

UNLAWFUL DETAINER AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Kay L. McIff

LONG TITLE

General Description:

This bill requires that a summons in an unlawful detainer action indicate the number of days that a defendant has to appear and defend the action.

Highlighted Provisions:

This bill:

- requires that a summons in an unlawful detainer action indicate the number of days within which the defendant must appear; and
- allows an action for unlawful detainer to be brought as a counterclaim.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-6-807, as last amended by Laws of Utah 2008, Chapter 121 and 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



28 **of summons.**

29 (1) The plaintiff, in his complaint:

30 (a) shall set forth the facts on which he seeks to recover;

31 (b) may set forth any circumstances of fraud, force, or violence which may have
32 accompanied the alleged forcible entry, or forcible or unlawful detainer; and

33 (c) claim damages or compensation for the occupation of the premises, or both.

34 (2) If the unlawful detainer charged is after default in the payment of rent, the
35 complaint shall state the amount of rent due.

36 (3) A $\hat{H} \rightarrow$ [] judge, court clerk, or plaintiff's counsel [] plaintiff $\leftarrow \hat{H}$ shall
36a $\hat{H} \rightarrow$ [] endorse [] indicate $\leftarrow \hat{H}$ on the

37 summons the number of days within which the defendant is required to appear and defend the
38 action, which shall be three business days from the date of service, unless the defendant objects
39 to the number of days, and the court determines that the facts of the case should allow more
40 time.

41 (4) The court may authorize service by publication or mail for cause shown.

42 (5) Service by publication is complete one week after publication.

43 (6) Service by mail is complete three days after mailing.

44 (7) The summons shall be changed in form to conform to the time of service as
45 ordered, and shall be served as in other cases.

46 (8) An action for unlawful detainer may also be brought in the form of a counterclaim.

Legislative Review Note
Office of Legislative Research and General Counsel