



Landlord Letter

March 2019

How to Avoid Evictions

We have a lot of clients that end up frustrated with themselves that they have to do an eviction. When they ask us what they could have done to avoid having to file an eviction there are usually a few critical aspects they may have overlooked. Let's talk about a few of the major points:

Initial Point – The large majority of applicants will be good tenants. It's important to follow the "Trust, but verify" approach when dealing with tenants. Doing what you can to help them be successful will help you in the long run.

Screening – Probably the best way to avoid an eviction is to screen your tenants up front. We deal with a surprising number of evictions where they have recent evictions, judgments, liens, bankruptcies, or criminal history. It is critical that the tenants fill out a thorough Rental Application (visit www.utahevictionlaw.com for our free rental application). But just filling out the application isn't enough. The landlord should then do their due diligence to perform a background check (covering prior criminal history, evictions, bank-

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What people are saying about US!!!

I've worked with Utah Eviction Law on a couple of issues. They are very professional and good to work with. Jeremy Shorts is very knowledgeable about eviction Law. I would highly recommend him.

~Mark —Google Review



DOS & DON'TS of... Changing the Locks

-  Communicate with your tenants to see if they have voluntarily vacated.
-  Store any personal property that was left behind.
-  Take pictures of any items left at the property and add it to your file.

-  Change the locks unless either (1) you have an Order of Restitution signed by the Judge or (2) the tenant has abandoned the property.
-  Throw personal items away — follow Utah Law. For any questions, contact us for a free Landlord Consultation!



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ruptcies, etc.), and also VERIFY the information on the application. Call prior landlords and references to ask whether they were a good tenant. Contact the employer to verify employment and income.

Lease & Communication – Using a good lease that clearly identifies the obligations of each party is the next critical issue. When (not if) an issue arises, the lease outlines how it should be resolved. Communicate with your tenant to discuss concerns and be reasonable in coming up with a solution. Being reasonable and considering some flexibility will go a long way to develop a good working relationship with your tenants.

Communication & Eviction Notices – When problems arise, communicate with your tenant about your concerns. Be reasonable and make sure your position is supported by your lease.

Most basic concerns can be handled informally with a phone call or text message. For more serious issues, or if your informal communication isn't working, communicate in writing.

You do not have to always jump to using an eviction notice, but if the problem is substantial enough to potentially justify an eviction, you should definitely use an eviction notice. Serving an eviction notice DOES NOT automatically mean that you have to file an eviction. The notice is usually intended to give the tenant an opportunity to come back into compliance with the lease.

The Last Resort – Even if you do everything right, there are no guarantees that you can avoid an eviction. If you've worked through all of these steps and the problems are significant enough, you may still need to move forward with an eviction. If you're dealing with a complicated situation or a difficult tenant, contact us for a free consultation to discuss your options.

Dear Attorney,



My tenant just let me know that they filed bankruptcy, what should I do?

The answer to this question is different based on whether the tenant owes any money. First of all, don't panic. When someone files bankruptcy, an "automatic stay" goes into place that usually prohibits legal action against the tenant. You will want to proceed cautiously.

If the tenant DOES NOT owe any rent or money, there isn't anything for you to do. A lot of people file bankruptcy to handle old debts or mounting medical bills and it doesn't automatically mean that your rent will not be paid. Be patient, work with your tenant, and assume they will continue to pay rent.

If the tenant owes rent or other funds under the lease, contact an attorney to discuss your options. You may need to petition the bankruptcy court to lift the automatic stay and then proceed with an eviction. Pursuing an eviction is still possible, but it's important to comply with BOTH bankruptcy and eviction laws.

No matter what your situation is, we recommend that you continue to be a good landlord by communicating with your tenant, taking care of repairs, etc.

Know Your Notice

•Three Day Notice for Criminal Acts•

Purpose: To evict tenants who have committed crimes on the property.

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

Use this notice if your tenants have committed criminal acts on the property that cause risk of health, sanitation, or damage to your property, other tenants or neighbors.

Based on the seriousness of the actions, the tenant may not have an opportunity to cure the problems. They must vacate the property in 3 days or they will be guilty of unlawful detainer.

This can become a he said she said battle, so document any criminal acts. Witnesses and/or police reports are critical in proving the grounds for eviction.

Landlord Laughs

We LOVE referrals and repeat business because it means our clients love us. When someone new calls us, we want to know how they found us. I asked a new client how they found us, he said "You don't want to know." His response made me REALLY want to know how he found us, so I asked a few more questions.

A few weeks ago his tenants began to move in. What the landlord didn't know was that our office had actually just evicted his tenant and they were now moving into his unit. The landlord was there at the home to finish a few final repairs while the tenants were moving in. When he was adjusting the kitchen sink, the tenant came in with a load from their truck and left a stack of papers on the kitchen counter.

On top of the stack of papers was an eviction order with our name on it from our prior case. That left a pit in his stomach, but he also snapped a picture of our contact information from our eviction order. When the tenants fell behind on rents a few weeks later, he called us because he knew that we had prior experience with his tenants.



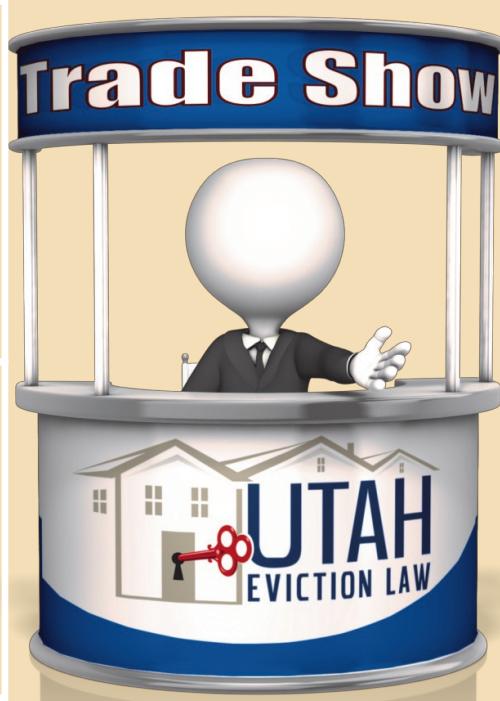
Utah Apartment Association Trade Show Wednesday April 24th, 2019; 8 AM to 5 PM

Mountain American Expo Center

(formally South Towne Expo Center)

Sandy, Utah

**Jeremy will be teaching his
eviction class at 2:15 p.m.
Realtors will earn one hour
CORE CE credit
for attending.**



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.
- 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).
- You can also give us a Five Star Google Review (search "Jeremy Shorts Utah Reviews" click on our link).

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