

1st Sub. S.B. 159
FORCIBLE ENTRY AND DETAINER

Representative **Brian S. King** proposes the following amendments:

1. *Page 9, Lines 248 through 266:*

248 (a) The tenant may be served with a declaration of abandonment that includes at least a
249 contact address for the owner, contains a brief factual basis supporting the owner's reasonable
250 belief that the presumption of abandonment under Subsection (1) has been met, and states the
251 date and time of service and includes the following language, or language that is substantially
252 similar: "It is believed that these premises are abandoned and the owner is seeking to regain
253 possession of the premises. If a tenant in legal possession of the premises has not abandoned
254 the premises, the tenant must dispute abandonment in writing within ~~{24}~~ 48 hours of service of this
255 declaration of abandonment by providing a copy to the owner at the contact address included
256 with this declaration of abandonment. If written notice is not served on the owner within ~~{24}~~ 48
257 hours, the owner may retake possession of the premises." The ~~{24-hour}~~ 48-hour period stated in
258 this
259 Subsection (2)(a) does not include a Saturday, a Sunday, or a holiday during which the Utah
260 state courts are closed.
261 (b) Service of the declaration of abandonment by the owner and any dispute or rebuttal
262 by the tenant shall be made pursuant to Section 78B-6-805.
263 (c) If the tenant fails to dispute the declaration of abandonment in writing by serving
264 notice to the owner within ~~{24}~~ 48 hours of being served a declaration of abandonment, excluding a
265 Saturday, a Sunday, or a holiday during which the Utah state courts are closed, the declaration
266 of abandonment serves as prima facia evidence that the tenant has vacated and abandoned the
premises.