



Nancy Sylvester <nancyjs@utcourts.gov>

SHC comments on proposed revisions to URCP 4 in unlawful detainer actions

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To: Nancy Sylvester <nancyjs@utcourts.gov>

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Nancy,

We have reviewed the suggested changes provided by Mr. Hepworth and Mr. Slaugh keeping in mind the issues we hear about from self-represented tenants and landlords.

We appreciate the intent behind both suggestions. We find that Mr. Slaugh's approach is easier to understand.

We do have a few suggestions to the proposed language. We suggest:

- (d)(1(A) Upon any individual other than one covered by subparagraphs (B), (C) or (D) below, by doing any of the following:
- (i) delivering a copy of the summons and of the complaint to the individual personally;
 - (ii) leaving a copy of summons and of the complaint at the individual's dwelling or usual place of abode with some person of suitable age and discretion who resides there, unless the time for response is less than 21 days; or
 - (iii) delivering a copy of summons and of the complaint to an agent authorized by appointment or by law to receive service of process.

We would repeat a "copy of summons and of the complaint" in each subsection rather than the proposed use of "each" because "each" could be confusing to a self-represented party.

While we appreciate Mr. Hepworth's approach we are concerned that it presents a rule in "negative" language that is somewhat confusing. In addition, it might encourage self-represented landlords to attempt "leave of court" for alternative service to serve someone else in the residence rather than making the effort to have the actual tenant served personally.

While many self-represented landlords face a difficult time in having a tenant served, in our experience both self-represented parties fare better if the plaintiff has the defendant personally served. If the tenant cannot be served, both parties are best protected by using the alternative service approach in (d)(4).

We thank the committee for asking for our input on behalf of self-represented parties.

Mary Jane

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