needed to do.**

*-Leann*

## QUICK TIPS—Late Fees and Charges



If you want to charge late fees, make sure they are clearly outlined in your lease agreement.



Late fees must be reasonable. If the case needs to go to the Judge, you want to be fair in your late fee charges.



Keep track of all documents related to any other fees and charges, such as utilities, HOA fees, eviction notice charges, etc.



Apply any tenant payments to late fees and other charges, BEFORE it goes to rent. That way you can let the tenant know that rent is still due, not just the fees. It makes a potential eviction case stronger.

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That just covers the general timelines. He stated there are multiple law firms that focus on tenant defense. These law firms monitor the court docket for newly filed evictions and send marketing pieces to the tenants telling them they can delay the eviction for a small fee. These law firms then file pleadings (i.e. jury demands, discovery requests, etc.) that extend the eviction at least two months. I've heard similar stories for evictions in other states (California and New York).

After talking to the attorney for a while, he asked about the eviction process in Utah. I explained that our average default eviction is around two weeks as long as the landlord did everything right. If the tenant fights the eviction then a judge has to hear the case to make a de-

cision, and those hearings are held within 10 days which helps to avoid additional delays. After hearing about evictions in Utah I'm sure he wanted to say "Landlords in Chicago don't have any rights!"

I tell clients that Utah's laws favor the party that follows them. If the landlord follows the law, the eviction process should be completed in a few weeks. But if the landlord cuts corners and doesn't follow the law, their eviction case can be dismissed and they could be required to pay the tenant's attorney fees. Whenever you're handling an eviction, just make sure you're dotting the I's and crossing the T's.

*Attorney Jeremy Shorts*

## Dear Attorney,

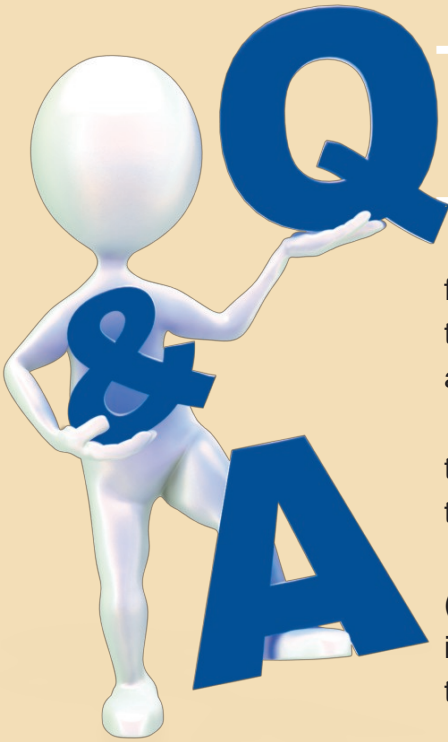
**One of my tenants built a shed but left it when he moved. Do I have to keep it there? Can I take it down or sell it?**

It probably depends on whether the shed is a “fixture” or “personal property”. A fixture becomes attached to the property and would remain with the home after they leave (i.e. a tenant that installs tile). Personal property remains with the tenant and they remove it when they leave (i.e. clothing or a TV).

If it’s a fixture, then it’s probably yours. Depending on the size and how it’s attached to the ground, it could be a fixture that would remain with the house after the tenant leaves.

If it’s personal property, then it belongs to the tenant and you’d need to either (1) get something in writing from the tenant stating what can be done with it, or (2) it would be considered abandoned personal property under Utah law (give a notice of abandonment and store it for 15 days before getting rid of it).

These types of situations can be tough, so if possible it would be best to clarify with the tenant what their intentions are with the shed. If it’s semi-quality work, it might be worth paying the tenant something for it, or just have them come get it.



## Know Your Notice • Unlawful Business •

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

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

*Keep good records of the unlawful business being conducted (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.*

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

## Landlord Laughs

Every now and then we have a landlord that isn't sure who is living in the rental house. That can be because the tenants let their friends or family move in, or if the owner bought the house with existing tenants. If problems arise and the landlord needs to do an eviction, it can be tricky getting their names so we can file the case.

We had one case where the owner just took over the property and the prior owner and the tenant weren't cooperating at all in identifying the tenants. The owner decided to deliver a notice so he went to the house.

As he approached the door, he noticed a package from Amazon was sitting near the front door. The owner didn't touch the package, but it listed the tenant's full name right on the package. The landlord noted the name on the package and added the name to the notice that he was just serving. When the tenant saw his name on the eviction notice, he realized the gig was up and decided to move.



Contact us for a **FREE**  
Landlord Consultation!

Phone: 801-610-9879

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

Web: [www.utahevictionlaw.com](http://www.utahevictionlaw.com)

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