

Utah Judicial Council Committee on Court Forms

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84111

*The meeting is scheduled
in the Council room

August 24, 2017
12:00 p.m. - 2:00 p.m.

Agenda

- | | |
|---|----------------------------------|
| 1. Welcome and approval of minutes | Randy Dryer |
| 2. Review and approve style guide | Jessica Van Buren Randy Dryer |
| 3. Review and approve forms committee procedures | Randy Dryer Brent Johnson |
| 4. Review landlord-tenant forms Including discussion on formatting in OCAP | Kim Allard |
| 5. Review debt collection forms | Jessica Van Buren |
| 6. Review family law forms | Stewart Ralphs |
| 7. Review adult adoption forms | |
| 8. Discuss Illinois report | Randy Dryer |
| 9. Set meeting dates | Randy Dryer |
| 10. Other Business | |
| 11. Adjourn | |

MINUTES
Utah Judicial Council's Committee
On Court Forms

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84111

July 17, 2017
12:00 – 2:00 pm

ATTENDEES

Randy Dryer, Chair
Commissioner T. Patrick Casey
Mary Jane Ciccarello
Christina Cope
Guy Galli
Judge Elizabeth Lindsley
Stewart Ralphs
Jessica Van Buren
Mary Westby

EXCUSED

Kim Allard
Cyndie Bayles
Brent Johnson
Judge James Taylor

STAFF

Jeni Wood, Recording Secretary

GUESTS

James Ishida

I. WELCOME AND APPROVAL OF MINUTES

Randy Dryer welcomed the committee members to the meeting. Mr. Dryer noted Judge J.C. Ynchausti has resigned from the committee. Judge Ynchausti will be replaced.

The committee discussed the June 6, 2017 minutes. Mary Jane Ciccarello proposed several changes. Other changes were suggested. However, they were tabled until Commissioner Casey arrived. Mr. Dryer noted a disclaimer will appear on the website but not on each form. After Commissioner Casey arrived, the changes were approved. Stewart Ralphs moved to approve the minutes with the changes. Commissioner Casey seconded the motion and it passed unanimously.

II. REVIEW AND APPROVE STYLE GUIDE

Jessica Van Buren noted with so many members not in attendance it may be difficult to approve the guide. Ms. Van Buren discussed the forms style guide as created by herself and several other members. Mr. Dryer noted it was very well put together. Mr. Dryer suggested the

forms style guide be provisionally approved, subject to emailing the guide to all members for full approval. Mary Westby noted the detail is helpful. Mr. Dryer suggested in the plain language section, where it lists words that should not be used, the committee review the federal register's list of legal terms that should not be used. Stewart Ralphs stated this would help the subcommittees. Mr. Dryer will give Jessica Van Buren the list.

Mr. Dryer next discussed the LPP statement where they indicate who prepared the document. The committee discussed whether the preparer information should be at the top or at the bottom of the document. It was noted that the placement may create confusion as to whether the LPP is an attorney. Mr. Dryer said the LPP will be representing that litigant and therefore the information should be at the top to avoid confusion. Mr. Dryer noted LPPs will be representing and negotiating for the litigants. The only thing they cannot do is appear in court. Mr. Ralphs asked if an LPP is considered counsel of record for purposes of notices. Guy Galli said he believes that is what they will be. James Ishida said he's discussed with the Utah Bar whether LPPs will be issued a "bar number" that can be used on the forms submitted in court. Mr. Dryer said the only reason to have an LPP sign the form is to enter their appearance. Mr. Galli noted LPPs can either represent the person or simply assist with completion of forms. Mr. Ralphs noted he would like confirmation from the LPP Committee as to whether LPPs are going to actually be representing parties and, if so, who will receive notices. Mr. Dryer noted the LPPs will be allowed to file documents for parties. Commissioner Casey asked if an attorney on one side can contact the LPP representing a party on the other side. Mr. Ishida will discuss this with Justice Himonas and get back to the committee as quickly as possible. Mr. Dryer asked whether, if all the LPP is doing is assisting in completing a form, they need to sign the form. Mr. Ishida said the executive committee stated they would like to know who completed the form. Judge Elizabeth Lindsley said if the LPP completes the form and the client signs it then the client should be the person the court notifies. Judge Lindsley said if an LPP signs a form with no intention of representing the client then the LPP may inappropriately have access to private information. Mr. Dryer suggested that at the end of the document where the party signs, there be two boxes, one that states the LPP assisted but is not representing the party and one that says the LPP is representing the client. Ms. Westby said the pro se party will be the one who is in court. Mr. Dryer said there needs to be further clarification on exactly what the LPPs will be allowed to do. Mr. Ralphs noted he wants to see on page 1 at the top who he is supposed to contact. Commissioner Casey asked if the LPPs are allowed to give legal advice. The committee noted they are allowed, in certain circumstances. Judge Lindsley asked about conflicts of interest and whether the LPP might be called to court as a witness. Mr. Dryer noted there are many questions that everyone is still working through. Mr. Ishida said there are different levels of involvement and they are not always clear up front. An example would be an LPP who only completes forms, but then questions arise and the litigant returns to the LPP, who then agrees to represent the litigant. Commissioner Casey noted unless the verbiage is clear, people will understand things differently. Mr. Ishida said the executive committee would like the LPPs to sign the forms. Mr. Ishida will find the answers to the committee's questions. Mr. Dryer said the Bar may want to know how many LPPs are completing forms as well. Ms. Ciccarello said there are a number of people throughout the state that assist in completing forms but they do not sign the forms. Mr. Ralphs said he would like it to be clear that LPPs are of record. Mr. Dryer asked if the LPP simply completes the form does the committee believe the LPP should sign the form. Mr.

Ralphs opposed the LPPs signing the form. Mr. Dryer noted it is not for this committee to have a final say on this issue, it's the Judicial Council who will ultimately decide. Ms. Westby said there appears to be a consensus with the committee to not have the LPPs signature. Mr. Ishida noted the LPP Committee would like this to be the Forms Committee's call, but they would like to see the LPP's signature. Mr. Ishida said if there is a strong opposition to have a signature line for the LPP then Mr. Ishida will address it with the executive committee. Mr. Ishida will ask the executive committee if there is a specific reason behind having the LPPs sign. Mr. Ishida said because this is a new profession they felt like the LPPs would prefer to have their signature on the documents. Ms. Westby said there is no way to track forms as to who signed them. Judge Lindsley asked if the committee should just start with the Judicial Council to seek their opinion. Mr. Dryer noted the Judicial Council wants to know the committee's recommendations first. The discussion ended with no final decision.

Mr. Ralphs requested a simple change for consistency on page 5 of the style guide to remove the word "Section" after the phrase "Utah Code." Mr. Ralphs additionally addressed headings being capitalized. Judge Lindsley said in looking at plain language for pro se litigants the normal way to read something is to capitalize only the beginning of a sentence. Ms. Ciccarello explained the use of headings. Mr. Dryer noted on page 3 there would need to be a change, if accepted, to add LPPs title (I am [] LPP). Mr. Dryer said he would like to see consistency by adding "printed name" under the judge's signatures. Mr. Galli asked if the forms should use "approved" or "ordered" by the judge. He has also seen "recommended" by the judge. Ms. Van Buren noted it might be a question for Judge Taylor as a district court judge. Ms. Ciccarello said additionally this should be addressed with Brent Johnson as legal counsel. Mr. Dryer will make a notation and discuss this with Brent Johnson and Judge Taylor. Ms. Westby noted it has to say either ordered or approved when a judge is signing.

Mr. Dryer questioned whether the certificates of service should allow for social media service. Ms. Ciccarello said the certificates follow rule 5. Ms. Van Buren said rule 5 allows for email but not for social media. The committee noted rule 4 allows for alternative service with the court's approval. Mr. Galli noted this isn't a common issue and sometimes creates misunderstandings. Mr. Dryer said he would like to see clarification as to all of the methods of service that are allowed. Christina Cope said the LPPs are aware of this and pro se litigants can discuss this with the judge. Mr. Galli noted the address or email listed is what the court uses as well. There were no changes to the certificate of service.

Mr. Dryer next discussed the forms numbering elements. Mr. Dryer suggested using "JC" for Judicial Council and "FC" for Forms Committee. Ms. Van Buren said the committee finalizes the forms and assigns the form number and therefore the committee will be aware of what the terms mean. There were no changes made.

Judge Lindsley recommends on page 5 where it states "State of Utah, in the interest of," that "State of Utah" be removed because the State of Utah isn't typically involved. The committee agreed and the change will be made.

Mr. Galli discussed the headings section on page 9. The headings are not listed as being numbered. Ms. Van Buren said some will be numbered but it's not required. Paragraph numbering is found on page 6 of the style guide. The committee agreed this is how it should be. There were no changes.

Mr. Dryer noted final action will be taken at the next meeting after Mr. Ishida returns with clarification. Ms. Van Buren will make changes to the style guide as addressed by the committee and resubmit the revised guide. Mr. Ralphs asked if this can be a committee vote by email. The committee agreed to vote by email on the final style guide. Judge Lindsley would like to see an email from Brent Johnson. Judge Lindsley said if someone is not comfortable to vote without discussion then they can indicate that at the next meeting. The responses can be: 1) I vote to approve the draft; 2) I wish to have further discussion at the next meeting. Mr. Dryer will send the email once he receives the information.

III. REVIEW AND APPROVE FORMS COMMITTEE PROCEDURES

Mr. Dryer asked if the committee had any suggested revisions for the procedures. Mr. Dryer will address these at the next meeting when Brent Johnson can be here. Mr. Dryer stated if anyone has suggested changes to email those to Brent Johnson within five days. Once any changes have been addressed the procedures will be emailed to the committee members for approval.

IV. PROBATE FORMS, REVIEW AND APPROVE

Mr. Dryer asked if there were any substantive comments. Mr. Ralphs noted there were only minor clerical changes to the forms since the last meeting. Mr. Dryer said one of the requirements in the style guide is a history of revisions. Mr. Dryer asked who has reviewed the forms. Mr. Ralphs noted the subcommittee has reviewed them as well as the style guide subcommittee. Mr. Dryer asked if these forms should be translated. Ms. Ciccarello said the self-help center has not received requests for these forms in other languages so she believes the forms should not be translated in any language other than Spanish. Ms. Ciccarello noted all filings must be completed in English and therefore asked what would be the purpose of the translated document. Mr. Galli said he has been instructed to not accept any documents unless they are in English. Mr. Galli said having the form in a bi-lingual format would be the only acceptable method. Mr. Ralphs asked about having the instructions translated and whether that would that help a litigant. Commissioner Casey said notices and summons should be translated in Spanish. Ms. Ciccarello said there is a significant difference in compliance when forms are available in a litigant's language. Mr. Dryer said the subcommittees should initially make the recommendation as to whether the forms are to be translated. Mr. Ralphs noted for this batch of forms they do not need to be translated.

Commissioner Casey moved to approve the forms without any changes and with no translation. Mr. Ralphs seconded the motion and the motion passed unanimously.

Ms. Van Buren noted if these are family law forms they need to go to the Judicial Council. However, if they are not then this committee can approve them. Mr. Dryer noted Brent Johnson needs to approve them. Mr. Dryer said it's his understanding that these are not LPP forms and therefore they do not need to go to the Judicial Council. The committee agreed.

V. SUBCOMMITTEE REPORTS AND FORM DISCUSSION

DEBT COLLECTION

Ms. Ciccarello said there isn't much to report.

LANDLORD/TENANT

Mr. Dryer noted Kim Allard is not here. Mr. Galli briefly discussed the forms. Mr. Galli said there are forms that are conditionally approved for evictions, complaints, answers, and counter-claims. Mr. Dryer said the forms were just barely added to the committee's agenda today so they will not be approved. The subcommittee will do a final review, ensure the forms are in compliance with the style guide, and then they will decide on whether they should be translated. These forms will be addressed at the next meeting.

FAMILY LAW

Mr. Ralphs said they are still working on forms. They will be finalized at the subcommittees next meeting. They will make sure the forms are in compliance with the style guide. The committee briefly discussed the detail of document titles such as motions for temporary orders. Mr. Ralphs questioned if the title should be something like "motion for temporary orders in parentage." The committee agreed to use something more broad such as "motion for temporary order in domestic cases." Mr. Ralphs said he's recently seen more details in the title such as "temporary orders from March 3, 2016". Commissioner Casey said this helps a lot when he is referencing what the orders are for. Ms. Van Buren noted that when a litigant searches for a summons they can find several types of summons. The subcommittee will address these issues. The subcommittee will circulate and bring the temporary orders forms to the next meeting.

VI. DISCUSS ILLINOIS REPORT

The committee did not address this.

VII. SET MEETING DATES

The committee agreed to meet August 24, 2017 at noon.

VIII. OTHER BUSINESS

Mr. Galli asked if the LPPs would generate forms through OCAP or can they go elsewhere for forms. Mr. Ralphs noted there are many forms approved for LPPs that will not be on OCAP. Ms. Van Buren said the form name indicates what the LPPs are allowed to use. Mr. Dryer asked about a letter from the OCAP Committee as to whether they need to review the forms before they are approved. Ms. Van Buren said Kim Allard is aware this committee has the authority to approve the forms. Commissioner Casey will address this with the chair of the OCAP Committee, Judge Morris.

Ms. Van Buren noted the more forms on the website the less pressure there is on the self-help center to provide assistance.

IX. ADJOURN

There being no further issues, the meeting adjourned at 2:12 pm. The next meeting will be held August 24, 2017 at 12:00.

Forms Committee Procedures

Section 1. Subcommittees

Subcommittees

- The Forms Committee will create and dissolve ad hoc subcommittees as appropriate.
- The chair of the Forms Committee, in consultation with General Counsel, shall appoint all subcommittee members. Once a subcommittee is formed, the chair of a subcommittee may recommend individuals for membership.
- The form and format/general forms subcommittee is the only standing subcommittee.
- The subcommittees shall meet on a regular basis to review existing forms and propose new forms. The subcommittees shall propose edits and submit proposed forms, in compliance with the style guide, to the form and format/general forms subcommittee.
- The subcommittees shall be responsible for distributing the proposed forms to outside sources, if any, for input and feedback prior to submission of the forms to the form and format/general forms subcommittee. The subcommittees shall report to the Forms Committee any outside sources whose input was sought.

Form and Format/General Forms Subcommittee

The form and format/general forms subcommittee shall perform the following duties:

- Identify forms currently on the court's website and assign them to subcommittees and submit them to the Forms Committee as appropriate.
- Create a style guide, including a master numbering system and plain language instructions, that will apply to all forms. The guide will be distributed to the subcommittees and the subcommittees shall submit all proposed forms in the format required by the guide.
- Receive requests from third parties to create a form or to review and approve a proposed form. The subcommittee shall review the request, refer the request to an existing subcommittee, or recommend to the Forms Committee the creation of a new subcommittee to review the request. The Forms Committee will have final approval authority on all forms submitted by third-parties.
- Accept and review forms submitted by the subcommittees.
- Once the form and format/general forms subcommittee finalizes a form, the subcommittee will place the form in one of two form queues for review by the Forms Committee. One queue will consist of forms for the LPP program and the other queue will consist of all other forms.

