

UNLAWFUL DETAINER AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael G. Waddoups

House Sponsor: Kevin S. Garn

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LONG TITLE

General Description:

This bill amends the discretion of a judge to extend the deadline to appear in court on charges of unlawful detainer.

Highlighted Provisions:

This bill:

- requires a defendant to file an objection before a judge may extend the three business day requirement to appear in court on charges of unlawful detainer.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

**78B-6-807**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78B-6-807** is amended to read:

**78B-6-807. Allegations permitted in complaint -- Time for appearance -- Service of summons.**

(1) The plaintiff, in his complaint:

(a) shall set forth the facts on which he seeks to recover;

(b) may set forth any circumstances of fraud, force, or violence which may have

30 accompanied the alleged forcible entry, or forcible or unlawful detainer; and

31 (c) claim damages or compensation for the occupation of the premises, or both.

32 (2) If the unlawful detainer charged is after default in the payment of rent, the complaint  
33 shall state the amount of rent due.

34 (3) A judge, court clerk, or plaintiff's counsel shall endorse on the summons the number  
35 of days within which the defendant is required to appear and defend the action, which shall be  
36 three business days from the date of service, unless the defendant objects to the number of days,  
37 and the court determines that the facts of the case should allow more time.

38 (4) The court may authorize service by publication or mail for cause shown.

39 (5) Service by publication is complete one week after publication.

40 (6) Service by mail is complete three days after mailing.

41 (7) The summons shall be changed in form to conform to the time of service as ordered,  
42 and shall be served as in other cases.