



# Landlord Letter

August 2025

## Collection Options and Garnishments

Having the court grant a judgment is usually half the battle. Now you need to work on trying to collect what the judge awarded. The courts will not do this for you, it's up to you. Let's work through some of the most successful options to collect on a judgment under Utah law.

Our preferred option is a "continuing wage garnishment". A wage garnishment forces the employer to withhold 25% of the tenant's take home pay (after taxes and legal deductions). The garnishment should remain in place for at least four months, but will continue for up to one year if no other wage garnishments are also trying to collect. If one wage garnishment does not pay the judgment in full, the landlord can then renew the garnishment and the timelines start over.

You can also request a "bank garnishment", but it does not apply just to bank accounts. This also allows the landlord to seize certain investment/

retirement accounts, state tax refunds, and similar types of accounts. The accounts are frozen as of the time the garnishment papers are served. You do not need to know the account numbers, just the bank or financial institution that is holding the funds. The bank is then required to freeze any funds held in the tenant's name. Hopefully there are substantial funds in the account, but if the account was closed or has a zero balance, then nothing is received.

A "tax garnishment" is a type of bank garnishment that applies to Utah state tax refunds (not federal tax returns). Each fall our office begins the process of contacting hundreds of clients about thousands of cases to see if a tax garnishment would be beneficial as a collection option. If you have a judgment with our office, you can expect to be contacted shortly.

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There are other collection options that aren't as common, but depending on the circumstances may be beneficial:

- **Judgment Liens** – This only works if the tenant owns other real estate and you have a judgment. A judgment can become a lien against the property upon recording at the county.
- **Writ of Execution** – This is used to seize personal property and physical assets (extra vehicles, valuable property, equipment, cash, etc.).
- **Section 8 Fund** – Utah has a fund set aside

for landlords that obtain a judgment against a tenant on Section 8 Housing that can be used to cover up to \$5,000 in losses.

- **Supplemental Proceedings** – Requires the tenant to appear in court and answer questions about income, assets, etc. that may lead to other collection options.

Collections can take time and they often are not successful. But these options give landlords the ability to collect. Be patient with the process and hopefully you'll see success.

*Attorney Jeremy Shorts*



## Quick Tips on Eviction Notices

- If applicable, serve multiple eviction notices to strengthen your case (we don't have to prove ALL of the notices, just ONE).
- Include enough detail to clearly explain why they're being evicted.
- Make sure it's filled out and served properly.
- Keep a copy for yourself in case you end up filing an eviction.





## Dear Attorney,

**Q:** *My lease requires my tenant to pay the utilities, but they are consistently behind. The utility companies are threatening to shut them off for non-payment. What should I do? Should I pay them? Can I let them be shut off?*

**A:** Great question and you'll want to read your lease carefully to make sure you're in compliance with your lease. Generally speaking, if the utilities are covered in the rent, then you should continue to pay the utilities even if the tenant is not paying the rent. BUT, if your lease states that the tenant is responsible to pay the utilities, that typically means the utilities are handled between the tenant and the utility company (and the landlord isn't involved). In that situation, it's an issue between the tenant and the utility company (and the landlord still isn't involved).

If the utility company disconnects utilities based on the tenant's nonpayment, that's typically fine. The landlord doesn't normally have to step in and pay a bill for the tenant, but (unless the lease allows otherwise) the landlord also shouldn't take action to have the utilities turned off while the tenant is residing there.

It's best to be cautious and not do anything on our end that causes the utilities to be shut off. You can issue a pay or quit notice (for any balance owed) or a comply or vacate notice (for any lease violations related to the utilities), and if they don't comply you can consider an eviction.



## See what people are saying about US!!!

"Jeremy and his team were awesome handling an eviction case that I had. Great communication throughout the process. Very professional and top notch service."

# Courtroom Chronicles

One good thing that came from COVID was the transition to virtual hearings. Most of our hearings now are held virtually, which cuts out travel time for our hearings. That can help save a lot of time, but a virtual hearing means people can appear from ANYWHERE. Sometimes those that attend these hearings, including attorneys, can get a little relaxed.

While we were waiting for one of our hearings to begin, there was a divorce case being heard before us. You could easily see that the attorney on the case was stopped in his car while handling the hearing. Based on the background noise,

it appeared he was on the side of a busy road. You could see and hear large semi-trucks barreling past the car every few seconds.

As if that wasn't enough, there was even a point when a highway patrolman knocked on his window in the middle of the hearing to see if everything was okay. The judge after being about as patient as he could stated, "That is something that we will need to resolve, but not by the side of the road today!" He then proceeded to set a new hearing date and instructed the attorney to be in his office for the next hearing.



## 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 it to us for a future newsletter!
- Help us build our online presence! You can "Like" our Facebook page ([www.facebook.com/utaheviictionlaw](https://www.facebook.com/utaheviictionlaw)).
- You can also give us a Five Star Google Review (search "Jeremy Shorts Reviews" and click on our link).

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