Section 2. Form Review Process

Style Guide

Each subcommittee shall use and follow the style guide. All forms sent to the form and format/general forms subcommittee must be in the approved format.

Review of Forms

- After the form and format/general forms subcommittee has completed its review of a form, the form will be submitted to the Forms Committee for final review and approval.
- The Forms Committee shall decide on a form-by-form basis whether any other groups should have input on the forms prior to final approval.

Final Approval of Forms

- The Forms Committee shall determine which forms must or should go to the Judicial Council for approval. For those forms submitted to the Council for approval, the Forms Committee shall also include a recommendation to the Council on whether the forms should be approved effective immediately upon Council action or approved provisionally pending public notice. The approved form will include the approval date.
- Forms that do not require Judicial Council approval will show the committee's approval date. Once approved, the form and format/general forms subcommittee will edit the form to add the approval date. The form will be then posted on the courts' website and incorporated into OCAP, as appropriate.

Form Queue

There will be two form queues. The form queues will be maintained by the form and format/general forms subcommittee.

- LPP Program Queue: This queue will contain the forms created by the various subcommittees for the LPP program. These forms will have been completed by the subcommittees and passed the review of the form and format/general forms subcommittee prior to being put in this queue. The forms in this queue will take priority over the forms in the other queue.
- Other Forms Queue: This queue will be general forms and other forms that are ready for full committee approval. These forms will have been completed by the subcommittees and passed the review of the form and format/general forms subcommittee prior to being put in this queue.

Forms Translation

- The subcommittees shall make recommendations to the Forms Committee on which forms should be translated and the languages into which they should be translated.
- The Forms Committee shall make the final decision on which forms should be translated.
- The Forms Committee shall send the approved forms to the Court Interpreter Program Coordinator to be translated. Once translated the forms will be distributed as appropriate.

Landlord-Tenant Forms Subcommittee

Members of the subcommittee

Martin Blaustein, attorney, Utah Legal Services

Leora Price, paralegal, Questar

Christina Cope, paralegal, Utah Bar Association

Judge James Taylor, 4th District Court

Guy Galli, team manager, 3rd District Court

Nancy Sylvester, staff attorney, AOC

Kim Allard, Court Services Director, AOC

Summary

The subcommittee met five times between June 6 and July 31, 2017.

Landlord tenant forms currently used in OCAP were used as a starting point for review. Forms were revised to simplify language, be consistent when appropriate, maintain legal sufficiency and formatted in accordance with the Style Guide. A final style review and document numbering will be done by the Style Guide subcommittee.

External reviews of revised documents were completed by Waine Riches, attorney on the OCAP project and Kirk Cullimore, attorney. That feedback was vetted and incorporated as determined appropriate by the subcommittee. Martin Blaustein worked hard to improve the answer available to defendants in landlord tenant actions. Case law citations used to construct the answer are attached. A decision was made not to include these citations in the answer itself.

The subcommittee focused on forms unique to landlord tenant cases. Forms used in other types of proceedings were not reviewed.

The subcommittee submits its revised documents to the Standing Committee for review at its next meeting.

| Type | Form |
|-----------------|--|
| Notice | THREE DAY NOTICE TO PAY OR TO VACATE |
| Notice | THREE DAY NOTICE TO COMPLY WITH LEASE OR VACATE |
| Notice | THREE DAY NOTICE TO VACATE FOR CRIMINAL NUISANCE |
| Notice | THREE DAY NOTICE TO VACATE FOR NUISANCE |
| Notice | THREE DAY NOTICE TO VACATE FOR ASSIGNING OR SUBLETTING CONTRARY TO RENTAL CONTRACT |
| Notice | THREE DAY NOTICE TO VACATE FOR LEASE VIOLATION WHICH CANNOT BE BROUGHT INTO COMPLIANCE |
| Notice | THREE DAY NOTICE TO VACATE FOR COMMITTING CRIMINAL ACT ON THE PREMISES |
| Notice | THREE DAY NOTICE TO VACATE FOR ENGAGING IN UNLAWFUL BUSINESS ON OR IN THE PREMISES |
| Notice | THREE DAY NOTICE TO VACATE FOR COMMITTING WASTE ON PREMISES |
| Notice | FIVE DAY NOTICE TO A TENANT AT WILL |
| Notice | FIFTEEN DAY NOTICE TO VACATE |
| Complaint | COMPLAINT |
| Answer | ANSWER |
| Counterclaim | COUNTERCLAIM |
| Restitution | EX-PARTE MOTION FOR RESTITUTION |
| Restitution | ORDER OF RESTITUTION |
| Restitution | REQUEST FOR RESITUTION HEARING |
| Damages | PLAINTIFF'S AFFIDAVIT OF DAMAGES |
| Judgment | JUDGMENT |
| Possession Bond | MOTION TO SET AMOUNT OF POSSESSION BOND |
| Possession Bond | ORDER ON MOTION TO SET AMOUNT FOR POSSESSION BOND |
| Possession Bond | NOTICE TO RENTER OF OWNER'S POSSESSION BOND |
| Possession Bond | MOTION TO RELEASE POSSESSION BOND |
| Possession Bond | ORDER RELEASING POSSESSION BOND |
| Possession Bond | OWNER'S POSSESSION BOND PROPERTY |
| Possession Bond | REQUEST FOR POSSESSION BOND HEARING |
| Possession Bond | PLAINTIFF'S REQUEST FOR NONPAYMENT OF RENT HEARING |
| Possession Bond | REQUEST FOR HEARING (Nonpayment of Rent) |
| Possession Bond | MOTION TO SET AMOUNT FOR COUNTERBOND |
| Possession Bond | ORDER SETTING AMOUNT FOR COUNTERBOND |
| Possession Bond | DEFENDANT'S COUNTERBOND (PROPERTY) |

Affirmative Defenses (Choose all that apply and complete the sentences in those sections.)

[] Improper eviction notice or service of the notice

[] Plaintiff's eviction notice is defective. It does not comply with Utah Code 78B-6-802 for the following reasons: (List specific defects such as Notice to Vacate rather than a Notice to Pay or Vacate in a non-payment case.) _____

[] Plaintiff failed to properly serve the eviction notice. (Utah Code 78B-6-805) (Describe the specific ways in which the eviction notice was not served properly.)

Sovereign v. Meadows, 595 ^{2nd} P2d 852, 854 (1979)

[] Grounds for eviction in complaint are different than grounds in the notice

Plaintiff notified defendant in the eviction notice that tenant was being evicted on the grounds that: (Write reason given in notice.) _____

However, plaintiff has alleged in the complaint that defendant is in unlawful detainer based on other grounds, namely (Write the allegation in the complaint.)

Sovereign v. Meadows, 595 P2d 852, 854 (1979)

[] Defendant complied with notice

Defendant complied with all demands in the eviction notice within the time period allowed to maintain the rental relationship. The defendant has: (Describe the actions defendant has taken, for example paying rent due, getting rid of a cat in violation of a no-pets clause, and how this complies with the demanded action in the notice)

[] Defendant offered payment before expiration of notice but plaintiff rejected

Defendant offered to pay the full amount of the rent due, which the Plaintiff refused. Defendant offered payment in this amount _____.

[] Plaintiff failed to limit damages

Plaintiff failed to use commercially reasonable efforts to re-rent the premises after defendant left. Reid v. Natural at Omaha, 776 P2d 896, 907 (1989)

[] No landlord-tenant relationship

No landlord-tenant relationship exists between and plaintiff and defendant.

[] Defendant substantially complied with lease

Defendant has adequately complied with the terms of the lease in the following ways and it would be unfair to forfeit the lease: _____

Housing Authority of Salt Lake v. Delgado, 914 P2d 1163,

[] Plaintiff is not legally authorized to bring this action

Plaintiff is not authorized to bring this action because: _____

*1165,
47 CT. APP
(1996)*

[] Defendant is on active duty in the armed forces

Defendant is on active duty in the armed forces of the United States and asserts the defenses in the Servicemembers Civil Relief Act.

[] Premises was turned over to plaintiff

Tenant turned over the premises to plaintiff on _____ (date) by _____
(Describe way in which premises was turned over to plaintiff, for example returning all keys.)

Plaintiff accepted the surrender of the premises. Defendant is not liable for rent under the agreement between the parties after _____ (date premises was turned over to plaintiff).

[] Plaintiff failed to provide an itemized calculation.

(Utah Rules of Civil Procedure 26.3)

[] Plaintiff failed to provide an explanation of the factual basis for the eviction.

(Utah Rules of Civil Procedure 26.3)

☐ Defendant is entitled to damages in the amount of \$_____ because the value of the premises was reduced by _____% over _____ months.

☐ Defendant should be awarded an additional amount of damages for:
(Specify additional damages, such as motel costs, restaurant costs, moving expenses, utility relocation costs, medical expenses.)

☐ **Landlord's conversion of tenant's property**

Plaintiff has converted defendant's property to his/her own use by:
(Describe the details as to what property of defendant's was taken, when and how.)

The plaintiff had no lien or other legal authority to take the property.

Defendant is entitled to damages of \$_____, the fair market value of the property at the time of the plaintiff's conversion, based on the following list of items taken: (List items taken and fair market value.)

☐ **Retaliatory eviction**

Plaintiff started this case or refused to renew a lease after defendant made a reasonable and good faith complaint about a violation of the following protective housing statute(s). (Identify the statute, such as the Utah Fit Premises Act, Utah Code 57-22-1 et seq., local health department regulations, local fit premises ordinances.)

Building monitoring systems, Inc v. Paxton 905 P2d 1215
1218-19 (1995)

On or about _____ (date), (Describe the nature of the complaint(s) made, the date, to whom it was made, and the retaliatory action taken, by whom, when, etc.)

Defendant is not in breach of the rental agreement and is entitled to continued occupancy. Plaintiff's action should be dismissed as retaliatory. In addition, plaintiff should be ordered to repair code violations and should be barred from initiating further evictions against defendant until these repairs are made and defendant has had a reasonable opportunity to vacate. Plaintiff should also reimburse defendant for all expenses incurred as a result of Plaintiff's actions.

☐ **Constructive eviction**

Plaintiff has constructively evicted defendant by: (Describe the activities of plaintiff or activities done with plaintiff's consent which seriously breached defendant's right to peaceful possession and quiet enjoyment, for example, hiring workers to commence noisy remodeling at early morning hours.) _____

These activities rendered the premises unsuitable for the purpose rented and required defendant to vacate the premises on _____ (date).
Defendant is entitled to an offset of rent owing and additional damages for plaintiff's breach of the lease in the amount of \$_____, including: (List the specific damages, including costs of meals, lodging, higher rent at new location etc.)

KERRYON V. REGOR 826 P2d 1X0, 1X2 UTAH(1992)

☐ **Landlord's abuse of access**

☐ Plaintiff has repeatedly demanded unreasonable entry or/and has entered the premises using a key in non-emergency situations. By so doing, plaintiff has abused the right of access.

☐ Defendant is entitled to an offset equal to all actual damages [such as psychotherapy, replacement of missing property, etc.] or equal to one month's rent and reasonable attorney fees. Salt Lake City Ordinance 18.96.90(B). You

may need to research other Local ordinances

Landlord Tenant Notices – OCAP

1. THREE DAY NOTICE TO PAY OR TO VACATE
2. THREE DAY NOTICE TO COMPLY WITH LEASE OR VACATE
3. THREE DAY NOTICE TO VACATE FOR CRIMINAL NUISANCE
4. THREE DAY NOTICE TO VACATE FOR NUISANCE
5. THREE DAY NOTICE TO VACATE FOR ASSIGNING OR SUBLETTING CONTRARY TO RENTAL CONTRACT
6. THREE DAY NOTICE TO VACATE FOR COMMITTING WASTE ON PREMISES
7. THREE DAY NOTICE TO VACATE FOR ENGAGING IN UNLAWFUL BUSINESS ON OR IN THE PREMISES
8. THREE DAY NOTICE TO VACATE FOR LEASE VIOLATION WHICH CANNOT BE BROUGHT INTO COMPLIANCE
9. THREE DAY NOTICE TO VACATE FOR COMMITTING CRIMINAL ACT ON THE PREMISES
10. FIFTEEN DAY NOTICE TO VACATE
11. FIVE DAY NOTICE TO A TENANT AT WILL

THREE DAY NOTICE TO PAY OR TO VACATE

This Notice is given to:

Defendant Name

Street Address

City, State, Zip

This Notice is given by:

Plaintiff Name

Street Address

City, State, Zip

You are behind in your payments required by your rental agreement with your landlord.

You are required to either pay everything you owe as indicated below, or move out within three calendar days. (Utah Code 78B-6-802(1)(c))

1. Within three calendar days, you must pay the entire amount of money that is now owing to your landlord for rent. Calendar days includes weekend days and holidays, but does not include the day of service. The total amount due is _____. Rent is due for the following time period(s): _____
2. Within three calendar days, you must pay the entire amount of money that is now owing to your landlord for amounts due under the rental contract other than rent. Calendar days includes weekend days and holidays, but does not include the day of service. The total amount due is _____. The amounts due other than rent are as follows: _____

3. If you do not pay all of the money you owe within three calendar days, you must vacate the premises you have rented. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not pay or vacate the property you may be determined by a court to be in "unlawful detainer" and evicted. In that event you would be removed from the property and may be liable for amounts due under your rental contract as noted above plus treble damages, attorney fees, court costs.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on
_____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:
☐ defendant's residence or ☐ defendant's place of business
AND
a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO COMPLY WITH LEASE OR VACATE

This Notice is given to:

This Notice is given by:

Defendant Name

Plaintiff Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have violated your lease agreement as follows:

You must do one of the following:

1. Within three calendar days, you must bring your lease violation into compliance. Calendar days includes weekend days and holidays, but does not include the day of service.
2. If you do not comply with your rental agreement, within three calendar days you must vacate the premises you have rented. (Utah Code 78B-6-802(1)(h))

If you do not comply you may be determined by a court to be in "unlawful detainer" and evicted. In that event you would be removed from the property and may be liable for amounts due under your rental contract as noted above plus treble damages, attorney fees, court costs.)

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

**THREE DAY NOTICE TO VACATE FOR LEASE VIOLATION
WHICH CANNOT BE BROUGHT INTO COMPLIANCE**

This Notice is given to:

This Notice is given by:

Defendant Name

Plaintiff Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have committed one or more lease violations which cannot be brought into compliance. They are:

You must vacate the premises within three calendar days. (Utah Code 78B-6-802(1)(c)) through (g), Utah Code 78B-6-802(2)) Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not vacate the property you may be determined by a court to be in “unlawful detainer” and evicted. In that event you would be removed from the property and may be liable for amounts due under your rental contract as noted above plus treble damages, attorney fees, court costs.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO VACATE FOR COMMITTING WASTE ON PREMISES

This Notice is given to:

This Notice is given by:

Defendant Name

Plaintiff Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have committed waste on the rental premises as follows:
(Waste means damage beyond normal wear and tear.)

