

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

**If you do not respond to this document within applicable time limits, judgment could be entered against you as**

**Check your email.** You will receive information and documents at this email address.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent  
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner  
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____ Plaintiff</p> <p>V.</p> <p>_____ Defendant</p>	<p><b>Complaint for Unlawful Detainer (Eviction)</b>  Utah Code 78B-6-801 to 814</p> <p>_____ Case Number</p> <p>_____ Judge</p>
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- Plaintiff is (Choose one.):  
☐ an individual over the age of 18 (including a DBA – Doing Business As) and the owner of the property.  
☐ a business or trust with legal right to proceed in this action on behalf of the owner and represented by a lawyer.  
☐ other: \_\_\_\_\_

2. Defendants, \_\_\_\_\_ (names) are residents at: \_\_\_\_\_ (property address).
3. The agreement to rent the property is: (Choose one.)  
☐ in writing. The contract is attached as Exhibit 1.  
☐ not in writing. It was an oral agreement.
4. Defendants agreed: (Complete a, b, and c or d.)  
☐ a. To rent the premises:  
    ☐ for 1 year, starting on \_\_\_\_\_  
    ☐ month-to-month  
    ☐ other: \_\_\_\_\_  
b. To pay rent of \$ \_\_\_\_\_ ☐ monthly ☐ other:  
    \_\_\_\_\_  
c. To pay rent on ☐ first of the month ☐ other:  
    \_\_\_\_\_  
☐ d. Other: \_\_\_\_\_
5. Defendants was served with the following notices: (Check any that apply.)  
☐ Three Day Notice to Pay or Vacate (Utah Code 78B-6-802(1)(c))  
☐ Three Day Notice to Comply or Vacate (Utah Code 78B-6-802(1)(h))  
☐ Three Day Notice to Vacate for  
    ☐ assigning or subletting (Utah Code 78B-6-802(1)(d))  
    ☐ committing criminal act (Utah Code 78B-6-802(1)(g))  
    ☐ for criminal nuisance (Utah Code 78B-6-1107)  
    ☐ committing waste on premise (Utah Code 78B-6-802(1)(d))  
    ☐ lease violation(s) (Utah Code 78B-6-802(1)(c))  
    ☐ nuisance (Utah Code 78B-6-802(1)(f))  
    ☐ unlawful business on the premises (Utah Code 78B-6-802(1)(e))  
☐ Five Day Notice to Tenant at Will (Utah Code 78B-6-802(1)(b)(ii))  
☐ Fifteen Day Notice to Vacate (Utah Code 78B-6-802(1)(b)(i))  
☐ Other: \_\_\_\_\_
6. On \_\_\_\_\_ (date), the period stated in the notices described in paragraph 5 above ended. A copy of the notices served are attached as Exhibit 2.
7. Plaintiff is asking to evict defendants for the following reasons: (Check the box that matches the eviction notices you already served.)

☐ a. **Three Day Notice to Pay or Vacate** (Utah Code 78B-6-802(1)(c))

Defendants owe plaintiff \$\_\_\_\_\_. This amount is for:

☐ unpaid rent, for the time period of \_\_\_\_\_ through \_\_\_\_\_  
(date the notice expired).

☐ money other than rent due under the contract:

\_\_\_\_\_  
(explain what the money is for, such as utilities)

☐ b. **Three Day Notice to Comply or Vacate** (Utah Code 78B-6-802(1)(h))

Defendants have violated the parties' rental agreement as follows:

\_\_\_\_\_  
\_\_\_\_\_

☐ c. **Three Day Notice to Vacate for Assigning or Subletting**

(Utah Code 78B-6- 801(1)(d))

Defendants have sublet the premises in violation of the rental agreement as follows: \_\_\_\_\_

\_\_\_\_\_

☐ d. **Three Day Notice to Vacate for Committing Criminal Act**

(Utah Code 78B-6-802(1)(g))

Defendants have committed a criminal act as follows: \_\_\_\_\_

\_\_\_\_\_

☐ e. **Three Day Notice to Vacate for Criminal Nuisance** (Utah Code 78B-6-1107)

Defendants have committed criminal nuisance as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ f. **Three Day Notice to Vacate for Committing Waste on Premises**

(Utah Code 78B-6-802(1)(d))

Defendants have committed waste as follows: (Examples of waste are destruction of property, failure to maintain, trash)

\_\_\_\_\_

☐ g. **Three Day Notice to Vacate for Violations that Cannot Be Brought into Compliance** (Utah Code 78B-6-802(1)(c))

Defendants have violated the parties' rental agreement by committing a violation that cannot be brought into compliance as follows: \_\_\_\_\_

☐ h. **Three Day Notice to Vacate for Nuisance** (Utah Code 78B-6-802(1)(f))

Defendants have permitted nuisance as follows: \_\_\_\_\_

☐ i. **Three Day Notice to Vacate for Engaging in Unlawful Business on or in the Premises** (Utah Code 78B-6-802(1)(e))

Defendants have engaged in unlawful business on or in the premises as follows: \_\_\_\_\_

☐ j. **Five Day Notice to Tenant at Will** (Utah Code 78B-6-802(1)(b)(ii))

Plaintiff served a Five Day Notice to Tenant at Will upon defendants and incorporates that notice and the statements contained in the notice as part of this complaint.

