

BASIC GUIDE TO ANSWERING AN EVICTION COMPLAINT

- Your **Answer** must be **in writing**, dated and signed by the Defendant(s). Filing the Answer is free unless you include a counterclaim. It **must be delivered to the same court where the case was filed**; the Answer cannot be mailed or faxed to the court or filed on-line. You must **mail a copy of your Answer to the opposing party** or the landlord's attorney. Keep a copy for yourself.
- **File the Answer within** the time stated on the Summons, usually **three (3) business days** after you were served. If you do not file on time the Plaintiff may get a default judgment against you both to evict you and for money.
- You can find Utah Legal Services' **self-help info.** at www.utahlegalservices.org: *Answering an Eviction Complaint by Yourself*.
- You can use the State's Online Court Assistance Program to create your Answer: www.utcourts.gov/ocap. There is no charge to create your Answer this way but you must still deliver the original signed document to the court.
- The **first page of your Answer** must have your name, address and phone number; the names of the Plaintiff(s) and Defendant(s) and **most importantly the Civil Number**, something like 090050422. This number is used by the court clerks to get your Answer posted so that a default judgment is not entered against you.
- Respond to each numbered paragraph in the Complaint by **"Admit" or "Deny"**. For example, if paragraph no. 4 says that landlord gave you a 3 day notice to pay or vacate but you never received such a notice, then paragraph no. 4 in your Answer should be "Deny". You can add more explanation if you wish. If you don't understand the language you can write "Deny because I don't understand."
- **Include any defenses** you have in your written Answer. For example, "I tried to hand the money to the landlord during the 3-day notice period but the landlord refused to take it." Or, "the Landlord refused to fix many serious problems and so I should not have to pay the full amount of the rent." See our self-help packet for more explanation.
- If you believe the landlord owes you money for some reason you can file a **counterclaim** with your Answer. However, you must either **pay the fee to file the counterclaim** (\$45 or more, depending on the amount claimed) **or fill out an affidavit to waive the cost**. The affidavit must be approved by a judge.
- If you receive a **Notice of Possession Bond** (which may be served along with the Complaint) you will have three (3) days to: move out; pay the amount due + late fees + court costs + attorney fees (if the case was filed because you didn't pay the rent or some other amount due); ask a judge to set a counterbond amount then pay it within 24 hours; or **request a hearing**. See our self-help packet for more explanation. We often recommend the hearing request since a judge can listen to testimony at a bond hearing and may decide you cannot be evicted. The usual result of the hearing is that the tenant must either leave the rental unit or post a bond in an amount set by the judge within 24 to 72 hours in order to stay.
- **When a date and time is set for a hearing in court, you must be there** or you will be defaulted, meaning that an eviction order (Order of Restitution) will be issued by the judge and a monetary judgment may be entered against you.
- For **more information** about eviction cases, see our self-help packet *Answering an Eviction Complaint by Yourself*. This flyer is very abbreviated; the law is complex. Seek competent legal advice.

UTAH LEGAL SERVICES, INC.

New clients call Monday – Friday from 9:00 a.m. until 2:00 p.m.

(801) 328-8891 in the Salt Lake valley; (800) 662-4245 toll free elsewhere in Utah

This is where you put YOUR NAME and address, etc.

Use the same info as on the Complaint.

This is a sample of what your ANSWER might look like. You can write it out; it does not need to be typed. But the top of the first page should look like the top of this page. You can also use www.utcourts.gov/OCAP to create your Answer but you still have to file it with the court clerk.

IMPORTANT: Put the court case # here. If you don't know, ask the court clerk.

The Plaintiff and Defendant(s) names go here, just as they appear on the Complaint.

Respond to each numbered paragraph in the Complaint. There may be 8 or 9 or more. Add more pages if you need them.

Write out any defenses you think you have such as "I did not get a 3 day notice."

Do write the name and address of the person you mailed a copy to.

You must date and sign your Answer.

Name: _____
 Address: _____

 Phone: _____
 Email: _____

IN THE _____ DISTRICT COURT OF _____ COUNTY
 STATE OF UTAH

_____	<u>ANSWER</u>
Plaintiff, v.	Civil No. _____
_____	Judge _____
Defendant(s).	

Defendant(s) responds to each of the Plaintiff's numbered Complaint paragraphs as follows:

1. (Admit or Deny or Explain why you are not sure whether to admit or deny.)
2. (Admit or Deny or Explain ... for each numbered paragraph in the Complaint.)

DEFENSES

(You can write about any defenses to eviction. Add additional sheets if you need them. You can add COUNTERCLAIMS here but there is a fee for Counterclaims or you must file an affidavit asking to waive the fees.)

Dated this _____ day of _____, 20____

 Defendant

 Defendant

CERTIFICATE OF MAILING

I mailed a copy of this ANSWER to (the name and address in the upper left corner of the Complaint).