You must vacate the premises within three calendar days. (Utah Code 78B-6-802(1)(d))
Calendar days includes weekend days and holidays, but does not include the day of
service.

If you do not comply you may be determined by a court to be in “unlawful detainer” and
evicted. In that event you would be removed from the property and may be liable for
amounts due under your rental contract as noted above plus treble damages, attorney
fees, court costs.

Information about the eviction process can be found
at: www.utcourts.gov/howto/landlord/eviction.html

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO VACATE FOR COMMITTING CRIMINAL ACT ON THE PREMISES

This Notice is given to:

Defendant Name

Street Address

City, State, Zip

This Notice is given by:

Plaintiff Name

Street Address

City, State, Zip

You have committed one or more criminal acts on the premises. They are:

You are required to vacate the premises within three calendar days. (Utah Code 78B-6-802(1)(g)) Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not vacate the property you may be determined by a court to be in “unlawful detainer” and evicted. In that event you would be removed from the property and may be liable for amounts due under your rental contract as noted above plus treble damages, attorney fees, court costs.

Information about the eviction process can be found
at: www.utcourts.gov/howto/landlord/eviction.html

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO VACATE FOR CRIMINAL NUISANCE

This Notice is given to:

This Notice is given by:

Defendant Name

Plaintiff Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have committed a criminal nuisance because: _____

You are required to vacate the premises within three calendar days. (Utah Code 78B-6-1107) Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not comply you may be determined by a court to be in “unlawful detainer” and evicted. In that event you would be removed from the property and may be liable for amounts due under your rental contract as noted above plus treble damages, attorney fees, court costs.

Information about the eviction process can be found
at: www.utcourts.gov/howto/landlord/eviction.html

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on
_____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
☐ A copy was sent through certified or registered mail to the defendant's address.
☐ A copy was posted in a conspicuous place on the premises, as no one was home.
☐ A copy was left with _____ a person of suitable age and discretion
at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO VACATE FOR NUISANCE

This Notice is given to:

This Notice is given by:

Defendant Name

Plaintiff Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have committed a nuisance because _____

You are required to vacate the premises within three calendar days. (Utah Code 78B-6-802(1)(f)) Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not comply you may be determined by a court to be in "unlawful detainer" and evicted. In that event you would be removed from the property and may be liable for amounts due under your rental contract as noted above plus treble damages, attorney fees, court costs.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO VACATE FOR ASSIGNING OR SUBLETTING CONTRARY TO RENTAL CONTRACT

This Notice is given to:

This Notice is given by:

Defendant Name

Plaintiff Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have assigned or sublet your rental premises contrary to your rental contract as follows:

You must vacate the premises within three calendar days. (Utah Code 78B-6-802(1)(d))
Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not comply you may be determined by a court to be in “unlawful detainer” and evicted. In that event you would be removed from the property and may be liable for amounts due under your rental contract as noted above plus treble damages, attorney fees, court costs.

Information about the eviction process can be found
at: www.utcourts.gov/howto/landlord/eviction.html

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

**THREE DAY NOTICE TO VACATE
FOR ENGAGING IN UNLAWFUL BUSINESS ON OR IN THE PREMISES**

This Notice is given to:

This Notice is given by:

Defendant Name

Plaintiff Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have engaged in unlawful business on or in the rental premises as follows:

You must vacate the premises within three calendar days. (Utah Code 78B-6-802(1)(e))
Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not vacate the property you may be determined by a court to be in "unlawful detainer" and evicted. In that event you would be removed from the property and may be liable for amounts due under your rental contract as noted above plus treble damages, attorney fees, court costs.

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

FIVE DAY NOTICE TO A TENANT AT WILL

This Notice is given to:

This Notice is given by:

Defendant Name

Plaintiff Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You are a tenant at will. (This means you have no contractual right to remain in the premises.)

You are required to vacate the premises within five calendar days. (Utah Code 78B-6-802(1)(b)(ii)) Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not comply you may be determined by a court to be in “unlawful detainer” and evicted. In that event you would be removed from the property and may be liable for amounts due under your rental contract as noted above plus treble damages, attorney fees, court costs.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

FIFTEEN DAY NOTICE TO VACATE

This Notice is given to:

Defendant Name

Street Address

City, State, Zip

This Notice is given by:

Plaintiff Name

Street Address

City, State, Zip

The last day of your rental period is _____.

You must vacate the premises on or before this date. (Utah Code 78B-6-802(1)(b)(I))

If you do not comply you may be determined by a court to be in “unlawful detainer” and evicted. In that event you would be removed from the property and may be liable for amounts due under your rental contract as noted above plus treble damages, attorney fees, court costs.

Information about the eviction process can be found
at: www.utcourts.gov/howto/landlord/eviction.html

Date

Plaintiff Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the defendant personally.
- ☐ A copy was sent through certified or registered mail to the defendant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ defendant's residence or ☐ defendant's place of business

AND

a second copy was mailed to ☐ defendant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney (Utah Bar #:_____)

In the _____ Judicial District Court of Utah

County

Court Address _____

Plaintiff

v.

Defendant

**Complaint for Unlawful Detainer
(Eviction)**

Case Number

Judge

Allegations and complaints

Plaintiff _____ (name) alleges against defendant(s)

_____ (name(s)).

1. Plaintiff is:

- ☐ an individual over the age of 18.
- ☐ a partnership represented by an attorney.
- ☐ a public agency represented by an attorney.
- ☐ a corporation represented by an attorney
- ☐ a trust represented by an attorney.
- ☐ a business represented by an attorney.
- ☐ owner of the real property located at: _____

☐ other: _____

2. Defendant(s) are residents at (property address): _____

3. ☐ There is a contract for the rental of property at the above address. It is attached to the end of this document after the page labelled Exhibit 1.

4. Defendant(s) agreed: (Complete lines a, b and c.)

a. To rent the premises ☐ month-to-month ☐ other: _____

b. To pay rent of \$ _____ ☐ monthly ☐ other: _____

c. To pay rent on ☐ first of the month ☐ other: _____

5. Defendant(s) was served with the following notice: (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 rental period stated in the notice described in number 5 above expired. A copy of the notice served is attached as Exhibit 2.

7. Plaintiff is asking to evict defendant(s) for the following reasons: (Choose the correct reason and write in the reason stated in the eviction notice.)

- [] a. **Three Day Notice to Pay or Vacate** (Utah Code 78B-6-802(1)(c))
Defendant(s) owes plaintiff \$_____ in unpaid rent, for the time period of _____ through _____ (date the notice expired). (Complete the itemized list in Exhibit 3.)
- [] b. **Three Day Notice to Pay or Vacate** (Utah Code 78B-6- 811(2)(d))
Defendant(s) owes plaintiff \$_____ for contract amounts due, other than rent, as follows: _____
- [] c. **Three Day Notice to Comply or Vacate** (Utah Code 78B-6-802(1)(h))
Defendant has violated the parties' rental agreement as follows:

- [] d. **Three Day Notice to Vacate for Assigning or Subletting**
(Utah Code 78B-6- 801(1)(d))
Defendant has sublet the premises in violation of the rental agreement as follows: _____

- [] e. **Three Day Notice to Vacate for Committing Criminal Act**
(Utah Code 78B-6-802(1)(g))
Defendant has committed a criminal act as follows: _____

- [] f. **Three Day Notice to Vacate for Criminal Nuisance** (Utah Code 78B-6-1107)
Defendant has committed criminal nuisance as follows: _____

- [] g. **Three Day Notice to Vacate for Committing Waste on Premises**
(Utah Code 78B-6-802(1)(d))
Defendant has committed waste as follows: (Examples of waste are destruction of property, failure to maintain, trash) _____

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

Defendant has violated the parties' rental agreement by committing a violation that cannot be brought into compliance as follows: _____

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

Defendant has permitted nuisance as follows: _____

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

Defendant has engaged in unlawful business on or in the premises as follows:

☐ **k. 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 defendant(s) and incorporates that notice and the statements contained in the notice as part of this complaint.

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

Plaintiff served a Fifteen Day Notice to Vacate upon defendant(s). It is attached.

8. Defendant(s) did not comply with the notice(s) and is in unlawful detainer.

9. Plaintiff asks for an Order of Restitution to remove defendant(s) 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 defendant(s) 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 damages (Utah Code 78B-6-811):

- a. damages caused because defendant(s) remained in possession of plaintiff's property, in unlawful detainer, after the time expired in the eviction notice(s) referred to in this complaint;
- b. physical damages beyond normal wear and tear (waste) caused by defendants to the plaintiff's property during the time defendant(s) were in possession of plaintiff's property; and,
- c. damages for the abatement (termination) of any nuisance caused by defendant(s) (Utah Code 78B-6-1107 through 1114).

12. Plaintiff is entitled to a judgment for reasonable attorney's fees. This only applies if the parties have a written lease or rental agreement which provides for attorney's fees. (Utah Code 78B-6-811)

Requests for Relief

Plaintiff asks that this court:

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

Date

Signature ►

Printed Name

Plaintiff's address:

Street Address

City, State, Zip

EXHIBIT 1

Rental Contract

(Attach copy of written contract to next page.)

EXHIBIT 2

Eviction Notice Served on Defendant

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

EXHIBIT 3

Itemized calculation of amounts defendant(s) owe at time of filing

| | |
|---|----|
| a. Past due rent up to date notice expired | \$ |
| b. Non-rent contract amounts | \$ |
| c. Late fees | \$ |
| d. Damages to premises | \$ |
| e. Nuisance abatement | \$ |
| f. Other damages (specify below) | \$ |
| g. Total subject to trebling (Add lines d. through f.) | \$ |
| h. Total trebled (Multiply line g. by 3) | \$ |
| i. Attorney fees | \$ |
| j. Service fees (eviction notice) | \$ |
| k. Filing fees | \$ |
| l. Total claim amount at time of filing (Add lines h. through k.) | \$ |

f. Other damages are as follows: _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney
☐ Defendant ☐ Defendant's Attorney (Utah Bar #: _____)

In the _____ Judicial District Court of Utah
_____ County

Court Address _____

| Order of Restitution | |
|----------------------|----------------------|
| _____ Plaintiff | _____ Case Number |
| v. | |
| _____ Defendant | _____ Judge |

To the defendants(s):

Within _____ calendar days following service of this Order of Restitution you are
ordered to vacate the premises located at _____

_____(address).

You and any person claiming a right to occupy through you must personally leave the premises taking with you all personal property by that date to allow the plaintiff to regain possession of the premises.

If you do not comply with this order, you may be forcibly removed from the property by the sheriff or a constable, using the least destructive means possible to remove you, your personal property and any persons who claim to have received a right to occupancy from you.

You have the right to a hearing to contest the way this order may be enforced. A form for that purpose must be served upon you with this order.

Your request for a hearing will not stop enforcement of this order unless the court has ordered a stay of this order and an appropriate bond has been posted in an amount approved by the court. (Utah Code 78B-6-812(2)(b) and 78B-6-808(4)(b))

To the sheriff or constable:

If the defendant(s) are served with this order as provided in Utah Code 78B-6-812(2)(a) and fail to vacate the property as ordered, you are ordered, as provided in Utah Code 78B-6-812 to enter the premises by force using the least destructive means possible to remove the defendant(s), any personal property of the defendants and any persons claiming a right to occupancy from the defendant(s).

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney (Utah Bar #: _____)

☐ Defendant ☐ Defendant's Attorney (Utah Bar #: _____)

In the _____ Judicial District Court of Utah

_____ County

Court Address _____

**Request for Hearing Regarding
Enforcement of an Order of
Restitution**

Plaintiff

v.

Defendant

Case Number

Judge

An Order of Restitution has been issued in this case and served upon me. I object to the way the order is being enforced and request a hearing to explain my objection to the court.

I claim that the Order of Restitution is being improperly enforced because:

(Submit a brief explanation.)

I understand that this request will not delay or stop enforcement of the Order of Restitution unless a delay is ordered by the court after I have posted a bond. (Utah Code 78B-6-812(2)(b) and 78B-6-808(4)(b))

I understand the court will schedule the hearing I have requested within 10 calendar days after this request is filed or as soon after as practical. I understand notice of the hearing will be mailed to all parties. It is my responsibility to provide the court with an address where I receive mail to ensure I am aware of the date, time and location the hearing.

| | | |
|-------|-----------------------|-------|
| _____ | Defendant Signature ► | _____ |
| Date | Printed Name | _____ |

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant

☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

| Affidavit of Damages | |
|----------------------|----------------------|
| _____ Plaintiff | _____ Case Number |
| V. | |
| _____ Defendant | _____ Judge |

Plaintiff says:

1. Agreement to Pay Rent (Check one. Fill in blank if appropriate.)

- ☐ There is a lease or rental agreement. It is filed with the court or attached to this affidavit. As stated in paragraph ____ of the Complaint, the parties' written agreement provides for defendant(s) to pay monthly rent of \$ _____. This amount includes late fees and other charges as provided in the contract, which are \$ _____.

☐ Defendant(s) did not sign a written lease or rental agreement. As stated in paragraph ____ of the Complaint, the parties' oral agreement is that defendant(s) would pay monthly rent of \$_____.

☐ There was no agreement for defendant(s) to pay rent and no rent was ever paid.

2. Damages, Court Costs, Attorney Fees

a. Damages. (Check one. Fill in blank if appropriate.)

☐ Plaintiff does not claim damages against defendant(s).

☐ Plaintiff claims damages against defendant(s) as follows:

- i) Date notice ended _____
- ii) Date defendant moved out: _____
- iii) Days defendant in "unlawful detainer" _____
- iv) Per day rental value _____
- v) Total unlawful detainer damages _____
(multiply line iii by line iv)

b. Court costs such as filing fees and service fees. Plaintiff's court costs to bring this action are \$_____.

c. Attorney fees. As of the date of this affidavit, plaintiff has incurred attorney fees to bring this action of \$_____. (Enter zero if plaintiff is has no attorney)

3. Rent owed

Defendant(s) owe(s) \$_____ for all rent incurred, but not paid before unlawful deatiner. (Enter zero if no rent was supposed to be paid or the rent was fully paid.)

4. Damage to plaintiff's property (Check one. Fill in blank if appropriate.)

☐ Defendant(s) did not cause damage beyond normal wear and tear while in possession of plaintiff's property.

[] Defendant(s) caused the following damage beyond normal wear and tear while in possession of plaintiff's property (Briefly describe the damage.):

Plaintiff has paid \$_____ to repair the damage caused by defendant(s). Plaintiff is attaching an itemized list of costs plaintiff has already paid to repair the property. If plaintiff has not yet repaired the property, one or more bids or estimates of the costs of repair are attached.

5. Other

In addition to the amounts above, plaintiff is entitled to \$_____ from defendant(s) for the following. (Include only other damages allowed by statute or case law such as abating nuisance (Utah Code 78B-6-811(2)(e)). Proof is required.)

