

Effective 5/7/2025

78B-6-817 Limited alternative remedy to remove a trespasser from real property.

- (1) An owner of real property, or the property owner's authorized agent, may request that law enforcement of the appropriate jurisdiction in which the real property is located, immediately remove a trespasser occupying the real property if the property owner, or an authorized agent of the property owner, attests that:
- (a) the trespasser has unlawfully entered and remains on the real property;
 - (b) the real property was not open to members of the public at the time the trespasser entered;
 - (c) the property owner has directed the trespasser to leave the real property;
 - (d) the trespasser is not a current or former tenant of the real property under a written rental agreement authorized by the property owner;
 - (e) the trespasser is not an immediate family member of the property owner; and
 - (f) there is no pending litigation related to the real property between the property owner and the trespasser.
- (2)
- (a) To request the immediate removal of a trespasser on the real property, the property owner or property owner's authorized agent shall submit a complaint by presenting a completed and verified Complaint to Remove Trespassers Unlawfully Occupying Real Property to law enforcement of the appropriate jurisdiction in which the real property is located.
 - (b) The submitted complaint shall be in substantially the following form:
"COMPLAINT TO REMOVE TRESPASSERS UNLAWFULLY OCCUPYING REAL PROPERTY
I, the owner or authorized agent of the owner of the real property located at [physical address of the real property], declare under the penalty of perjury that (initial each box):
 - 1. I am the owner of the real property or the authorized agent of the owner of the real property.
 - 2. I have attached evidence that I am the record owner of the real property, or the authorized agent of the owner.
 - 3. A trespasser has unlawfully entered and is remaining or residing unlawfully on the real property.
 - 4. The real property was not open to members of the public at the time the trespasser entered.
 - 5. I have directed the trespasser to leave the real property, but the trespasser has not done so.
 - 6. The trespasser is not a current or former tenant according to any valid lease authorized by the property owner for the real property, and any lease that may be produced by an occupant is fraudulent.
 - 7. The trespasser sought to be removed is not an owner or a co-owner of the property and has not been listed on the title to the property unless the trespasser has engaged in title fraud.
 - 8. The trespasser is not an immediate family member of the property owner.
 - 9. There is no litigation related to the real property pending between the property owner and any trespasser sought to be removed.
 - 10. I understand that an individual removed from the real property with this procedure may bring a cause of action against me for any false statements made in this complaint, or for wrongfully using this procedure, and that as a result of such action I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.

11. I am requesting law enforcement to immediately remove the trespasser from the real property.

12. A copy of my valid government-issued identification is attached, or I am an agent of the property owner and documents evidencing my authority to act on the property owner's behalf are attached.

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN UTAH CODE, SECTION 76-8-502.

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(Signature of Property Owner or Authorized Agent of Owner)"

(3)

- (a) Upon receipt of the complaint and evidence of ownership, and the owner or authorized agent appears entitled to the relief described in this section, law enforcement shall, without delay, instruct the trespasser or serve a notice to immediately vacate on any trespasser and shall put the owner or authorized agent in possession of the real property.
- (b) If verified, law enforcement shall, without delay, serve a notice to immediately vacate on any trespasser and shall put the owner in possession of the real property.
- (c) Law enforcement may serve the trespasser by hand delivery of the notice or by posting the notice on the real property.
- (d) Law enforcement shall attempt to verify the identity of any trespasser occupying the real property and note the identities on the return of service.
- (e) If appropriate, law enforcement may arrest any trespasser found on the real property for trespass, outstanding warrants, or any other legal cause.

(4)

- (a) After law enforcement serves the notice to immediately vacate, the property owner or authorized agent may request that law enforcement stand by to keep the peace while the property owner or authorized agent of the property owner changes the locks and removes the personal property of the trespasser from the real property to or near the property line.
- (b) Law enforcement is not liable to the trespasser or any other party for loss, destruction, or damage of property.
- (c) The property owner and authorized agent are not liable to the trespasser or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

(5)

- (a) An individual may bring a civil cause of action for wrongful removal under this section.
- (b)
 - (i) An individual harmed by a wrongful removal under this section may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney fees.
 - (ii) The court shall expedite the trial and any hearing in an action described in this Subsection (5).

- (6) This section does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest a trespasser for trespassing, vandalism, theft, or other crimes.

Enacted by Chapter 295, 2025 General Session