

**57-26-103 Manner of giving notification.**

- (1) Except as otherwise provided in Subsections (3) and (4), a person gives a notification or a copy of a notification under this chapter:
  - (a) by depositing it with the United States Postal Service or with a commercially reasonable delivery service, properly addressed to the intended recipient's address as specified in Subsection (2), with first-class postage or cost of delivery provided for; or
  - (b) if the recipient agreed to receive notification by facsimile transmission, electronic mail, or other electronic transmission, by sending it to the recipient in the agreed manner at the address specified in the agreement.
- (2) The following rules determine the proper address for giving a notification under Subsection (1):
  - (a) A person giving a notification to an assignee shall use the address for notices to the assignee provided in the document creating the assignment of rents, but, if the assignee has provided the person giving the notification with a more recent address for notices, the person giving the notification shall use that address.
  - (b) A person giving a notification to an assignor shall use the address for notices to the assignor provided in the document creating the assignment of rents, but, if the assignor has provided the person giving the notification with a more recent address for notices, the person giving the notification shall use that address.
  - (c) If a tenant's agreement with an assignor provides an address for notices to the tenant and the person giving notification has received a copy of the agreement or knows the address for notices specified in the agreement, the person giving the notification shall use that address in giving a notification to the tenant. Otherwise, the person shall use the address of the premises covered by the agreement.
- (3) If a person giving a notification pursuant to this chapter and the recipient have agreed to the method for giving a notification, any notification must be given by that method.
- (4) If a notification is received by the recipient, it is effective even if it was not given in accordance with Subsection (1) or (3).

Enacted by Chapter 139, 2009 General Session