6. Total Amount of Damages

The total amount of damages claimed as stated above is \$_____.

| | | |
|-------|--------------|-------|
| _____ | Signature ▶ | _____ |
| Date | Printed Name | _____ |

Plaintiff's address

Street Address

City, State, Zip

Certificate of Service

I certify that I filed with the court and served a copy of this Affidavit of Damages 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.) | | |

_____ Defendant Signature ► _____
 Date _____ Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff

☐ Defendant

☐ Plaintiff's Attorney

☐ Defendant's Attorney

(Utah Bar #:_____)

In the _____ Judicial District Court of Utah
_____ County

Court Address _____

**Judgment for Unlawful Detainer
(Eviction)**

Plaintiff

v.

Defendant

Case Number

Judge

This judgment follows (Check only one.):

☐ A ruling by the judge.

☐ A stipulation of the parties.

☐ Entry of a default certificate.

The court finds:

Possession of the property

1. The plaintiff is entitled to possession of the property in this case. If necessary a writ of restitution will be issued by the court to direct the sheriff to remove the defendant from the property.

Unlawful detainer

2. The defendant was guilty of unlawful detainer of the property by remaining in possession of the property after the _____ day of _____, 20___. Any previous right of the defendant to possession of the property after that date is declared forfeit. The court finds the proper eviction notice was served, defendant failed to comply and the defendant is occupying the premises on the day this judgment is signed.

3. The determination of unlawful detainer is based upon a failure of the defendant to:
(Check all that apply.):

☐ a. Pay money owed under a lease to the date of unlawful detainer totaling \$_____.

☐ b. Fulfill promises in a lease, as follows: (Describe.) _____

Total amount due under the lease: \$ _____

Damages

4. In addition to money owed, but not paid under the lease the plaintiff is awarded damages in these amounts: (Check those that apply.)

☐ a. The reasonable value of possession of the property after unlawful detainer. \$ _____

- ☐ b. Harm or reduction in value to the property caused by defendant. \$ _____
- ☐ c. Cost to correct a harmful condition caused by the defendant. \$ _____
- d. Total damages (Add 4a -4c.) \$ _____
- e. As provided by statute, damages are trebled. (Multiplied by 3)
- Total damages trebled (times 3) = \$ _____

Attorney fees and costs

5. The Plaintiff is awarded costs including: (Check those that apply.)

- ☐ a. Filing fees \$ _____
- ☐ b. Costs incurred to serve notices and other documents \$ _____
- ☐ c. Costs related to trial such as depositions and discovery \$ _____
- ☐ d. Attorney fees \$ _____
- e. Total fees and costs (Add 5a-5d.) \$ _____

Order and Judgment

6. It is the order and judgment of the court that the plaintiff be awarded judgment against the defendant:
7. The defendant is ordered to immediately surrender possession of the leased premises. A Writ of Restitution may issue, if necessary to enforce this order.
8. The plaintiff is awarded judgment against the defendant as follows:
- | | |
|-------------------------------|----------|
| a. Amount due under the lease | \$ _____ |
| b. Treble damages | \$ _____ |
| c. Fees and costs | \$ _____ |
| d. Total Judgment | \$ _____ |

Upon proper application and proof, this judgment may be supplemented by additional costs and fees incurred in proper efforts to enforce the judgment.

Judge's signature may instead appear at the top of the first page of this document.

| | | |
|-------|-------------|-------|
| _____ | Signature ► | _____ |
| Date | Judge | _____ |

Name

Address

City, State, Zip

Phone

Email

I am ☐ Defendant

☐ Defendant's Attorney (Utah Bar #: _____)

In the _____ Judicial District Court of Utah

County

Court Address _____

Plaintiff

v.

Defendant

**Defendant's Answer to Unlawful
Detainer (Eviction)**

Case Number

Judge

Defendant(s) answer(s) plaintiff's complaint as follows:

1. Defendant admits the allegations contained in paragraph(s) _____.
2. Defendant denies the allegations contained in paragraph(s) _____.
3. Defendant is unable to entirely admit and therefore denies the allegations in paragraph(s) _____.
4. Defendant denies every allegation not specifically admitted above.

Affirmative Defenses (Choose all that apply and complete the sentences in those sections.)

☐ **5. Improper eviction notice or service of the notice**

- ☐ a. Plaintiff's eviction notice is defective. It does not comply with Utah Code 78B-6-802 for the following reasons: (List specific defects such as Notice to Vacate rather than a Notice to Pay or Vacate in a non-payment case.)

- ☐ b. Plaintiff failed to properly serve the eviction notice. (Utah Code 78B-6-805)
(Describe the specific ways in which the eviction notice was not served properly.)

☐ **6. Grounds for eviction in complaint are different than grounds in the notice**

Plaintiff notified defendant in the eviction notice that tenant was being evicted on the grounds that: (Write reason given in notice.)

However, plaintiff has alleged in the complaint that defendant is in unlawful detainer based on other grounds, namely (Write the allegation in the complaint.)

☐ **7. Defendant complied with notice**

Defendant complied with all demands in the eviction notice within the time period allowed to maintain the rental relationship. (Describe the actions defendant has taken, for example paying rent due, getting rid of a cat in violation of a no-pets clause, and how this complies with the demanded action in the notice)

The defendant has:

☐ **8. Defendant offered full payment as stated in the notice before expiration of notice but plaintiff rejected**

Defendant offered to pay the full amount of the rent due, which the Plaintiff refused. Defendant offered payment in this amount _____.

☐ **9. Plaintiff failed to limit damages**

Plaintiff failed to use commercially reasonable efforts to re-rent the premises after defendant left.

☐ **10. No landlord-tenant relationship**

No landlord-tenant relationship exists between and plaintiff and defendant.

☐ **11. Defendant substantially complied with lease**

Defendant has adequately complied with the terms of the lease in the following ways and it would be unfair to forfeit the lease: _____

☐ **12. Plaintiff is not legally authorized to bring this action**

Plaintiff is not authorized to bring this action because: _____

☐ **13. Defendant is on active duty in the armed forces**

Defendant is on active duty in the armed forces of the United States and asserts the defenses in the Servicemembers Civil Relief Act.

☐ **14. Premises was turned over to plaintiff**

Tenant turned over the premises to plaintiff on _____ (date) by _____
(Describe way in which premises was turned over to plaintiff, for example returning all keys.)

Plaintiff accepted the surrender of the premises. Defendant is not liable for rent under the agreement between the parties after _____ (date premises was turned over to plaintiff).

☐ **15. Plaintiff failed to provide an itemized calculation in the complaint filed with the court.** (Utah Rules of Civil Procedure 26.3)

☐ **16. Plaintiff failed to provide an explanation of the factual basis for the eviction in the complaint filed with the court.** (Utah Rules of Civil Procedure 26.3)

Request for Relief

Defendant asks the court to dismiss the plaintiff's complaint.

_____ Defendant's Signature ► _____
Date Printed Name _____

Plaintiff's address:

Street Address

City, State, Zip

Certificate of Service

I certify that I filed with the court and served a copy of this Defendant's Answer to Unlawful Detainer 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 ► _____
 Date Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Defendant

☐ Defendant's Attorney (Utah Bar #:_____)

In the _____ Judicial District Court of Utah

County

Court Address _____

Plaintiff

v.

Defendant

**Defendant's Counterclaim to
Unlawful Detainer (Eviction)**

Case Number

Judge

Defendant(s) counterclaim(s) and complain(s) of plaintiff as follows (Choose all that apply and complete the sentences in those sections):

☐ 1. **Bad conditions/repairs not done**

- ☐ a. Plaintiff has failed to maintain the premises in a fit and habitable condition and has created significant health and safety problems at the premises. Defendant complied with the Utah Fit for Premises Act (Utah Code 57-22-1) and gave written notice to plaintiff on _____ (date). That notice is attached. Plaintiff failed to remedy these problems within the time frame required by the Fit Premises Act. (Attach copy of notice given to landlord.)

- ☐ b. Defendant elected a rent abatement remedy.

- ☐ c. Defendant should be awarded an additional amount of damages for:
(Specify additional damages, such as motel costs, restaurant costs, moving expenses, utility relocation costs, medical expenses.)

☐ **2. Landlord's conversion of tenant's property**

Plaintiff has converted defendant's property to his/her own use by:
(Describe the details as to what property of defendant's was taken, when and how.)

The plaintiff had no lien or other legal authority to take the property.

Defendant is entitled to damages of \$_____, the fair market value of the property at the time of the plaintiff's conversion, based on the following list of items taken: (List items taken and fair market value.)

☐ **3. Retaliatory eviction**

Plaintiff started this case or refused to renew a lease after defendant made a reasonable and good faith complaint about a violation of the following protective housing statute(s). (Identify the statute, such as the Utah Fit Premises Act, Utah Code 57-22-1 et seq., local health department regulations, local fit premises ordinances.)

On or about _____ (date), (Describe the nature of the complaint(s) made, the date, to whom it was made, and the retaliatory action taken, by whom, when, etc.)

Defendant is not in breach of the rental agreement and is entitled to continued occupancy. Plaintiff's action should be dismissed as retaliatory. In addition, plaintiff should be ordered to repair code violations and should be barred from initiating further evictions against defendant until these repairs are made and defendant has had a reasonable opportunity to vacate. Plaintiff should also reimburse defendant for all expenses incurred as a result of Plaintiff's actions.

☐ **4. Constructive eviction**

Plaintiff has constructively evicted defendant by: (Describe the activities of plaintiff or activities done with plaintiff's consent which seriously breached defendant's right to peaceful possession and quiet enjoyment, for example, hiring workers to commence noisy remodeling at early morning hours.) _____

These activities rendered the premises unsuitable for the purpose rented and required defendant to vacate the premises on _____ (date).
Defendant is entitled to an offset of rent owing and additional damages for plaintiff's breach of the lease in the amount of \$_____, including: (List the specific damages, including costs of meals, lodging, higher rent at new location etc.)

☐ **5. Landlord's abuse of access**

☐ Plaintiff has repeatedly demanded unreasonable entry or/and has entered the premises in violation of the terms of the lease or the Fit Premises Act.(Utah Code 57-22-1) By so doing, plaintiff has abused the right of access.

REQUESTS FOR RELIEF

Defendant asks that this court:

1. Award defendant damages for the claims above.
2. Grant other available relief.

Date

Defendant's Signature ► _____

Printed Name _____

Plaintiff's address:

Street Address

City, State, Zip

The plaintiff must respond to this counterclaim within 21 days to prevent a default judgment from being entered. Utah Rules of Civil Procedure 12(a))

Certificate of Service

I certify that I filed with the court and served a copy of this Defendant's Counterclaim to Unlawful Detainer 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 ► _____
 Date _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney (Utah Bar #:_____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

| | |
|--|----------------------|
| Order Setting Amount of Plaintiff's Possession Bond | |
| _____ Plaintiff | _____ Case Number |
| v. | |
| _____ Defendant | _____ Judge |

☐ The motion to set an amount for a possession bond is granted. The amount of the Possession Bond is set at \$_____. (Utah Code 78B-6-808(1))

☐ The motion to set an amount for a possession bond is denied because:

Judge's signature may instead appear at the top of the first page of this document.

| | | |
|-------|-------------|-------|
| _____ | Signature ► | _____ |
| Date | Judge | _____ |

Property Bond

We own real property in the State of Utah. We are not parties to this action. We jointly and severally undertake this obligation in that we promise to pay up to \$_____ for costs and damages if awarded to the Plaintiff when ordered by the Court. We have a net worth of more than the pledged amount and we pledge the property listed here as security for our promise to pay. We swear that the equity in the property is greater than this pledge. We understand and agree that should an amount become due under this bond which we do not pay that this bond may be used to foreclose or take the property from us to satisfy the debt.

Description of pledged property:

1. Street address is: _____

2. Property tax identification number of property is: _____
3. Choose one.

☐ Legal description of property being pledged to execute this bond is:

OR ☐ Legal description is attached.

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

| | | |
|-------|--------------|-------|
| _____ | Surety #1 | _____ |
| Date | Signature ► | |
| | Printed Name | _____ |

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

| | | |
|-------|--------------|-------|
| _____ | Surety #2 | _____ |
| Date | Signature ► | |
| | Printed Name | _____ |

Defendant's address:

Street Address

City, State, Zip

Certificate of Service

I certify that I served a copy of this document on the following people.

| Person's Name | Method of Service | Served at this Address | Served on this Date |
|---------------------------|--|------------------------|---------------------|
| (Other Party or Attorney) | <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.) | | |
| (Clerk of Court) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed | | |
| | <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.) | | |

_____ Sign here ► _____
 Date _____

 Typed or Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

**Notice to Defendant of Plaintiff's
Possession Bond**

Plaintiff

v.

Defendant

Case Number

Judge

The Court has made an order which set an amount for a possession bond.

(Mark one and complete as appropriate.)

The bond has been posted by the Plaintiff in the form of a ☐ bond, a copy of which is attached, or ☐ has paid cash in the amount of \$_____.

Unless you take some action, the Plaintiff is now permitted to take possession of the premises which you are now occupying.

1. As the renter, you must do one of the following things within three (3) days of service of this notice. You may:
 - a. Vacate the premises
 - b. Remain in the premises by paying back rent and costs demanded by the Plaintiff.
 - c. Request a hearing
 - d. File a counter bond
2. These actions are explained in more detail on the next page.
3. If you have questions about this notice or the law of this case, you should consult with an attorney. If you are unable to afford an attorney, information about free or low cost legal assistance is available at: www.utcourts.gov/howto/legalassist/. You may also call 328-8891 in Salt Lake County or 1-800-662-4245 outside of Salt Lake County to see if you qualify for free assistance from Utah Legal Services, Inc.

| | | |
|------|----------------------------|--|
| | Plaintiff's Signature ► | |
| Date | Printed Name | |

Notice to Tenants/Renters

You must choose one of the following options:

1. **Vacate the premises.** If you do not respond within three days after being served with the Notice of Owner's Possession Bond, the owner (plaintiff) has the right under Utah law to have the sheriff or constable forcibly remove you and your property from the premises. If you do not intend to contest the action, you should vacate the premises voluntarily within the three-day period.
2. **Pay the back rent, costs and remain in the premises.** If the eviction action is based only on the non-payment of rent or utilities, you may pay the back rent and any utility charges, along with any late fees and court costs within 3 days. This will reinstate the rental agreement and the complaint will be dismissed. This means you may stay in the premises on the same arrangement as before the eviction action was filed. If the eviction is based on some other violation, such as doing damage to the premises, paying back rent and costs will not allow you to remain in the premises.
3. **Request a hearing.** You may request a hearing within 3 days from the time you were served with the Notice of Owner's Possession Bond. A hearing will be scheduled by the court when there is time on the docket. At the hearing you must explain to the court why you should remain in possession of the property. The judge will decide who should have possession.
4. **File a counter bond.** If you wish to keep possession of the premises and do not agree with the plaintiff's complaint that you have violated the rental agreement, you may remain in the premises at least until the case is tried by filing a counter bond within 3 days of receiving the Notice. The procedure for filing this bond is to fill out a form called "Defendant's Motion to Set Amount for Counter Bond." This form must be signed by a judge who sets the amount of the bond.

After the judge sets the amount of the counter bond, you may file a cash bond; a corporate bond; a property bond; or certified bond. After filing the bond, you may remain in the premises until the trial is held.

