

Effective 5/10/2016

78B-6-801 Definitions.

- (1) "Commercial tenant" means any tenant who may be a body politic and corporate, partnership, association, or company.
- (2) "Forcible detainer" means:
 - (a) holding and keeping by force, or by menaces and threats of violence, the possession of any real property, whether acquired peaceably or otherwise; or
 - (b) unlawfully entering real property during the absence of the occupants or at night, and, after demand is made for the surrender of the property, refusing for a period of three days to surrender the property to the former occupant.
- (3) "Forcible entry" means:
 - (a) entering any real property by:
 - (i) breaking open doors, windows, or other parts of a house;
 - (ii) fraud, intimidation, or stealth; or
 - (iii) any kind of violence or circumstances of terror; or
 - (b) after entering peaceably upon real property, turning out by force, threats, or menacing conduct the party in actual possession.
- (4) "Occupant of real property" means one who within five days preceding an unlawful entry was in the peaceable and undisturbed possession of the property.
- (5) "Owner":
 - (a) means the actual owner of the premises;
 - (b) has the same meaning as landlord under common law and the statutes of this state; and
 - (c) includes the owner's designated agent or successor to the estate.
- (6)
 - (a) "Peaceable possession" means having a legal right to possession.
 - (b) "Peaceable possession" does not include:
 - (i) the occupation of premises by a trespasser; or
 - (ii) continuing to occupy real property after being served with an order of restitution issued by a court of competent jurisdiction .
- (7)
 - (a) "Tenant" means any natural person and any individual, including a commercial tenant.
 - (b) "Tenant" does not include a person or entity that has no legal right to the premises.
- (8) "Trespasser" means a person or entity that occupies real property but never had possessory rights in the premises.
- (9) "Unlawful detainer" means unlawfully remaining in possession of property after receiving a notice to quit, served as required by this chapter, and failing to comply with that notice.
- (10) "Willful exclusion" means preventing the tenant from entering into the premises with intent to deprive the tenant of entry.

Amended by Chapter 264, 2016 General Session