



Landlord Letter

October 2025

Opinions v. Papers – Building a Strong Case

When landlords consider filing an eviction, it's important to understand what evidence the judge will use to decide the case. Not all evictions are created equal. Some are clear-cut and easy for a judge to decide in your favor, while others rely heavily on conflicting testimony or circumstantial evidence. We like to describe this difference as the contrast between a “**Paper Eviction**” and an “**Opinion Eviction**.”

Paper Evictions are based on solid, objective evidence that can be neatly documented and presented to the judge. We do not have to rely on testimony and opinions, because the documents, pictures and videos tell the story for the judge in a strong way. It's where we get to tell the

judge “It really doesn't matter what the other side is saying, these papers prove our case.”

Examples include evictions based on non-payment of rent, and an end of term notice to terminate a month to month lease. A paper eviction case comes with paperwork — ledgers showing unpaid rent, a written notice terminating tenancy, and/or pictures and video providing the case.

Because the judge can look at the documents and see the facts for themselves, these cases are typically more straightforward, efficient, and predictable in outcome.

Opinion Evictions, on the other hand, are built around testimony or

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Quick Tips - Payments After An Eviction Notice

- ✓ Don't accept payment unless you're okay cancelling the eviction notice.
- ✓ If you do decide to accept a partial payment, you can re-serve an updated notice showing the new balance.
- ✓ Apply the payment to the oldest charges first.

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opinions of witnesses that can be disputed. These violations are not as easily proven on paper. For example, claims of nuisance behavior, lease violations, unauthorized pets, or cleanliness often boil down to a “he said, she said” battle. Without solid evidence (photos, written warnings, or credible third-party testimony), these cases can quickly turn into a problem. Judges may hesitate to rule in favor of the landlord when the evidence feels subjective or incomplete.

This is an important lesson we repeat almost constantly: You should always strengthen your case with documentation whenever possible (pictures, video, witness statements, etc.). Turn “Opinion Evictions” into “Paper Evictions” by

gathering evidence that you can physically give to the judge. Judges are far more likely to rule in favor of whichever side that can back up their claims with evidence rather than opinions. Understanding the difference substantially increases your chances of success if you end up in court.

Attorney Jeremy Shorts



Know Your Notice

Waste (Damages): Purpose: Used when your tenant damages your property.

This notice requires the tenant to fix the waste or vacate the property within 3 calendar days.

Make sure the waste was caused by your tenant or those that your tenant is responsible for (guests, etc.).

Document the waste with pictures and/or witnesses. If you end up in court, a picture is worth a thousand words.

*Landlords are responsible for normal wear & tear.
Tenants are responsible for waste
(or damage beyond normal wear & tear).*

Dear Attorney,

I received a Notice of Bankruptcy from my tenant, what does that mean and what do I do?



A notice of bankruptcy means they have filed a bankruptcy case with the court. The filing triggers the “automatic stay,” which immediately stops most collection actions against the tenant, including eviction proceedings, collection of past-due rent, or taking legal action to enforce lease terms. This stay is powerful and applies even if you already started an eviction case. If you continue without court approval, you expose yourself to potential penalties.

If your tenant is current on their rent, you should continue to work with them and accept rent. However, if they are in default of their rent, you should immediately contact an attorney to discuss your options.

The balance owed as of the date they filed bankruptcy would be handled in the bankruptcy court. However, any rent accrued AFTER the case was filed may give you grounds to proceed with eviction. However, you must first file a motion with the bankruptcy court asking for “relief from the stay” so you can move forward with eviction.

Most of our evictions take 2-4 WEEKS, but an eviction that involves a bankruptcy can take 2-3 MONTHS. Don’t delay, it’s important for you to develop a plan soon so you avoid problems later. Acting quickly protects both your rights and your property.



Questions for Us?

**Call us to become
a Member Client!
(801) 610-9879**

Landlord Laughs – Heroin in the Garage



In a recent case, the landlord accused the tenant of using drugs in the rental property. When the case ended up in front of the judge, the tenant **INSISTED** that she had **NEVER** done any drugs in the house. The judge was stuck in the middle trying to figure out what really happened. Proving a tenant used drugs in the home can be tricky.

The judge asked the landlord what evidence they had that the tenant was doing drugs in the property. The landlord had a per-

fect answer “I have video of her shooting heroin!” The landlord then showed three separate security videos of the tenant, indeed, using a heroin (foil, needles, etc.).

The judge then asked the tenant about the clear videos. The tenant admitted she had a relapse, but still denied the allegations.

The judge was puzzled and asked “The video seemed pretty clear.” The tenant replied, “I have **NEVER** done heroin in the house! That was in the garage!” Needless to say, the tenant lost that case.

Calendar of Events

- October 13— Columbus Day
- October 23 — RHA Education Conference in Logan. Come watch Jeremy teach several classes!
 - www.rhautah.org/events/2025logan
- October 31 — Halloween



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 it to us for a future newsletter!
- Help us build our online presence! You can “Like” our Facebook page (www.facebook.com/utahevictionlaw).
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