The 3-day period does not include Saturdays, Sundays, legal holidays, or the day of service. For example, if you are served with the Notice of Owner's Possession Bond on Friday, you will have until 5:00 pm the following Wednesday to respond to the court. (Utah Rules of Civil Procedure Rule 6(a)).

The responses described above are in Utah Code 78B-6-808. If you have questions about how they apply to your case, you should consult an attorney. The court clerk or judge cannot give legal advice.

Certificate of Service

I certify that I served a copy of this document on the following people.

| Person's Name | Method of Service | Served at this Address | Served on this Date |
|---------------------------|--|------------------------|---------------------|
| (Other Party or Attorney) | <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.) | | |
| (Clerk of Court) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed | | |
| | <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.) | | |
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Sign here ►

Date _____

Typed or Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Defendant ☐ Defendant's Attorney (Utah Bar #: _____)

In the _____ Judicial District Court of Utah

_____ County

Court Address _____

**Request for Hearing on Possession
Bond**

Plaintiff

v.

Defendant

Case Number

Judge

I am the defendant in this case. I reside in the premises described in the complaint. I demand a hearing to determine who should have possession of the property. I ask that a hearing be scheduled as soon as possible. (Utah Code 78B-6-808)

Defendant

Signature ►

Date

Printed Name

Certificate of Service

I certify that I served a copy of this [document] on the following people.

| Person's Name | Method of Service | Served at this Address | Served on this Date |
|--|---|------------------------|---------------------|
| | | | |
| <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> (Other Party or Attorney) | <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.) | | |

Name

Address

City, State, Zip

Phone

Email

I am ☐ Defendant ☐ Defendant's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

**Motion To Set Amount for
Counterbond**

Plaintiff

v.

Defendant

Case Number

Judge

The court has set a possession bond in this case on _____ (date).

I ask that the court set an amount for a Counter Possession Bond. (Utah Code 78B-6-808(2)(b)) The bond should be in the amount of the probable costs of this legal action and actual damages that may result to plaintiff if defendant has improperly withheld possession of the premises.

The following information is supplied to assist in determining that amount.

1. Monthly rent: _____
2. Total unpaid rent: _____
3. Date of eviction notice: _____
4. Amount of plaintiff's bond: _____
5. Reason for not paying rent: _____
6. Other: _____

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

Date
Sign here ► _____
Typed or Printed Name _____

Certificate of Service

I certify that I served a copy of this document on the following people.

| Person's Name | Method of Service | Served at this Address | Served on this Date |
|---------------------------|--|------------------------|---------------------|
| (Other Party or Attorney) | <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.) | | |
| (Clerk of Court) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed | | |
| | <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.) | | |
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Sign here ►

Date _____

Typed or Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Defendant ☐ Defendant's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

| | |
|---|---|
| <p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p> | <p>Order Setting Amount of Defendant's Counterbond</p> <p>_____ Case Number</p> <p>_____ Judge</p> |
|---|---|

1. The court established a possession bond on _____ (date).

2. The court has reviewed a request to set an amount for a counterbond.

☐ The request is granted. The amount of the Counter Possession Bond is set at
\$ _____. (Utah Code 78B-6-808(4)(b))

☐ The request is denied because: _____

Judge's signature may instead appear at the top of the first page of this document.

| | | |
|-------|-------------|-------|
| _____ | Signature ► | _____ |
| Date | Judge | _____ |

Property Bond

We, the undersigned, own real property in the State of Utah and are not a party to this action. We jointly and severally undertake the obligation of this bond in the sum of \$ _____, and we shall pay all costs and damages which may be awarded to plaintiff, not exceeding the sum undertaken. We state that each of us has a net worth, above debts, more than the sum undertaken, and we pledge the property listed herein as security in the above action, and that the equity in the property is sufficient to cover this property bond, absent liens and encumbrances.

1. Location of real property being pledged to execute this bond is: _____

2. Property tax identification number of property is: _____

3. (Choose one.)

☐ Legal description of property being pledged to execute this bond is:

OR

☐ Property description is attached.

4. This bond is signed by all owners of record and is accompanied by the following:

- a. Copy of document vesting title in the owners;
- b. Copy of property tax statement for the current or previous year;
- c. Copy of current title report for the current or previous year;
- d. Copy of current title report or current foreclosure report;
- e. A written statement from each lien holder stating the current balance of the lien, the date the most recent payment was made, that the debt is not in default, and that the lien holder will notify the court if a default occurs or if a foreclosure process is commenced during the period this property bond is in effect.

Date

Sign here ►

Typed or Printed Name

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of _____
(form of identification), has, while in my
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date

Sign here ►

Typed or printed name (Court Clerk or Notary Public)

Notary Seal

Defendant's address:

Street Address

City, State, Zip

Certificate of Service

I certify that I served a copy of this document on the following people.

| Person's Name | Method of Service | Served at this Address | Served on this Date |
|---------------------------|--|------------------------|---------------------|
| (Other Party or Attorney) | <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.) | | |
| (Clerk of Court) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed | | |
| | <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.) | | |

Sign here ►

Date

Typed or Printed Name

Name

Address

City, State, Zip

Phone

Email

I am ☐ Defendant ☐ Defendant's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

| | | |
|--------------------|--|---|
| | | Defendant's Counterbond (Property) |
| _____ Plaintiff | | _____ Case Number |
| v. | | |
| _____ Defendant | | _____ Judge |

On _____(date) the court ordered that the defendant may post a counterbond in the amount of \$_____ in this case.

The bond is submitted with this pleading.

The bond is signed by two property owners who own real property in the State of Utah and who are not parties to this action.

The defendant requests that the court approve the bond.

Once this bond is approved:

1. The defendant must record the bond with the county recorder of the county in which the property is located.
2. The defendant must then file proof of that recording with the court for the bond to take effect.
3. Upon exoneration of the bond, the defendant or property owner must present a release of property bond to the court for approval.

Date _____ Sign here ► _____
Defendant name

Approval

This property bond is approved by the court.

Judge's signature may instead appear at the top of the first page of this document.

_____ Signature ► _____
Date Judge _____

Property Bond

We own real property in the State of Utah. We are not parties to this action. We jointly and severally undertake this obligation in that we promise to pay up to \$_____ for costs and damages if awarded to the Plaintiff when ordered by the Court. We have a net worth of more than the pledged amount and we pledge the property listed here as security for our promise to pay. We swear that the equity in the property is greater than this pledge. We understand and agree that should an amount become due under this bond which we do not pay that this bond may be used to foreclose or take the property from us to satisfy the debt.

Description of pledged property:

1. Street address is: _____

2. Property tax identification number of property is: _____

3. Choose one.

☐ Legal description of property being pledged to execute this bond is:

OR ☐ Legal description is attached.

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

| | | |
|-------|--------------|-------|
| _____ | Surety #1 | _____ |
| Date | Signature ► | |
| | Printed Name | _____ |

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

| | | |
|-------|--------------|-------|
| _____ | Surety #2 | _____ |
| Date | Signature ► | |
| | Printed Name | _____ |

Certificate of Service

I certify that I served a copy of this document on the following people.

| Person's Name | Method of Service | Served at this Address | Served on this Date |
|---------------------------|--|------------------------|---------------------|
| (Other Party or Attorney) | <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.) | | |
| (Clerk of Court) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed | | |
| | <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.) | | |

Sign here ►

Date

Typed or Printed Name

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney (Utah Bar #: _____)

In the District Court of Utah
_____ Judicial District _____ County
Court Address _____

| | |
|--|--|
| <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p>_____ Plaintiff v. _____ Defendant</p></div><div style="width: 45%;"><p>Motion to Release Possession Bond</p><p>_____ Case Number</p><p>_____ Judge</p></div></div> | |
|--|--|

The Plaintiff filed a possession bond in the sum of \$_____ on _____ (date).
The premises have been vacated or the court has made a final ruling on the issue of
possession of the premises which eliminates the requirement for a possession bond.
The Plaintiff asks the court to release the possession bond.

Date

Signature ► _____
Printed Name _____

Plaintiff's address:

Street Address

City, State, Zip

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney (Utah Bar #: _____)

In the _____ Judicial District Court of Utah

_____ County

Court Address _____

Plaintiff

v.

Defendant

Order to Release Possession Bond

Case Number

Judge

The plaintiff has moved to have the possession bond posted on _____ (date)
released. The motion is granted. It is ordered that plaintiff's bond in the sum of
\$ _____ be exonerated and released to plaintiff.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

| | |
|-------------------------------|--|
| | Ten Day Summons Utah Rule of Civil Procedure 3 and 4 |
| _____ Plaintiff/Petitioner | _____ Case Number |
| V. | _____ Judge |
| _____ Defendant/Respondent | _____ Commissioner (domestic cases) |

The State of Utah to _____ (party's name):

You are summoned and required to answer the attached complaint.

Check to see if the complaint has been filed with the court

The plaintiff must file the complaint with the court within 10 business days after service of this summons on you. If the complaint is not filed with the court within that time, the case is considered to be dismissed and you do not need to file an answer.

Call the court at _____ (phone number) at least 14 days after service of this summons to ask if the complaint has been filed. This is an action to:

_____ (describe nature of action).

Answering the complaint

If the complaint has been filed with the court, you must file your written, signed answer with the court at the court address shown above within 21 days (if served in Utah) or 30 days (if served outside Utah) after service of this summons. An answer form is available on the court's website: **www.utcourts.gov/howto/answer/**.

Serving the answer on the other party

You must mail or hand deliver a copy of your answer to the other party (or their attorney, if they have one) at the address shown above within the 21 or 30 days. If you do not, a default judgment may entered against you for the amount demanded in the complaint.

Keep records

Keep a copy of this summons, a record of your efforts to contact the court and of your answer.

Finding help

The court's Finding Legal Help web page (**www.utcourts.gov/howto/legalassist/**) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

| | | |
|-------|--------------|-------|
| _____ | Signature ► | _____ |
| Date | Printed Name | _____ |

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am the Petitioner

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the adoption of

Adoptee

Verified Petition for Adoption of an Adult

Case Number

Judge

I am the petitioner and I want to adopt

_____ (name of adoptee),

who is an adult.

1. Utah has jurisdiction in this case. (Utah Code 78B-6-105).
2. The case is filed in this county because (Choose all that apply; at least one must apply.):
 - ☐ I reside in this county.
 - ☐ I am not a resident of this state and the proposed adoptee was born in this county.
 - ☐ The proposed adoptee resides in this county on the day on which this petition is filed.

☐ A parent of the proposed adoptee resides in this county on the day on which the petition is filed.

3. The full name of the adult to be adopted (the “adoptee”) is:

| | |
|------------------------------|--|
| First name | |
| Middle name | |
| Surname on birth certificate | |
| Married surname (if any) | |

4. The adoptee was born on _____ (date).

5. The adoptee was born in _____ (city, county and state, OR city and country).

6. The adoptee lives in _____ (city, state).

7. The adoptee is not a vulnerable adult. (Utah Code 78B-6-117).

8. (Choose one.):

☐ The adoptee is citizen or national of the United States.

☐ The adoptee is not a citizen or national of the United States but is legally in the United States. (Attach written evidence from the United States Citizenship and Immigration Services showing that the adoptee was admitted into the United States for permanent residence, was admitted into the United States temporarily in one of the lawful nonimmigrant categories, or was legally paroled into the United States.)

9. The adoptee consents to this adoption.

10. The adoptee is (Choose one.):

☐ not married.

☐ married, and the adoptee’s spouse (Choose one.):

☐ has waived

☐ has not waived

in writing notice of the adult adoption proceeding.

11. I am:
- ☐ not married.
 - ☐ not cohabitating in a relationship that is not a legally valid and binding marriage under Utah law.
 - ☐ married, and
 - ☐ my spouse consents to this adoption.
12. I was born on _____ (date) and I am at least ten years older than the adoptee.
13. ☐ My spouse was born on _____ (date) and is at least ten years older than the adoptee.
14. ☐ I ask the court to waive the requirement to provide notice of the adoption once ordered to the adoptee's legal parents for the following reasons:
- _____
- _____
- _____
- _____
15. ☐ The adoptee's name should remain the same as in paragraph 3 above.
- ☐ The adoptee will take my family surname as the adopting parent, and therefore the adoptee's name should be changed on the adoptee's birth certificate to:
- | | |
|--------------------------|--|
| First name | |
| Middle name | |
| New surname | |
| Married surname (if any) | |
16. I ask the court to enter a decree declaring me to be the legal parent of
- _____
- (name of adoptee).

This is a private record.

Co-Petitioner's Name

Co-Petitioner's Name

Address

City, State, Zip

Phone

Email

We are the Petitioners

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the adoption of

Adoptee

**Verified Joint Petition for Adoption
of an Adult**

Case Number

Judge

We are the petitioners and we want to adopt

_____ (name of adoptee),

who is an adult.

1. Utah has jurisdiction in this case. (Utah Code 78B-6-105).
2. The case is filed in this county because (Choose all that apply; at least one must apply.):
 - ☐ We reside in this county.
 - ☐ We are not residents of this state and the proposed adoptee was born in this county.
 - ☐ The proposed adoptee resides in this county on the day on which this petition is filed.

☐ A parent of the proposed adoptee resides in this county on the day on which the petition is filed.

3. The full name of the adult to be adopted (the “adoptee”) is:

| | |
|------------------------------|--|
| First name | |
| Middle name | |
| Surname on birth certificate | |
| Married surname (if any) | |

4. The adoptee was born on _____ (date).

5. The adoptee was born in _____ (city, county and state, OR city and country).

6. The adoptee lives in _____ (city, state).

7. The adoptee is not a vulnerable adult. (Utah Code Section 78B-6-117).

8. (Choose one.):

☐ The adoptee is citizen or national of the United States.

☐ The adoptee is not a citizen or national of the United States but is legally in the United States. (Attach written evidence from the United States Citizenship and Immigration Services showing that the adoptee was admitted into the United States for permanent residence, was admitted into the United States temporarily in one of the lawful nonimmigrant categories, or was legally paroled into the United States.)

9. The adoptee consents to this adoption.

10. The adoptee is (Choose one.):

☐ not married.

☐ married, and ☐ the adoptee’s spouse has waived in writing notice of the adult adoption proceeding.

11. We are married and we both consent to this adoption.

12. Co-petitioner _____ (name) was born on _____ (date) and is at least ten years older than the adoptee.

Co-petitioner _____ (name) was born on _____ (date) and is at least ten years older than the adoptee.

13. ☐ We ask the court to waive the requirement to provide notice of the adoption once ordered to the adoptee's legal parents for the following reasons:

14. ☐ The adoptee's name should remain the same as in paragraph 3 above.

- ☐ The adoptee will take our family surname as the adopting parents, and therefore the adoptee's name should be changed on the adoptee's birth certificate to:

| | |
|--------------------------|--|
| First name | |
| Middle name | |
| New surname | |
| Married surname (if any) | |

15. We ask the court to enter a decree declaring us to be the legal parents of

(name of adoptee).

16. ☐ We ask the court to order that the adoptee's birth certificate be amended to name _____ (name of one of the adopting parents) as the adoptee's parent.

