



Landlord Letter

September 2019

Sprinting Evictions and Marathon Collections

Whenever we handle an eviction case we realize that time is of the essence. Our goal is to do our evictions in 2-3 weeks. It's important to process that case quickly to stop the problems that are going on (whether that's failing to pay rent, creating a nuisance or violating the lease). We try to sprint through our evictions to limit what you are dealing with.

Once we finish with the eviction and receive a judgment it is now your job (or your attorney's job) to collect on the judgment. There are several options to try to collect, but none of these options occur automatically. They usually require time, effort, and cost. While evictions are usually a sprint, collections can be a marathon.

I have a friend that loves running. He started out with 5Ks and 10ks, but then he moved on to half marathons. He eventually built up to running marathons. In one of

his early marathons he ran his heart out for about 26 miles. The problem is that marathons are 26.2 miles. He went 99% of the way, but he woke up in the ambulance as they skipped the finish line and took him to the hospital.

Collections can be like a marathon, which sometime people aren't able to finish. You can almost make it, and then the tenant files bankruptcy and you never see any of the money a judge told you that you are owed. What can you do to help finish the marathon of collections? Let's talk about a few options.

First, know who your tenant is. Have them fill out a detailed rental application so you can confirm who they are. It is hard to pursue a judgment against someone that we cannot confirm their legal name.

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DO's & DON'Ts of Hiring an Attorney



DO

- Ask questions to gauge their knowledge about evictions.
- Give them the details of your case to allow them to give detailed advice.



DON'T

- Hire an attorney that is NOT experienced in your case.
- Assume certain information or documents are not important (give them everything).



Dear Attorney,

One of my tenants is asking me to change the locks because they are a victim of domestic violence. What should I do?

First, you will always want to show compassion and make sure you are doing what you can to keep all of your tenants safe. If any tenant feels their safety is in jeopardy, they should call the police and seek help.

Second, under Utah law, victims of domestic violence have certain protections when dealing with leases. They can choose to either: (1) have the landlord change the locks to exclude the perpetrator, or (2) terminate the lease (only

as to the victim) by paying 45 days of rent.

Either way, the victim tenant should (1) clearly tell the landlord what they are requesting, (2) provide documentation (either a police report or protective order) showing they are a victim of domestic violence, and (3) pay for the costs of what they have decided (either pay for the locks to be changed or pay 45 days of rent). If the locks are changed, the perpetrator tenant cannot enter the property but they remain liable for paying rent as it comes due. We recommend that you keep copies of everything to document your file.

Know Your Notice

•No Cause—Lease Termination•

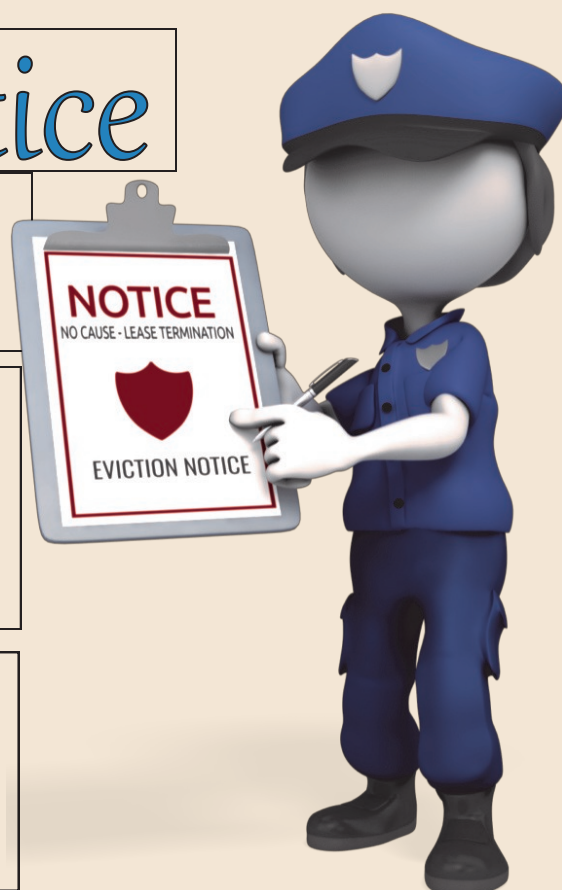
Purpose: Used to terminate your lease at the end of the initial term or during a month to month tenancy.

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).



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Second, verify the information in the rental application. If they say they've been employed at the same office for five years, check. If they say they make \$50,000 a year, check. If they say their last landlord loves them and they've never been late on rent, check with their last TWO landlords. Just because something is written on an application doesn't mean it's accurate or true.

Finally, don't let the balance get out of hand. It's

completely fine to work with a tenant that has fallen behind. But set clear expectations and be strict. We handle a lot of cases where the tenant is 3 or 4 or 5 months late. Sometimes even more. Once they get behind and they're failing to pay or failing to communicate, you should move forward with an eviction.

Doing these things does not guarantee that you will finish the marathon of collections, but this will help put you in a better place and protect you if you need to collect.

Attorney Jeremy Shorts



Courtroom Chronicles

We tell our clients that just because something is obvious doesn't mean you can prove it in court. Evictions can be messy and turn into a, "he said, she said" battle. As the landlord, it is your job to prove your case and don't expect any help from the tenant.

We had one eviction where we suspected that the tenant moved her boyfriend into the house in violation of the lease. These cases are a challenge because the tenant can just say "They're my friend and they come over a lot."

When we got to the hearing we had the tenant on the stand and asked bluntly, "When did your boyfriend move into the property?" We were surprised when she made our entire case by responding, "About eight months ago." We responded the only way you can in that situation, "Your Honor, we rest our case."



Let us help you connect the eviction dots.

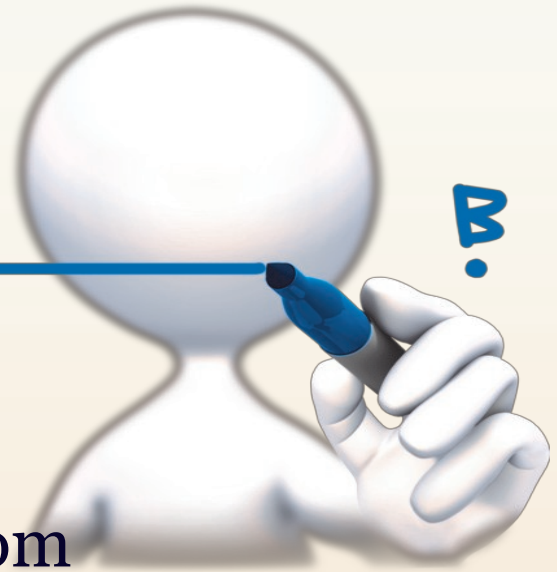
Contact us for a **FREE**
15 minute consultation

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B

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Email: info@utahevictionlaw.com



Calendar of Events



- September 3 — Labor Day
- September 11 — Patriot Day
- September 18 — UAA's Ogden Good Landlord Class
- September 20— Salt Lake 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@utahevictionlaw.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/utahevictionlaw).
- You can also give us a Five Star Google Review (search "Jeremy Shorts Reviews" and click on our Google Plus link).