



Landlord Letter

October 2026

The Lawsuit Two Step

Before any lawsuit is ever filed, we advise our clients to consider two questions: First – Do you have a successful claim? Second – Can you collect on the judgment? You want to be able to say YES to both questions. YES, a judge is going to agree with your case, and YES, you'll be able to collect on a judgment.

Let's talk about Question No. 1 – Do you have a successful claim?

The legal system can take time and money to work through, so do everything you can to make sure you'll finish that process with a successful result. It's not fun to go to court and WIN, it's terrible to go to court to LOSE. Do what you can to make sure you have a strong

claim. That should include seeking legal counsel early in the case to help with strategy, and documenting your file as much as possible to support your claim (pictures, video, detailed notes/reports of what happened, etc.).

After you've won, you can move on to Question No. 2 – Can you collect on the judgment?

Even if your case is successful and a judgment is entered, you want to be reasonably certain that you will be able to collect on the judgment. It doesn't do much good to be awarded a judgment, but then never collect on the judgment.

Typically, the best option to proceed with collection is a wage garnishment.

(Continued on page 2)



Quick Tips - Payments After An Eviction Notice

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

(Continued from page 1)

nishment. Under Utah law, wage garnishments can seize 25% of their take home pay as payment toward the balance owed. A wage garnishment can remain in place for at least 4 months, but up to 12 months as long as no other garnishments cut us off. Once these timelines expire, a new garnishment can be filed to reset the timelines.

Another option to collect is a bank garnishment, which is a one time freeze on any accounts in the debtor's name. If there is a substantial balance in the accounts, a bank garnishment is a great way to go. However, if the accounts have been closed or there aren't any funds available, you'll receive nothing.

What about Evictions?

When it comes to these two questions, eviction cases are a little unique. The first question is still relevant – you don't want to file any lawsuit (eviction or otherwise) that you're going to lose. BUT, even if you'll never be able to collect on the judgment, you should still consider an eviction because you need to retain control and possession of your property. We certainly won't forget about the judgment and any changes to collect, but, at a minimum, we need to pursue an eviction to remove them from the property.

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,

My Tenant passed away, and a relative wants access to the unit. Should I let the relative in?



The quick answer – Probably not. This can be an emotional situation so you want to be sensitive, but we still need to follow the law. The first thing you'll want to do is to check the language in your lease. You should only give access to the property to those allowed access under the lease. That is going to include any of the tenants listed on the lease, and possibly an emergency contact (depending on the language in your lease).

If anyone else seeks access to the unit, you need to be cautious. While you cannot grant third parties access, perhaps the family is able

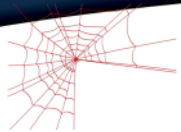
to obtain a key through their own efforts. In that situation, you're not the one that granted access, they gained their own access through their own efforts. The family may clear the deceased tenant's personal property out themselves, but that is through their own efforts and not through you granting access.

You could treat this situation as an abandoned unit and deliver both the 24-hour abandoned premises notice, and the 15-day abandoned personal property notice. Once the timelines have run, it is likely reasonable to donate the items to the family.



Questions for Us?

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



Courtroom Chronicles — The Easterly Sewerly Winds



Over the last nearly 20 years, we have literally handled thousands of evictions. During that time, we've just about heard it all. Some of the stories we hear are just downright odd. In one of our cases, a "reporter" got involved to request an extension for the tenant. It turns out, he was really a self-proclaimed reporter of his own internet platform.

When we asked what the extension was based on, the reporter stated that the neighborhood was experiencing "cloggy sewers"

with an eastward wind blowing sewage stench everywhere. That was a new one. In all of our experience, we had never heard about cloggy sewers or easternly sewage winds.

We politely explained that Utah law doesn't allow delays based on the wind direction or cloggy sewers. We still moved forward with the eviction and we hope their new neighborhood doesn't have any cloggy sewers or sewage winds.

Calendar of Events

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

Like Us On
facebook 