[] We ask the court to order that the adoptee's birth certificate be amended to name _____ (name of the other adopting parent) as the adoptee's parent.

Co-Petitioner's Signature

Date Signature ► _____
Printed Name _____

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of _____
(form of identification), has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date Signature ► _____
Printed name (Court Clerk or Notary Public) _____
Notary Seal

Co-Petitioner's Signature

Date Signature ► _____
Printed Name _____

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of _____
(form of identification), has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date Signature ► _____
Printed name (Court Clerk or Notary Public) _____
Notary Seal

This is a private record.

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the adoption of

Adoptee

**Consent to Adoption by Adult
Adoptee**

Case Number

Judge

Do not sign this document without reading it. Do not sign it unless everything stated is true and correct. If you have questions, talk to an attorney.

1. I make this statement free from duress and undue influence.
2. I am the adoptee, I am 18 or older, and I have the mental capacity to give consent.
3. I understand that, upon final decree of adoption,

_____ (petitioner)

[] and _____ (co- petitioner)

will be my legal parent(s), and I will be legally recognized as their child, and I may take the family name of my adoptive parent(s).

4. I consent that I be adopted by

_____ (petitioner)

[] and _____ (co- petitioner)

(To be signed in front of the judge)

| | | |
|-------|--------------|-------|
| _____ | Signature ► | _____ |
| Date | Printed Name | _____ |

This is a private record.

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the adoption of

Adoptee

**Waiver of Notice of Adoption by
Adult Adoptee's Spouse**

Case Number

Judge

1. I make this statement free from duress and undue influence.
2. I am the spouse of the adult adoptee.
3. I voluntarily waive my right to be notified of hearings and served with papers in this case.

Date

Signature ► _____

Printed Name _____

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of
_____ (form of identification), has, while in my
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date

Signature ► _____

Printed name (Court Clerk or Notary Public) _____

Notary Seal

Certificate of Service

I certify that I filed with the court and served a copy of this Waiver of Notice by Adult Adoptee's Spouse 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.) | | |

 Date

 Signature ►

 Printed Name

This is a private record.

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

Judicial District _____ County

Court Address _____

In the matter of the adoption of

Adoptee

**Consent to Adoption and Waiver of
Notice by Petitioner's Spouse**

Case Number

Judge

1. I make this statement free from duress and undue influence.
2. I am the spouse of the petitioner, and I have the mental capacity to give consent.
3. I voluntarily waive my right to be notified of hearings and served with papers in this case.
4. I voluntarily consent that my spouse adopt
_____ (name of adoptee).

Date

Signature ► _____

Printed Name _____

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of
_____ (form of identification), has, while in my
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date

Signature ► _____

Printed name (Court Clerk or Notary Public) _____

Notary Seal

Certificate of Service

I certify that I filed with the court and served a copy of this Consent to Adoption and Waiver of Notice by Petitioner's Spouse 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 ►

Date

Printed Name

This is a private record.

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

Judicial District _____ County

Court Address _____

In the matter of the adoption of

Adoptee

Agreement of Adoption of an Adult

Case Number

Judge

Petitioner _____ (name) agrees to
the adoption of _____ (adoptee),
and promises to treat adoptee in all respects as petitioner's own lawful child.

Executed in open court.

Signature ►

Date

Printed Name of Petitioner _____

Judge's signature may instead appear at the top of the first page of this document.

Signature ►

Date

Judge _____

This is a private record.

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the adoption of

Adoptee

**Findings of Fact and Conclusions of
Law on Petition for Adoption of an
Adult**

Case Number

Judge

Having considered the documents filed with the court, the evidence and the arguments,
and now being fully informed,

The court finds that

1. _____ (petitioner)
[] and _____ (co- petitioner)
want(s) to adopt _____.
(adoptee's full first, middle, birth surname, and any married surname).
2. Adoptee's date of birth is _____.
3. Utah has jurisdiction in this case. (Utah Code 78B-6-105).

4. The case is properly filed in this county because (Choose one.):
- ☐ Petitioner resides in this county.
 - ☐ Petitioner is not a resident of this state, and the proposed adoptee was born in this county.
 - ☐ The proposed adoptee resides in this county on the day on which this petition is filed.
 - ☐ A parent of the proposed adoptee resides in this county on the day on which the petition is filed.
5. (Choose all that apply.):
- ☐ The petitioner is at least 10 years older than the adoptee.
 - ☐ The petitioner is not married.
 - ☐ The petitioner is not cohabitating in a relationship that is not a legally valid and binding marriage under Utah law.
 - ☐ The petitioner is married and their spouse is at least 10 years older than the adoptee.
6. The adoptee is (Choose one):
- ☐ is considered a citizen or national of the United States by the United States Citizenship and Immigration Services.
 - ☐ is not considered a citizen or national of the United States by the United States Citizenship and Immigration Services.
7. The adoptee has consented to this adoption.
8. The adoptee's spouse (Choose one):
- ☐ The adoptee does not have a spouse.
 - ☐ has waived in writing notice of the adoption proceeding.
 - ☐ has not waived notice and was served with notice. (Utah Code 78B-6-116).
9. The petitioner's spouse (Choose one):
- ☐ The petitioner does not have a spouse.
 - ☐ has consented in writing to this adoption.
 - ☐ has not consented and was served with notice. (Utah Code 78B-6-116).
 - ☐ is the co-petitioner.
10. ☐ The requirement to provide notice of the adoption once ordered to the adoptee's legal parents is waived for good cause.

The court concludes that:

11. The requirements of the Utah Adoption Act (Utah Code Title 78B, Chapter 6, Part 1) have been met.
12. Petitioner(s) should be declared the legal parent(s) of the adoptee. The adoptee and the petitioner(s) should have all the rights and duties of the relationship of child and parent.
13. ☐ The adoptee will take the family surname of the petitioner(s) and the adoptee's name should be changed on the adoptee's birth certificate to:

| | |
|--------------------------|--|
| First name | |
| Middle name | |
| New surname | |
| Married surname (if any) | |

14. The adoptee's birth certificate should be amended and the name of the adopting parent(s) _____ (petitioner)
☐ and _____ (co- petitioner)
should appear as the adoptee's parent(s).

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Judge _____

This is a private record.

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Adoption of

Adoption Decree

Adoptee

Case Number

Judge

The matter before the court is the Petition to Adopt an Adult. This matter is being resolved by (Choose all that apply.):

☐ The pleadings and other papers of the parties.

☐ A hearing held before this court on _____ (date).

Petitioner

☐ was present

☐ was not present

☐ was represented by _____

☐ was not represented.

☐ Co-Petitioner

☐ was present

☐ was not present

☐ was represented by _____

☐ was not represented.

Adoptee

☐ was present

☐ was not present.

☐ was represented by _____

☐ was not represented.

☐ Others present were: _____

☐ Any necessary consents and waivers of notice were given.

☐ There were no objections.

Having considered the documents filed with the court, the evidence and the arguments,
and now being fully informed,

The court orders that:

1. The adoptee is adopted by

_____ (petitioner)

☐ and _____ (co- petitioner)

and is their child.

2. The adoptee and

_____ (petitioner)

☐ and _____ (co- petitioner)

have all the rights and duties of the relationship of child and parent.

3. Notice to the adoptee's legal parents of the adoption order is

☐ waived for good cause, or

☐ is not waived.

4. ☐ The adoptee's family surname is changed. The adoptee's birth certificate
shall be amended and the adoptee's name shall now be:

| | |
|--------------------------|--|
| First name | |
| Middle name | |
| New surname | |
| Married surname (if any) | |

5. ☐ The adoptee's birth certificate shall be amended and the adopting parent(s)
_____ (petitioner)
☐ and
_____ (co- petitioner)
shall appear as the adoptee's parent.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Judge _____

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Petitioner
☐ Petitioner's Attorney (Utah Bar #:_____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Adoption of:

Adoptee

**Request for Hearing on Petition to
Adopt an Adult**

Case Number

Judge

I request a hearing on my Petition to Adopt an Adult.

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Request for Hearing on Petition to Adopt an Adult 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 ►

Date

Printed Name

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Petitioner
☐ Petitioner's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the adoption of

Adoptee

**Notice of Hearing on Petition to
Adopt an Adult**

Case Number

Judge

1. I am the Petitioner in this case. I have asked the court to adopt an adult. A copy of my Petition to Adopt an Adult is attached.
2. The court has scheduled a hearing on this petition at the following date and time.
Date _____ Time _____ : _____ [] a.m. [] p.m.
Room _____ Judge _____
3. If you have any objections to this petition, file them in writing with the clerk of this court and mail a copy to me at the address at the top of this document.

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Hearing on Petition to Adopt and Adult 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.) | | |

 Date

 Signature ►

 Printed Name

Name

Address

City, State, Zip

Phone

Email

I am ☐ Defendant ☐ Defendant's Attorney (Utah Bar #:_____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

Answer – Debt Collection Case

Case Number

Judge

I say the following:

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 don't have enough information to respond to the following paragraphs of the complaint (Write the paragraph number(s) from the complaint.):

Explanation of responses. (Optional. Attach additional sheets if needed.)

4. Referring to paragraph number _____ of the complaint or petition, I state that:
(Optional. Complete only if you have more to say.)

5. Referring to paragraph number _____ of the complaint or petition, I state that:
(Optional. Complete only if you have more to say.)

Affirmative defenses.

(Optional. Complete these paragraphs only if you know a reason why the plaintiff should not win the case, other than what you have already stated in your answers above. Check all defenses that apply and write in any additional defenses.)

6. ☐ **Account issues.**
- The account is not my account, OR
 - I am not the person who placed the charges on the account, OR
 - I am not the person who incurred the debt.
7. ☐ **Ambiguous contract.**
The contract is too ambiguous to be enforced.
8. ☐ **Bankruptcy.**
I have a pending bankruptcy case or the debt was discharged in a previous bankruptcy case.
9. ☐ **Co-signer.**

I was a co-signer but was not informed of my rights as a co-signer.

10. ☐ **Contract cancelled.**
- I legally cancelled the contract and therefore do not owe anything, OR
 - the creditor cancelled the contract and therefore is not entitled to payment.
11. ☐ **Contract of adhesion.**
- The claims are barred because the debt is based on a contract of adhesion (i.e. a take-it-or-leave-it contract), an unconscionable contract, a contract that is illegal or against public policy, an illusory contract (i.e. a contract for which I did not receive anything in exchange), or a contract that I did not sign or otherwise agree to.
12. ☐ **Debt ownership.**
- The plaintiff is not the original owner of the debt and may not be able to prove that it rightfully owns the debt.
13. ☐ **Debt paid or excused.**
- The debt has been paid or excused. For that reason, the claims are barred by accord and satisfaction, discharge, waiver, or release.
14. ☐ **Fraud or duress.**
- The creditor lied to me, threatened me, or physically forced me to enter the contract or do the deal. For that reason, the claims are barred because the debt was procured through fraud, fraud in the inducement, or duress. Explain:
-
-
-
-
15. ☐ **Goods and services issues.**
- I never received the goods or services for which the debt was allegedly incurred, OR
 - the goods and services were defective, OR
 - the creditor damaged my property when delivering the goods or services.
16. ☐ **Laches, estoppel or unclean hands.**
- The creditor/plaintiff waited too long to bring the claims, OR
 - it is inequitable for the creditor/plaintiff to bring the claims, OR
 - the creditor/plaintiff behaved badly with regard to the alleged debt.

For that reason, the claims are barred by laches, estoppel, or unclean hands.

17. ☐ **Loan acceleration.**
The creditor was not permitted to accelerate the loan.
18. ☐ **Mitigation of damages.**
The creditor did not mitigate damages. They failed to take actions to protect themselves and/or minimize the amount of the alleged debt.
19. ☐ **No claim.**
The complaint does not state a claim on which relief can be granted.
20. ☐ **Offset.**
I am entitled to an offset for amounts that I have paid or that should otherwise be credited to me.
21. ☐ **Performance.**
The plaintiff did not perform under the contract and is therefore barred from recovering under the contract.
22. ☐ **Res judicata.**
I or someone associated with me has previously been sued for the alleged debt. For that reason, the claims are barred by res judicata.
23. ☐ **Sale of property – commercially reasonable manner.**
After repossessing my property, the creditor or its representatives did not sell the property in a commercially reasonable manner (i.e. they sold it without properly advertising it or for less than it was worth).
24. ☐ **Sale of property – notice.**
After repossessing my property, the creditor or its representatives did not give me proper notice of the date, time and place of sale, thereby entitling me to offsetting statutory damages.
25. ☐ **Statute of frauds.**
The alleged debt is based on a credit agreement or an agreement to pay the debt of another person, but the contract is not in writing and signed as required by the statute of frauds and is therefore barred.
26. ☐ **Statute of limitations.**
The claims are barred because they were brought after the six-year statute of limitations period for actions based on a contract, or because another applicable statute of limitations has expired.

27. ☐ **Other.** (State any other reason why the plaintiff should not win the case.)

Request.

(Optional. Specifically explain what you want the court to do based on your defenses.)

28.

29.

30. I also ask for such other relief as the court finds equitable and just.

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

| | | |
|-------|--------------|-------|
| _____ | Signature ► | _____ |
| Date | Printed Name | _____ |

Certificate of Service

I certify that I filed with the court and served a copy of this Answer – Debt Collection Case 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.) | | |

 Date

 Signature ►

 Printed Name

DRAFT

Forms Style Guide

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The goal of this style guide is to ensure that court forms have a uniform look and feel and adhere to a common standard.

An underlying goal is to strive for fewer pages whenever possible.

Font

Forms must use Arial and must not be smaller than 12 point font. (Utah Rule of Civil Procedure 10(d)). Explanatory and/or parenthetical text should be 10 point font. For example:

DRAFT

I ask the court to order that my legal name be (proposed new name):

If something must be emphasized use bold rather than italics or underline. Emphasis should be used sparingly.

A title of a non-captioned document (such as an eviction notice) must be bolded. It is acceptable to use a font size larger than 12 point (such as 14 point). It is also acceptable to use all caps in this situation. For example:

THREE DAY NOTICE TO PAY OR QUIT

Margins

The top margin of any form filed with the court must be 1.5 inches. The left, right and bottom margins must be 1 inch. (Utah Rule of Civil Procedure 10(d)).

Spacing

Text should be double spaced except when it is customary to single space. For example, lists can be single spaced.

Caption Elements

Electronic forms should substantially comply with this format, but there are some variations because fill-in-the-blank forms and electronically-produced forms use different methods to collect information.

- Lines prompting for text are not needed in electronic forms. For example:

Print form

I want to change my name because:

I am starting a new chapter in my life and want to have a clean slate. I am
tired of the baggage associated with my old name.

Electronic form

I want to change my name because I am starting a new chapter in my life and want to have a clean slate. I am tired of the baggage associated with my old name.

DRAFT

- A list of options to choose from is not needed in an electronic form. For example:

Print form

I ask the court to order the following person to effect service

- ☐ Me
- ☐ A person over age 18 who is not a party in the case nor an attorney to a party in the case
- ☐ Sheriff, constable or private investigator

Electronic form

I ask the court to order a person over age 18 who is not a party in the case nor an attorney to a party in the case to effect service.