☐ k. **Fifteen Day Notice to Vacate** (Utah Code 78B-6-802(1)(b)(i))

Plaintiff served a Fifteen Day Notice to Vacate upon defendants. It is attached.

8. Defendants did not comply with the notices and are still in possession of the property.

9. Plaintiff asks for an Order of Restitution to remove defendants from plaintiff's property. (Utah Code 78B-6-811(1)(b) and 78B-6-812)

10. Plaintiff asks for a judgment upon proof at trial or upon plaintiff's affidavit in the event of defendant's default of any rent due and unpaid by defendants through the date the notice expires as well as any unpaid amounts under the rental agreement. (Utah Code 78B-6-811)

11. Plaintiff asks for treble (three times) the following damages for (Utah Code 78B-6-811):

☐ rent for the time the tenant unlawfully detained the premises;

- [ ] other money due under the contract
- [ ] physical damages beyond normal wear and tear (waste) caused by defendants to the plaintiff's property (this complaint and the notice served include a claim for waste) (Utah Code 78B-6-802(1)(d));
- [ ] the abatement (termination) of criminal nuisance caused by defendants (the complaint and the notice served include a claim for criminal nuisance) (Utah Code 78B-6-1107 through 1114).
- [ ] 12. Plaintiff is entitled to a judgment for reasonable attorney's fees. (Utah Code 78B-6-811)

### Requests for Relief

Plaintiff asks that this court:

1. Enter an Order of Restitution to evict the defendants.
2. Grant plaintiff a judgment for unpaid rent, damages and other amounts due.
3. Grant other available relief.

### Plaintiff

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date  
Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

### Attorney or Licensed Paralegal Practitioner of record (if applicable)

\_\_\_\_\_  
Date  
Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

## **EXHIBIT 1**

### **Rental Contract**

(Utah Rule of Civil Procedure 26.3)

(Attach copy of written contract to next page.)

## **EXHIBIT 2**

### **Eviction Notices Served on Defendant**

(Utah Rule of Civil Procedure 26.3)

(Attach copy of copy of eviction notices served on defendant to next page.)

### EXHIBIT 3

#### Itemized calculation of amounts defendants owed at time of filing

(Utah Code 78B-6-811 and Utah Rule of Civil Procedure 26.3)

**Instructions to plaintiff:** Look at your complaint and notices. Skip any parts that do not apply.

a. Rent due <b>after</b> the notice expired (if you need help with this part, use the worksheet below)	\$
b. Amounts due under the contract besides rent (utility bills, late fees, etc.)	\$
c. Waste – if the complaint includes a notice for waste	\$
d. Clearing a nuisance – if the complaint includes a notice for criminal nuisance	\$
e. <b>Total</b> (add the amounts listed above)	\$
f. Total X 3 (multiply the total in paragraph e by 3 – these are called treble damages)	\$
g. Past due rent as listed in the 3-day notice – if the complaint includes a notice to pay or vacate	\$
h. Attorney fees (may include Licensed Paralegal Practitioner)	\$
i. Filing fees	\$
j. Service fees (to have any papers served on the defendants)	\$
k. <b>Total amount requested</b> (add the paragraphs f through k)	\$

#### Worksheet for paragraph a

(You only need to complete this if you need help with paragraph a.)

My case is about past due rent.

1. The monthly rent for the property is: \$\_\_\_\_\_.
2. The monthly rent divided by 30 is: \$\_\_\_\_\_. This is the **daily rent**.
3. The notice was served on: \_\_\_\_\_.
4. The notice is a \_\_\_\_\_ (number of days) notice.

5. Skipping the day I served the notice (day zero), it expired on \_\_\_\_\_.  
(Read the notice and compare paragraphs 3 and 4. Calculate the date based on when you served the notice and the number of days it gave to comply.)
6. It has been \_\_\_\_\_ days **since the notice expired**.
7. If I multiply the daily rent from paragraph 2 by the number of days in paragraph 6, it gives me \$ \_\_\_\_\_. (Write this amount in paragraph a.)