

# Getting Your Deposit Back

## Do I get my deposit back?

You might get your deposit back, unless you are told in writing that the deposit is not refundable.

## How do I get my deposit back?

The landlord does not have to return the deposit until after you have moved. You need to give your landlord your new address. Your landlord must return your deposit, or explain in writing why they have not returned your deposit. Legitimate reasons for your landlord to keep a part, or all, of your deposit would be:

- if you owed rent;
- if you damaged the property;
- if your lease stated that money could be kept from the deposit for cleaning or other maintenance costs;
- if your lease stated that the deposit was not refundable.

## When do I get my deposit back?

If your landlord keeps a part, or all, of your deposit, they must give you a list of any deductions made. The landlord must send this list and any remaining deposit to you within 30 days of your moving out. You should give your landlord your new address. You can notify your landlord of your new address by delivering a copy of the [Surrender of Leased Premises](#) that is located at the bottom of this webpage.

## What if I do not get my deposit back?

When you move, and your landlord does not return your deposit or provide you with the list of deductions within 30 days, you may sue the landlord for the deposit plus a \$100 penalty in Small Claims Court.

Before you can sue in Small Claims Court and get the \$100 penalty, you must give a notice to the landlord demanding a return of the security deposit or a list of deductions within 5 business days of the notice. The notice you can use can be found [here](#) or at the bottom of this webpage.

## **How does Small Claims Court work?**

You do not need an attorney to file in Small Claims Court. You can file by simply going to the clerk of the nearest justice or circuit court in your county. The clerk of the court will help you fill out an affidavit which lists the name and address of the person you are suing, how much you are claiming, and a brief explanation of why the landlord owes you money. When you sue, you are the plaintiff in the case.

You can read more about Small Claims Court by going to <https://www.utcourts.gov/en/self-help/case-categories/consumer/small-claims.html>

## **How much does Small Claims Court cost?**

The clerk will tell you how much it costs to file and to serve the defendant (landlord) with the papers and tell you when to come back for the trial. If you cannot afford the filing fee, tell the court clerk. You can sue without paying the fee. You are responsible for getting the papers served on your landlord by the sheriff. The sheriff's fees will also be waived if you cannot pay.

## **How do I get ready for Small Claims Court?**

The trial date will be at least 45 days after the day you file with the clerk. Before the day of the trial, gather all your receipts, your lease agreement or contracts with the landlord and any other documents that may be useful as evidence in your favor, including proof that you gave your landlord a forwarding address. If you have any witnesses who can provide evidence in your favor, ask them to come to court with you for the trial. If the witnesses will not come on their own, ask the clerk to

subpoena them, which means to command them to be present or face a penalty. You might want to go to court a few days early to watch and learn how the proceedings go.

## **Are there any risks in filing in Small Claims Court?**

Your landlord might file a counter suit asking for rent, damages or other money they say you owe them. If this happens, the judge will decide both cases at once.

## **What happens on my day in Court?**

On the day of your trial, arrive at the courthouse early and check with the clerk to find out in which courtroom your trial will take place. The judge will announce your case and ask if everyone is ready. If you have any questions, ask them then. You will take an oath, swearing to tell the truth. Then tell your story as best you can and present your evidence and witnesses. After the landlord has taken the oath and told their side of the story, the judge will make a decision in the case. The decision is called the judgment. If it is in your favor, the judge will give you a judgment against the landlord. The judgment will say how much is owing. The clerk of the court can assist you in collecting your judgment by explaining execution and garnishment. Ask for help.

## **Is there an appeal from Small Claims Court?**

Either person can appeal within ten days and get a NEW trial before a District Court Judge. This trial will be much like the first, but you will need to present everything over again.

**The information in this site is not intended as legal advice.**

Last updated on July 16, 2025.

### **Tags**

[security deposits](#) [deposit disposition](#)

Files

[Surrender of leased premises/Entrega de locales arrendados](#)

[AVISO DE 5 DÍAS PARA PROPORCIONAR LA DISPOSICIÓN DEL DEPÓSITO DEL INQUILINO](#)

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