- Prompts for information such as “name,” “address” aren’t needed in an electronic form.

Address Block

Private record – delete if it’s clear this wouldn’t be a private record, include if it’s clear it is a private record, use brackets if it may or may not be a private record.

This is a private record.

| |
|------------------|
| Name |
| Address |
| City, State, Zip |
| Phone |
| Email |

Party Designation Block

Edit the text as appropriate, but the block should be in this substantial format. 8 point font.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner’s Attorney ☐ Defendant/Respondent’s Attorney (Utah Bar #:_____)

DRAFT

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #:_____)

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #:_____)

I am ☐ Applicant
☐ Applicant's Attorney (Utah Bar #:_____)

LPP option remains unresolved.

Case Information Block

If the form can be used in more than one court level, use brackets to indicate choice. If the form can only be used in one level of court, list only that level.

Each work in the title of the form must be capitalized.

a. Standard block

| | |
|---|---|
| In the <input type="checkbox"/> District <input type="checkbox"/> Juvenile <input type="checkbox"/> Justice Court of Utah _____ Judicial District _____ County | |
| Court Address _____ | |
| <hr/> Plaintiff/Petitioner v. <hr/> Defendant/Respondent | [Form Name] (If this particular document is based on a specific code or rule, cite it here following rule for citing rules below, in 10 pt font, not bolded, on a separate line after the title) <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases) |

b. Alternate district court formats

DRAFT

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the adoption of

Or

In the matter of the estate of

Or

In re:

[Form Name]

(If this particular document is based on a specific code or rule, cite it here following rule for citing rules below, in 10 pt font, not bolded, on a separate line after the title)

Case Number

Judge

c. Juvenile court block

In the Juvenile Court of Utah

_____ Judicial District _____ County

In the interest of:

(Minor's Name)

(Minor's Date of Birth)

**Petition to be Removed from the
Custody of the Division of Child and
Family Services**

(Utah Code 78A-6-117(2)(c)(iv))

Case Number

Judge

DRAFT

Paragraph Numbering

1. rather than (1)

Subsequent paragraphs are numbered as follows

- a.
 - i.
 - A.
 - I.

Paragraph numbering in a document should be continuous to the end, and should not start over.

Paragraph Text

Paragraph number and options should be left justified, with text indented and hanging to align with the next tab. For example:

1. Asdflas asdfikla ca afgil assero cq4904 eagd90j erouc wer cal4 coaurdc qe.
Erou Asdflas asdfikla ca afgil assero cq4904 eagd90j erouc wer cal4 coaurdc
qe. Erou

and

- [] Option
- [] Sub-option 1. Asdflas asdfikla ca afgil assero cq4904 eagd90j erouc wer
cal4 coaurdc qe. Erou
 - [] Sub-option 2. Asdflas asdfikla ca afgil assero cq4904 eagd90j erouc wer
cal4 coaurdc qe. Erou
 - [] Sub-option 3. Asdflas asdfikla ca afgil assero cq4904 eagd90j erouc wer
cal4 coaurdc qe. Erou

Embedded instructions, prompting text and explanatory text must be in 10 point font, using sentence case and in parenthesis. If the text isn't a sentence, the text does not have to have an initial capital.

For example:

- [] lived in _____ (county and state), but
owned property in this county at the time of death.

and

DRAFT

[] I am an heir (Someone with the right to inherit property from the decedent if there is no will).

Whether the instructional text appears before or after the blank will depend on context.

Tables

Lines in a table should be 35% darkness. Prompting text in tables should be 10 point font.

Voice

Use active voice rather than passive voice.

Whenever possible, use a person's name in the document rather than their party designation. This is especially encouraged in an electronic form. When it is not possible to use a person's name, instead use first person voice. There will be times when you need to use party designation, but do so sparingly.

Use gender neutral language. If you must use a pronoun, use "they" rather than "he," "she," "s/he" or other variants.

Capitalization

Only proper nouns and form titles may be capitalized. Do not capitalize words such as "judge," "court," "plaintiff," "defendant."

Citing Rules and Code

Rule and Code cites should be in 10 point font.

When citing to a court rule or code section, spell out rather than abbreviate the source.

Utah Rule of Civil Procedure 7

not

URCP 7

Utah Code 78B-12-212

not

UCA 78B-12-212

UCA §78B-12-212

DRAFT

When citing a larger portion of the code, do not use et seq. Instead, use name of code section / title of act:

Utah Uniform Child Custody Jurisdiction and Enforcement Act (Utah Code Title 78B, Chapter 13).

not

Utah Code 78B-13-101 et seq.

When citing or referencing a rule or code section, cite it after the sentence, in parentheses, and 10 point font.

It is against the law for a landlord to evict a tenant without a court order. (Utah Code 78B-6-814).

Where appropriate, if it's truly based on the code/rule

Subheadings could also have reference to code/rule

Citing Web Pages

If citing to a web page, include the characters of the URL only, and not the http://. Do not underline text. For example

www.utcourts.gov

not

https://www.utcourts.gov

<https://www.utcourts.gov>

Plain Language

From <http://www.transcend.net/>:

In the legal field, plain language can be the first step to access to justice. From effectively filling out legal forms to helping pro per clients do their best, plain language forms and pamphlets allow people access to the information they need in a way they can understand and use.

Your goal should always be to make the language in our forms as simple as possible. Strive to simplify statutory language, and avoid Latin words and legalese. These words and phrases should not appear in our forms:

Therefore

Pursuant

Mitigate (use "limit")

Whereas

In this case

On the grounds that (use "because")

Hereinafter

In accordance

DRAFT

An extensive list of simple words and phrases is available on the plainlanguage.gov website: <http://www.plainlanguage.gov/howto/wordsuggestions/simplewords.cfm>

If it is necessary to use a term of art, be sure to include a plain language explanation of that term early on to define/explain it.

Headings

Use headings to separate provisions in pleadings. Headings must be the same font size as the text, but bolded. Headings must be left justified, and capitalization should be sentence case – only the first letter is capitalized.

Child custody

not

Child Custody

CHILD CUSTODY

This applies to parts of the order as well

Findings

Conclusions

Order

Signature and Notary Blocks

a. Simple signature block

| | | |
|-------|--------------|-------|
| _____ | Signature ► | _____ |
| Date | Printed Name | _____ |

b. Declaration signature block

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

| | | |
|-------|--------------|-------|
| _____ | Signature ► | _____ |
| Date | Printed Name | _____ |

DRAFT

c. Notary signature block

Date

Signature ► _____
Printed Name _____

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of
_____ (form of identification), has, while in my
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date

Signature ► _____
Printed name of Court Clerk or Notary Public _____
Notary Seal

d. Commissioner and Judge Signature Block

Date

Signature ► _____
Commissioner _____

Date

Signature ► _____
Judge _____

e. Judge Signature Block

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Judge _____

f. Approved as to form signature block

This block should appear below judge's or commissioner/judge signature block.

DRAFT

Approved as to form.

| | | |
|-------|----------------------------------|-------|
| _____ | Signature ► | _____ |
| Date | Plaintiff/Petitioner or Attorney | _____ |
| _____ | Signature ► | _____ |
| Date | Defendant/Respondent or Attorney | _____ |

Referring to Other Resources

In the limited circumstances where it is appropriate to refer someone to agencies for legal help, or to information on a specific topic, direct the user to the court's website both because it's a neutral source of information and because it will be regularly updated. For example:

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

and

See the court's Eviction web page (www.utcourts.gov/howto/landlord/eviction.html) for more information.

Do not list contact information for specific agencies.

Certificate of Service

Tailor the certificate of service as needed. Can add or delete boxes as appropriate. Be sure to insert the title of the document.

DRAFT

Certificate of Service

I certify that I filed with the court and served a copy of this [DOCUMENT TITLE] 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 ►

Date

Printed Name

Form title

Form titles should be as specific as possible / needed. Some people get to forms by Googling. The more specifically a form is named, the less chance there is of a person mis-using a form.

Motion to Dismiss Small Claims Case

Rather than

Motion to Dismiss

Form numbering

The form number should appear in the footer of each page of a court-approved form.

DRAFT

Form number elements

1001ESJ Revised July 1, 2017

- Four digit form number
- Two-letter CORIS case type code. If there is no specific case type, use GE for “general.” (see <https://www.utcourts.gov/xchange/codes.asp?type=case>). Or, use case category, such as CR for criminal, CV for civil, PR for probate, DR for domestic.
- Approving body – Judicial Council or Forms Committee
- Revised month, day and four-digit year

Footer

Each form must include a footer in 8 point font with a horizontal line (top border) above the text. The footer must include the following information:

- Form number and Revision date (day, month, year) – left aligned
- Title of form in bold. The title of the form should be identical to the title in the caption – centered
- Page number as Page x of x – right aligned

Example:

1001EVJ Revised June 21, 2017

Eviction Complaint

Page 1 of 5

Provenance / History

Forms presented to the Forms Committee for approval should have an explanation of provenance – why they were created, who created them, who reviewed them, what they are based on, and any other relevant information.

☐ This is a private record

Name

Address

City, State, Zip

Phone

Email

I am the ☐ Plaintiff/Petitioner
☐ Defendant/Respondent
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my
Utah Bar number is _____

In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Memorandum Opposing Motion to

☐ **Hearing Requested**

Plaintiff/Petitioner

v.

Case Number

Defendant/Respondent

Judge

Commissioner

- (1) I disagree with the opposing party's Motion to _____
because:
(State briefly and clearly how you would like the court to rule on the opposing party's motion and
why. For example, "I want the court to deny the motion because...") (Attach additional pages if
needed.)

(2) The opposing party's motion is not supported by

☐ the relevant facts of this case

☐ the law

because:

(Explain why you disagree with the facts and/or the law presented by the opposing party's motion. Cite any statutes, ordinances, rules or appellate opinions that support your position and/or oppose the opposing party's motion.) (Attach additional pages if needed.)

(3) ☐ I request a hearing.

☐ I do not request a hearing.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

Date

Sign here ►

Typed or Printed Name

| Certificate of Service | | | |
|--|---|------------------------|---------------------|
| I certify that I served a copy of this document on the following people. | | | |
| Person's Name | Method of Service | Served at this Address | Served on this Date |
| (Other Party or Attorney) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <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.) | | |
| (Clerk of Court) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File | | |
| | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <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"/> Fax (Person agreed to service by fax.) <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.) | | |

_____ Sign here ► _____
 Date

 Typed or Printed Name _____

☐ This is a private record

My Name

Address

City, State, Zip

Phone

Email

I am the ☐ Plaintiff/Petitioner
☐ Defendant/Respondent
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my
Utah Bar number is _____

In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

| | |
|----------------------|--|
| | Reply Memorandum Supporting Motion to _____ |
| Plaintiff/Petitioner | Case Number _____ |
| v. | Judge _____ |
| Defendant/Respondent | Commissioner _____ |

- (1) (A) I disagree with the following statement that presents a new matter raised in the opposing party's Memorandum Opposing Motion to _____.

(B) I disagree for the following reasons. (State the relevant facts newly claimed by the opposing party and any laws cited by the opposing party in their Memorandum Opposing the Motion.) (Attach additional pages if needed.)

(2) (A) I disagree with the following statement that presents a new matter raised in the opposing party's Memorandum Opposing Motion to _____.

(B) I disagree for the following reasons. (State the relevant facts newly claimed by the opposing party and any laws cited by the opposing party in their Memorandum Opposing the Motion.) (Attach additional pages if needed.)

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

Date

Sign here ►

Typed or Printed Name

Certificate of Service

I certify that I served a copy of this document on the following people.

| Person's Name | Method of Service | Served at this Address | Served on this Date |
|---------------------------|---|------------------------|---------------------|
| (Other Party or Attorney) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <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.) | | |
| (Clerk of Court) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File | | |
| | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <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"/> Fax (Person agreed to service by fax.) <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.) | | |

Sign here ►

Date

Typed or Printed Name

Name

Address

City, State, Zip

Phone

Email

I am the ☐ Plaintiff/Petitioner
☐ Defendant/Respondent
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my
Utah Bar number is _____

In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Request to Submit for Decision

☐ **Hearing Requested**

Case Number

Judge

Commissioner (domestic cases)

I say as follows:

- (1) The Motion to _____ was filed and served on
_____ (date).
- (2) An opposing statement
☐ was not filed.
☐ was filed and served on _____ (date).

- (3) A reply to the opposing statement
[] was not filed.
[] was filed and served on _____ (date).
- (4) A stipulation
[] was not filed.
[] was filed and served on _____ (date).
- (5) [] I request a hearing.
[] I do not request a hearing.
- (6) I request that the motion be submitted for decision because it is now ready for the court to review and issue a decision.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

Date

Sign here ► _____

Typed or Printed Name _____

Certificate of Service

I certify that I served a copy of this Request to Submit on the following people.

| Person's Name | Method of Service | Served at this Address | Served on this Date |
|---------------------------|--|------------------------|---------------------|
| (Other Party or Attorney) | <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.) | | |
| (Clerk of Court) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File | | |
| | <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.) | | |

Sign here ►

Date

Typed or Printed Name

| | |
|------------------|--------------------------------------|
| My Name | <i>Mi Nombre</i> |
| Address | <i>Domicilio</i> |
| City, State, Zip | <i>Ciudad, Estado, Código postal</i> |
| Phone | <i>Teléfono</i> |
| Email | <i>Correo electrónico</i> |

In the ☐ District ☐ Juvenile ☐ Justice Court of Utah
 En el Tribunal de ☐ Distrito ☐ Menores ☐ Juzgado del Estado de Utah

_____ Judicial District (Distrito Judicial) _____ County (Condado)

Court Address

Dirección del Tribunal

| | |
|----------------------|---------------------|
| Plaintiff/Petitioner | <i>Demandante</i> |
| V. | |
| Defendant/Respondent | <i>Demandado[a]</i> |

Notice of Hearing
Aviso de Audiencia

| | |
|--------------|-----------------------|
| Case Number | <i>Número de caso</i> |
| Judge | <i>Juez</i> |
| Commissioner | <i>Comisionado</i> |

To:

Para:

Petitioner Name and Address

Nombre y dirección del Demandante

Respondent Name and Address

Nombre y dirección del Demandado

The court has scheduled a hearing on _____ (title of motion or subject of hearing) at the following date and time:

El tribunal ha programado una audiencia sobre _____

[título de moción o tema de la audiencia] en la fecha y hora que sigue.

Date (Fecha) _____ Time (Hora) _____ : _____ [] a.m. [] p.m.

Judge (Juez)

Room (Sala) _____ Commissioner (Comisionado) _____

Attendance. You must attend. **If you do not attend, the relief requested might be granted.** You have the right to be represented by a lawyer.

*Asistencia. Presentarse es obligatorio. **Si usted no llegara a presentarse, la reparación solicitada podría ser otorgada.** Usted tiene el derecho de que lo represente un abogado.*

Evidence. Bring with you any evidence that you want the court to consider.

