

UNLAWFUL DETAINER AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael G. Waddoups

House Sponsor: Kevin S. Garn

LONG TITLE

General Description:

This bill amends the discretion of a judge to extend the deadline to appear in court on charges of unlawful detainer.

Highlighted Provisions:

This bill:

requires a defendant to file an objection before a judge may extend the three business day requirement to appear in court on charges of unlawful detainer.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-6-807, as renumbered and amended by Laws of Utah 2008, Chapter 3

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78B-6-807** is amended to read:

78B-6-807. Allegations permitted in complaint -- Time for appearance -- Service of summons.

(1) The plaintiff, in his complaint:



- 28 (a) shall set forth the facts on which he seeks to recover;
- 29 (b) may set forth any circumstances of fraud, force, or violence which may have
- 30 accompanied the alleged forcible entry, or forcible or unlawful detainer; and
- 31 (c) claim damages or compensation for the occupation of the premises, or both.
- 32 (2) If the unlawful detainer charged is after default in the payment of rent, the
- 33 complaint shall state the amount of rent due.
- 34 (3) A judge, court clerk, or plaintiff's counsel shall endorse on the summons the
- 35 number of days within which the defendant is required to appear and defend the action, which
- 36 shall be three business days from the date of service, unless the defendant objects to the
- 37 number of days, and the court determines that the facts of the case should allow more time.
- 38 (4) The court may authorize service by publication or mail for cause shown.
- 39 (5) Service by publication is complete one week after publication.
- 40 (6) Service by mail is complete three days after mailing.
- 41 (7) The summons shall be changed in form to conform to the time of service as
- 42 ordered, and shall be served as in other cases.

Legislative Review Note
as of 2-11-08 12:15 PM

Office of Legislative Research and General Counsel

S.B. 265 - Unlawful Detainer Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
