

# GUIDE TO ANSWERING AN EVICTION COMPLAINT and NEXT STEPS

- 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. **Mail a copy of your Answer to the landlord** 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 use the fill-in Answer form attached to this flyer. Print it single-sided (not double-sided). If you have internet access (or go to any public library in Utah) you can use the State's Online Court Assistance Program: [www.utcourts.gov/ocap](http://www.utcourts.gov/ocap). There is no charge to create your Answer this way but you must still print out and deliver the signed Answer to the court. You can also call the Court's **Self-Help Center** from 11 a.m. to 5 p.m., Monday thru Thursday: 888-683-0009
- Be sure to fill in the information at the top of the first page, beginning with your name, mailing address, phone and email. Use the information on the Complaint for the court's location as well as the names of the plaintiff and defendants. You can get the judge's name or the case number from the court clerk when you file your Answer.
- Respond to each numbered paragraph in the Complaint using the **"Agree"**, **"Disagree"** and **"Not enough information"** areas on the attached fill-in Answer form. For example, if paragraph no. 4 of the Complaint says that the landlord gave you a 3 day notice to pay or vacate but you never received such a notice, then include "4" on the "Disagree" line. If you don't understand the language of a numbered paragraph in the Complaint you can write that number on the "Not enough information" line.
- **Include any affirmative defenses** you have in your written Answer. This is paragraph #6 in the fill-in Answer form. 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." (This rarely succeeds.)
- 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** (\$55 or more, depending on the amount claimed) **or fill out an affidavit to waive the cost**. The affidavit must be approved by a judge.
- **Once you file your Answer** the landlord will ask for an "immediate occupancy" hearing unless you have already moved out. **The hearing will take place within 10 days**. The landlord must give you any documents to be used at the hearing as well as the names of any witnesses the landlord may call. You must provide the same (your documents and witness list) to the landlord at least 2 days before the hearing. At that hearing, the judge will decide who gets possession of the rental unit (you or the landlord) but probably not the amount of money due. The notice of the hearing will be mailed to you (or you can call the court clerk). **Go to the hearing!** If you do not go to the hearing, the judge will delete ("strike") your Answer and enter an order evicting you ("Order of Restitution") as well as a money judgment based on the landlord's Complaint. The eviction order may require you to leave immediately (without delay) if you don't go to the hearing.
- **If the judge evicts you** at the hearing ("Order of Restitution"), you will have 3 more days before the landlord can lock you out. The judge can also dismiss the case against you or schedule a full trial some weeks later (and you can stay in the rental unit during that time. However, treble damages will continue to add up if you lose the case. "Treble damages" include three times the usual daily rent beginning the day after the eviction notice expired).
- The eviction order can be posted on your door. **Move your property out of the rental unit before you are locked out**. After being locked out, the landlord can demand payment of moving/storage costs before letting you take your property except you have 5 days after the lockout to get your papers, medical supplies and clothing without cost.
- A **monetary judgment** – for rent, property damage, treble damages, court costs and attorney fees – requires another hearing. But the landlord (or the attorney) can wait several months before scheduling that hearing. The only notice you will get is by mail. **Be sure the court clerk knows your mailing address** whenever you move. If you do not go to this hearing, the judge will grant the landlord's claim for money.
- Evictions and money judgments are public records found on background checks. A landlord can refuse to rent to someone with a prior eviction or an outstanding money judgment. If you are evicted while receiving housing assistance, like a "section 8" voucher, you will likely lose that assistance. The law is complex. Call Utah Legal Services for help.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am  Defendant/Respondent

In the District Court of Utah

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

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

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p><b>Answer</b></p> <p>_____ Case Number</p> <p>_____ Judge</p>
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1. **Agree**  
I agree completely with everything stated in the following numbered paragraphs of the complaint (Write the paragraph number(s) from the complaint.):

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

2. **Disagree**  
I disagree with all or part of the following numbered paragraphs of the complaint (Write the paragraph number(s) from the complaint.):

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

3. **Not enough information to agree or disagree**

I do not have enough information to agree or disagree with the following paragraphs of the complaint (Write the paragraph number(s) from the complaint.):

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**Explanation of responses**

(Optional. Complete only if you have more to say. Attach additional sheets if needed.)

4. Referring to paragraph number \_\_\_\_\_ of the complaint or petition, I state:

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5. Referring to paragraph number \_\_\_\_\_ of the complaint or petition, I state:

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6. **Affirmative defenses**

(Optional. Complete only if you know another reason why the plaintiff/petitioner should not be granted their request.)

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7. **Request**

(Optional. Explain what you want the court to do based on your defenses. Be specific. For example, "I ask the court to dismiss the Complaint.")

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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 \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and served a copy of this Answer on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ► \_\_\_\_\_

\_\_\_\_\_

Printed Name \_\_\_\_\_