

Effective 5/12/2020

Superseded 5/7/2025

78B-6-811 Judgment for restitution, damages, and rent -- Immediate enforcement -- Remedies.

- (1)
 - (a) A court may:
 - (i) enter a judgment upon the merits or upon default; and
 - (ii) issue an order of restitution regardless of whether a judgment is entered.
 - (b) A judgment entered in favor of the plaintiff shall include an order for the restitution of the premises as provided in Section 78B-6-812.
 - (c) If the proceeding is for unlawful detainer after neglect or failure to perform any condition or covenant of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease or agreement.
 - (d)
 - (i) A forfeiture under Subsection (1)(c) does not release a defendant from any obligation for payments on a lease for the remainder of the lease's term.
 - (ii) Subsection (1)(d)(i) does not change any obligation on either party to mitigate damages.
- (2) The jury or the court, if the proceeding is tried without a jury or upon the defendant's default, shall also assess the damages resulting to the plaintiff from any of the following:
 - (a) forcible entry;
 - (b) forcible or unlawful detainer;
 - (c) waste of the premises during the defendant's tenancy, if waste is alleged in the complaint and proved at trial;
 - (d) the amounts due under the contract, if the alleged unlawful detainer is after default in the payment of amounts due under the contract; and
 - (e) the abatement of the nuisance by eviction as provided in Sections 78B-6-1107 through 78B-6-1114.
- (3) The judgment shall be entered against the defendant for the rent, for three times the amount of the damages assessed under Subsections (2)(a) through (2)(e).
- (4)
 - (a) If the proceeding is for unlawful detainer, execution upon the judgment shall be issued immediately after the entry of the judgment.
 - (b) In all cases, the judgment may be issued and enforced immediately.
- (5) In an action under this chapter, the court:
 - (a) shall award costs and reasonable attorney fees to the prevailing party;
 - (b) may modify a judgment for additional amounts owed if a motion is submitted within 180 days on the earlier of the day on which:
 - (i) the order of restitution is enforced; or
 - (ii) the defendant vacates the premises; and
 - (c) may grant a party additional time for a motion under Subsection (5)(b).
- (6)
 - (a) If the court issues an order of restitution, the defendant shall provide a current address to the court and the plaintiff within 30 days of the day on which the court issues the order of restitution.
 - (b) Failure of a defendant to provide an address under Subsection (6)(a) does not require the plaintiff or the court to bear the burden of seeking out the defendant to provide notice for any subsequent proceeding.