

**57-16-15 Eviction proceeding.**

- (1) Eviction proceedings commenced under this chapter and based on causes of action set forth in Subsections 57-16-5(1)(a), (b), and (e), and eviction proceedings commenced under this chapter based on causes of action set forth in Subsections 57-16-5(1)(c) and (d), in which a landlord elects to bring an action under this chapter and not under the unlawful detainer provisions of Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, shall comply with the following:
  - (a) A judgment may be entered upon the merits or upon default. A judgment entered in favor of the plaintiff may:
    - (i) include an order of restitution of the premises; and
    - (ii) declare the forfeiture of the lease or agreement.
  - (b) The jury, or the court if the proceedings are tried without a jury or upon the defendant's default, shall assess the damages resulting to the plaintiff from any of the following:
    - (i) waste of the premises during the resident's tenancy, if waste is alleged in the complaint and proved; and
    - (ii) the amount of rent due.
  - (c) If the lease or agreement provides for reasonable attorney fees, the court shall order reasonable attorney fees to the prevailing party.
  - (d) Whether or not the lease or agreement provides for court costs and attorney fees, if the proceeding is contested, the court shall order court costs and attorney fees to the prevailing party.
  - (e) Except as provided in Subsection (1)(f), after judgment has been entered under this section, judgment and restitution may be enforced no sooner than 15 days from the date the judgment is entered. The person who commences the action shall mail through registered or certified mail a copy of the judgment to the resident or the resident's agent or attorney as required by the Utah Rules of Civil Procedure.
  - (f) If a resident tenders to the mobile home park postjudgment rent, in the form of cash, cashier's check, or certified funds, then restitution may be delayed for the period of time covered by the postjudgment rent, which time period shall not exceed 15 days from the date of the judgment unless a longer period is agreed to in writing by the mobile home park.
- (2) Eviction proceedings commenced under this chapter and based on causes of action set forth in Subsections 57-16-5(1)(c) and (d), in which the mobile home park has elected to treat as actions also brought under the unlawful detainer provisions of Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, shall be governed by Sections 78B-6-811 and 78B-6-812 with respect to judgment for restitution, damages, rent, enforcement of the judgment and restitution.
- (3) The provisions in Section 78B-6-812 shall apply to this section except the enforcement time limits in Subsections (1)(e) and (f) shall govern.

Renumbered and Amended by Chapter 340, 2011 General Session