

REQUEST FOR RETURN OF PERSONAL PROPERTY

NAME: _____ DATE: _____

FORMER ADDRESS: _____

MY CURRENT PHONE NUMBER(S): _____

To my former landlord and/or the landlord's attorney:

Some of my personal property remains in the rental unit from which I was evicted within the last 15 calendar days. Pursuant to Utah Code §78B-6-816(3), I now request that my property be returned to me. I can pick up my possessions at any of the dates and times shown below. I expect it will take _____ hours for me to remove my belongings.

DAY & DATE I can pick up my belongings	FROM (start time):	TO (end time):

If none of the days and times I have listed here are convenient for you, please let me know what alternative days and times are possible.

Utah law says that the landlord can recover "costs of inventory, moving and storage". (Utah Code §78B-6-816(2)(b)(ii)) I understand that this is not the same as any judgment you may have against me nor is it the same as the rent or damage claim I may owe you. Within five (5) business days following my eviction, Utah Code §78B-6-812(3)(c) allows me to claim my clothing, papers, prescription medications and medical equipment without paying any charge or cost.

If we cannot agree about the return of my personal property, I have these options:

- (1) In the event that an eviction case was filed against me, I will request a hearing regarding the Order of Restitution. You will be required to come to the courthouse. I will ask the judge to order whatever is appropriate for the return of my property. Or,
- (2) I can file a Small Claims Court case to recover the value of the personal possessions you have refused to return to me. You will be required to come to the courthouse. Or,
- (3) If our dispute involves the amount of money you claim as "moving and storage costs," I will ask Utah Legal Services to assist me. Utah Legal Services is interested in enforcing the rights of tenants from whom landlords demand an excessive amount of money for the return of personal property. Some property is exempt even if the landlord already has a monetary judgment.

Thank you.

- **WHAT PROPERTY QUALIFIES AS “EXEMPT” UNDER UTAH LAW?** The following is a list of property that is generally exempt from seizure or collection under Utah law (Utah Code §§ 78B-5-501 *et seq.*). Personal possessions are listed in **bold type**.
 - Burial plot for you or anyone in your family;
 - **Health aids that are reasonably necessary;**
 - Public Benefits such as General Assistance, Social Security, Disability, Unemployment, Worker’s Compensation, Medical and Veterans;
 - Alimony, Child Support & QDROS or separate maintenance;
 - **One clothes washer & dryer, refrigerator & freezer, stove & microwave, and sewing machine;**
 - **All carpets in use at your house;**
 - **Food and other provisions sufficient for 12 months for you and your family;**
 - **Clothing that is reasonably necessary (no mink coats);**
 - **Beds and bedding for you and your immediate family;**
 - Artwork depicting or produced by you or immediate family (unless such artwork is held as part of a trade or business);
 - Insurance proceeds, judgment, or settlement that are compensatory for bodily injury or wrongful death to you or to someone for whom you are or were a dependent;
 - Cash value of life insurance policy;
 - Pensions, IRAs, 401(k) plans and other retirement plans.
 - **Sofas, chairs, and related furnishings, up to a total value of \$1000;**
 - **Dining and kitchen tables and chairs reasonably necessary for one household, up to \$1000 per debtor;**
 - **Animals, books, and musical instruments, up to a total value of \$1000;**
 - **Heirlooms or other items of “particular sentimental value” up to a total value of \$1000;**
 - **Implements, professional books, or tools of your trade (including a vehicle used in one’s business), all having a total value not exceeding \$5,000;**
 - Motor vehicle (1) not exceeding \$3,000 in value, used primarily for daily transportation, and not used for recreational purposes; [Utah Code §78B-6-816(4) explicitly excludes a motor vehicle from abandoned personal property following eviction]
 - Portion of unpaid but earned wages (some wages cannot be garnished)
 - \$10,000 in value of jointly owned real property that is not primary personal residence
 - House or primary residence with equity up to \$30,000 per debtor; \$60,000 max.