

1st Sub. H.B. 299

UNLAWFUL DETAINER AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 4

FEBRUARY 24, 2009 2:04 PM

Representative **Wayne A. Harper** proposes the following amendments:

1. *Page 1, Lines 12 through 16:*

12 This bill:

13 ► requires the court, upon the request of either party, to hold an evidentiary hearing
14 for an action involving unlawful detainer; ~~{-and-}~~

15 ► adds occupying property after a forced sale to list of what constitutes unlawful
16 detainer ; and

► requires a 45-day notice, in addition to the 20-day notice required, to tenants of property to be sold at a forced sale .

2. *Page 1, Line 22:*

22 AMENDS:

= 57-1-24, as last amended by Laws of Utah 2001, Chapter 236

3. *Page 2, Line 26:*

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

= Section 1. Section 57-1-24 is amended to read:

57-1-24. Sale of trust property by trustee -- Notice of default.

The power of sale conferred upon the trustee who is qualified under Subsection 57-1-21(1)(a)(i) or (iv) may not be exercised until:

(1) (a) the trustee first files for record, in the office of the recorder of each county where the trust property or some part or parcel of the trust property is situated, a notice of default, identifying :

(i) the trust deed by stating the name of the trustor named in the trust deed ~~{-and giving-}~~ :

(ii) the book and page, or the recorder's entry number, where the trust deed is recorded ~~{-and-}~~

= (iii) a legal description of the trust property ~~{-, and containing-}~~ :

(iv) a statement that a breach of an obligation for which the trust property was conveyed as security has occurred ~~{-,}~~ : and ~~{-setting forth-}~~ =

(v) the nature of that breach and of the trustee's election to sell or cause to be sold the property to satisfy the obligation;

= (b) the trustee has given written notice of the default on all residential properties with fewer than nine individual units:

(i) within 45 days of the date the trustee first files the notice of default for record;

(ii) on the primary door of, if a multi-tenant residence, the primary doors of the property to be sold; and

(iii) in substantially the following form:

"Notice of Default

The following described property is in default and, if not remedied, will be sold at public auction to the highest bidder for the purpose of foreclosing a trust deed originally executed by _____ (and _____) as trustors, in favor of _____, covering real property located at _____, and more particularly described as: (insert legal description)

A notice of sale of the property will be provided a minimum of 20 days before the public auction.

The current beneficiary of the trust deed is _____ and the record owners of the property as of the recording of the notice of default are _____ and _____.

Dated _____

Trustee _____"; and

(c) including, at the option of the trustee, information on the reverse side of the notice regarding foreclosure mitigation;

(2) not less than three months has elapsed from the time the trustee filed for record under Subsection (1); and

(3) after the lapse of at least three months the trustee shall give notice of sale as provided in Sections 57-1-25 and 57-1-26.

Renumber remaining sections accordingly.