Pruebas. Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

Interpretation. If you do not speak or understand English, contact a judicial services representative at least 3 days before the hearing, and an interpreter will be provided.

Interpretación. Si usted no habla ni entiende el Inglés contacte al Representante de Servicios Judiciales por lo menos 3 días antes de la audiencia y le proveerán un intérprete.

Disability Accommodation. If you have a disability requiring accommodation, including an ASL interpreter, contact a judicial services representative at least 3 days before the hearing.

Atención en caso de incapacidades. Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

Sign here ►

Firme aquí ►

Date _____ Fecha _____
Typed or Printed Name _____
Nombre con letra de molde _____

Certificate of Service
Certificado de Entrega Legal

I certify that I served a copy of this Notice of Hearing on the following people

Yo certifico que he hecho entrega legal de este Aviso de Audiencia a las personas que siguen)

| Person's Name <i>Nombre de la Persona</i> | Method of Service <i>Forma de Entrega</i> | Served at this Address <i>Entregado en esta dirección</i> | Served on this Date <i>Entregado en esta Fecha</i> |
|--|--|--|---|
| (Other Party or Attorney) <i>(Otra Parte o Abogado)</i> | <input type="checkbox"/> Mail (<i>Correo</i>) <input type="checkbox"/> Hand Delivery (<i>Entrega personal</i>) <input type="checkbox"/> Email (Person agreed to service by email.) <i>(Correo electrónico [la persona acordó con la entrega por correo electrónico])</i> <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) (<i>Dejar en el negocio [con el encargado o en el recipiente para entregas]</i>) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) (<i>Dejar en casa [con una persona reservada y de edad adecuada y que vive allí]</i>) | | |
| (Other Party or Attorney) <i>(Otra Parte o Abogado)</i> | <input type="checkbox"/> Mail (<i>Correo</i>) <input type="checkbox"/> Hand Delivery (<i>Entrega personal</i>) <input type="checkbox"/> Email (Person agreed to service by email.) <i>(Correo electrónico [la persona acordó con la entrega por correo electrónico])</i> <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) (<i>Dejar en el negocio [con el encargado o en el recipiente para entregas]</i>) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) (<i>Dejar en casa [con una persona reservada y de edad adecuada y que vive allí]</i>) | | |

Sign here ►
(Firme aquí) ►

Date(*Fecha*)

Typed or Printed Name
(Nombre con letra de molde)

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am the ☐ Petitioner
 ☐ Respondent
 ☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

| | |
|---|--|
| <p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p> | <p>Motion for Temporary Order</p> <p><input type="checkbox"/> Request for Hearing</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p> |
|---|--|

I ask the court to enter temporary orders in the paragraphs I have marked below.

(If you are not asking for temporary orders concerning minor children, skip to paragraph # 10.)

1. Minor Children.

The Petitioner and the Respondent are the parents of the following minor children:

| Child's Initials | Child's Gender | Date of Birth (month and year only) |
|------------------|----------------|--|
| Example: J.E.K. | Male | January 2017 |

| | | |
|--|--|--|
| | | |
| | | |
| | | |
| | | |
| | | |

The minor children have lived at the addresses listed below and with the persons listed below for the past five years:

(Begin with the current address and work back in time. If all children lived in the same household, list them all on one line. If there is more than one child and the children lived in separate places, then list them separately. Add additional sheets if necessary.)

| Child's Initials | Address (street, city, state, ZIP) | Dates child lived at this address | Name(s) of person(s) who lived with child at this address | Relationship(s) of person(s) to the child |
|-------------------------------|---|-----------------------------------|---|---|
| Example: J.E.K.; L.S.K. | Example: 123 Maple St., Mayberry, UT 84444 | Example: 5/15/15 to present | Example: Jane Doe, John Jones | Example: Mother, maternal grandfather |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

2. Child Custody: All orders involving minor children will include two types of custody: physical custody and legal custody.

Physical custody deals with where the children live and how many overnights the children spend with each parent.

Sole physical custody means that the children live primarily with one parent and have parent time (visitation) with the other parent (see parent-time options in Section 3).

Joint physical custody means that the children typically spend at least 30% of overnights with both parents each year and that both parents contribute to the expenses of the child in addition to paying child support.

Split physical custody means that where there is more than one child, that each parent is awarded sole physical custody of at least one of the children.

Legal custody deals with access to information and decision making.

Sole legal custody means that one parent has the right to make important decisions about the child.

Joint legal custody means that both parents: (1) have the right to information about the child (events, appointments, access to school and medical records, etc.); and (2) that both parents discuss and make major decisions together – (education, religion, medical, extra-curricular activities, etc.) but designate a parent to make the final decision if they cannot come to an agreement.

[] Child Custody: I ask the court to order temporary custody below: (choose A or B)

(If you ask for any joint legal custody or joint physical custody arrangement, you MUST attach a Parenting Plan based on Utah Code 30-3-10.7 to 30-3-10.10.)

[] A. Custody Arrangement:

| Child's Initials | Month and Year of Birth | Gender | Order physical custody to: | Order legal custody to: |
|--------------------|-------------------------|--------|--|---|
| Example: J.E.K. | Jan 2013 | F | <input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input checked="" type="checkbox"/> Joint legal |
| | | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal |
| | | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal |
| | | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal |
| | | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal |
| | | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal |

☐ B. Other Custody Arrangement: (describe in detail)

I ask the court to order the custody arrangement I have marked above because:

3. ☐ **Parent-time:** I ask the court to order temporary parent-time below: (chose A or B or C)

☐ A. Statutory parent-time schedule: (Attach a copy of the statute(s) you select.)

☐ Children 5-18: Utah Code 30-3-35

☐ Children under 5: Utah Code 30-3-35.5

☐ Children 5-18 (expanded schedule): Utah Code 30-3-35.1

☐ B. Parent-time described in the attached Parenting Plan .

☐ C. Other parent-time schedule: (describe in detail)

I ask the court to order the parent-time schedule I have marked above because:

4. ☐ **Parent-time Transfers:** I ask the court to order pick-up and drop-off ("transfers") of the children for parent time described below: (choose one option)

☐ a. Order transfer of the children for parent time described in the attached Parenting Plan

☐ b. Order transfer at beginning of parent time with ☐ Petitioner ☐ Respondent ☐ Other adult (name) _____ picking up/dropping off the children at this address: _____ and transfer at end of parent time with ☐ Petitioner ☐ Respondent ☐ Other adult (name) _____ picking up/dropping off the children at this address: _____.

☐ C. Order curbside transfers (which means that the parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ D. Other pick-up/drop-off arrangement: (describe in detail)

I ask the court to order the transfer arrangement I have marked above because:

5. ☐ **Communication between Parties:** I ask the court to order communication between the parties described below: (choose all options you want)

☐ In person

☐ Phone: Petitioner's # _____ Respondent's # _____

☐ Text: Petitioner's # _____ Respondent's # _____

☐ Email: Petitioner's email address _____

Respondent's email address _____

☐ Through third party: name _____ phone # _____

☐ Other method of communication: (describe in detail)

☐ Communications between the parties shall be civil and respectful and limited to parent-time issues only.

☐ The parties shall not make negative or harmful remarks about each other in the presence of the minor children, shall not allow other people to do so and shall remove the minor children if anyone makes negative remarks about the other party.

☐ The parties shall not discuss this case in the presence of the minor children, shall not allow other people to do so and shall remove the minor children if anyone discusses the case in the presence of the minor children.

☐ The parties shall not harm or threaten to harm the other parent or the minor children and shall not allow other people to do so and shall remove the minor children if anyone harms or threatens harm to the other parent or minor children.

6. ☐ **Child support:** I ask the court to order child support based on the parties' incomes or estimate based on ability or work history.

(A) Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

(B) Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

(C) Order ☐ Petitioner ☐ Respondent to pay \$_____ per month for child support (must choose i. or ii. below). The following child support worksheet is attached: (choose one)

- ☐ sole physical custody worksheet
- ☐ joint physical custody worksheet
- ☐ split custody worksheet

i. ☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2)

ii. ☐ This amount is NOT based on the Uniform Child Support Guidelines and I am asking for a different amount because: _____

(D) ☐ The child support should be effective upon entry of this order.

OR

☐ The child support should be effective as of this date: _____.

(E) Child support should be paid as follows: (choose i. or ii.)

i. ☐ Mandatory income withholding by the Office of Recovery Services. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments should be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145.

OR

ii. ☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

I ask for direct payment because (Utah Code 62A-11-404):

(F) I ask that child support payments be made: (choose one)

☐ one-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement: _____

(G) Child support not paid on or before the due date is delinquent on the day after the due date.

(H) Child support arrearages should be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent should be intercepted by the state of Utah and applied to child support arrearages.

7. ☐ **Child care expenses:** I ask the court to order that both parties share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

(A) The parent who pays child care expenses shall **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

(B) The other parent shall begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

(C) ☐ Other request for child care payment:

8. Health insurance, medical and dental expenses:

Our minor children currently have health insurance coverage through:

☐ Petitioner's insurance

☐ Respondent's insurance

☐ Medicaid

☐ CHIP

☐ Other: _____

☐ Not covered by insurance

☐ I ask the court to order that ☐ Petitioner ☐ Respondent maintain health insurance for our minor children.

(A) Both parties should share equally:

(1) the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium should be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and

(2) all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

(B) The parent ordered to maintain insurance should provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

(C) If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied

the right to receive credit for the expenses or to recover the other parent's share of the expenses.

(D) The parent receiving written verification should reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification.**

I ask for this order because: (mark all that apply)

- ☐ the insurance is available to ☐ Petitioner ☐ Respondent;
☐ the cost of the insurance is reasonable
☐ the custodial parent prefers this arrangement.
☐ Other reasons:

☐ (E) I ask for these additional orders regarding health insurance and medical and dental expenses:

9. ☐ **Tax Exemptions for Dependent Children:** I ask the court to order tax exemptions for the minor children for tax year _____, as follows:

☐ Petitioner should claim:(child(ren)'s initials) _____ and (month and year of birth) _____

☐ Respondent should claim:(child(ren)'s initials) _____ and (month and year of birth) _____

☐ Other: _____

10. ☐ **Alimony (divorce cases only):** I ask the court to order temporary alimony as follows (Utah Code 30-3-5(8)): (you must attach Financial Declaration when asking for alimony)

☐ Petitioner ☐ Respondent shall pay to ☐ Petitioner ☐ Respondent temporary alimony in the amount of \$ _____ per month by: (choose one)

- ☐ Check
☐ Deposit in bank account
☐ Cashier's check or money order
☐ Other: _____

☐ Petitioner ☐ Respondent needs temporary alimony because:

☐ Petitioner ☐ Respondent has the financial ability to pay temporary alimony because:

11. ☐ **Payment of bills and debts:** I ask the court to order payment of bills and debts (mortgage, rent, credit card, utilities, medical expenses, car payments, insurance, etc.) as follows: (Attach a Financial Declaration)

(Attach more pages if necessary)

☐ Petitioner to pay:

| Type of Debt | Name of Creditor | Last 4 Digits of Account Number | Total Amount Owed | Monthly Amount Owed |
|--------------|------------------|---------------------------------|-------------------|---------------------|
| | | | | |
| | | | | |
| | | | | |

☐ Respondent to pay:

| Type of Debt | Name of Creditor | Last 4 Digits of Account Number | Total Amount Owed | Monthly Amount Owed |
|--------------|------------------|---------------------------------|-------------------|---------------------|
| | | | | |
| | | | | |
| | | | | |

The bills and debts should be paid as requested because:

12. ☐ **Property.** I ask the court to order the temporary use and possession of the following property: (Attach a Financial Declaration)

(Attach more pages if necessary)

☐ To Petitioner:

☐ Residence (address): _____

☐ Vehicle(s) (make/model/year): _____

☐ Personal property items: _____

☐ Other: _____

☐ To Respondent:

☐ Residence (address): _____

☐ Vehicle(s) (make/model/year): _____

☐ Personal property items: _____

☐ Other: _____

☐ I ask the court to order that neither party shall sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

I ask for this property order because:

13. ☐ **Attorney fees:** I ask the court to order the other party to pay \$_____ to my attorney. (You can only ask for this if you are paying an attorney to represent you in this case and you must attach a Financial Declaration.)

I ask for attorney fees because:

14. ☐ **Other.** I ask the court for these additional orders:

I ask for these additional orders because:

15. **Documents.** I have attached the following documents: (Check all that apply.)

Sample documents are found at <https://www.utcourts.gov/selfhelp/family.php>

- ☐ Parenting Plan (Utah Code 30-3-10.7 to 30-3-10.10)
- ☐ Parent time Schedule (Utah Code 30-3-35; 30-3-35.5; 30-3-35.1)
- ☐ Child Support Obligation Worksheet (Utah Code 78B-12)
- ☐ Financial Declaration (Utah Rule of Civil Procedure 26.1)
- ☐ Income verification (most recent tax return and pay stub)
- ☐ Other supporting documents: _____

I declare under criminal penalty of the State of Utah ~~Code Section 78B-5-705~~ that everything stated in this document is true and correct (Utah Code Section 78B-5-705).

| | |
|-------|-----------------------------|
| _____ | Sign here _____ |
| Date | Typed or Printed Name _____ |

Certificate of Service

I certify that I served a copy of this Motion for Temporary Orders and all attached documents and forms on the following people.

| Person's Name | Method of Service | Served at this Address | Served on this Date |
|---------------------------|---|------------------------|---------------------|
| (Other Party or Attorney) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <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.) | | |
| (Clerk of Court) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File | | |
| | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <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"/> Fax (Person agreed to service by fax.) <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.) | | |

Sign here _____

Date _____

Typed or Printed Name _____

My Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

**Order on Motion for Temporary
Order**

Petitioner

v.

Respondent

Case Number

Judge

Commissioner

Hearing

☐ There was no hearing on this matter.

☐ A hearing on this matter was held on _____ (date).

Petitioner ☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

Respondent ☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

Having considered

☐ the documents filed with the court,

☐ the evidence and the arguments,

☐ the stipulation of the parties agreed to on the record,
and now being fully informed,

The court orders:

1. ☐ Child custody (Check one)

☐ A. Custody arrangement:

| Child's Initials | Month and Year of Birth | Gender | Physical custody to: | Legal custody to: |
|------------------|-------------------------|--------|---|--|
| | | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal |
| | | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal |
| | | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal |
| | | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal |
| | | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal |

☐ B. Other custody arrangement: (describe in detail)

2. ☐ Parent-time (Check one)

☐ A. Statutory parent-time schedule: (Attach a copy of the statute(s) you select.)

☐ Children 5-18: Utah Code 30-3-35

☐ Children under 5: Utah Code 30-3-35.5

☐ Children 5-18 (expanded schedule): Utah Code 30-3-35.1

☐ B. Parent-time described in the attached Parenting Plan.

☐ C. Other parent-time schedule: (describe in detail)

3. ☐ **Parent-time transfers** (Check one)

☐ Transfer of the children for parent time described in the attached Parenting Plan

☐ Transfer at beginning of parent time with ☐ Petitioner ☐ Respondent ☐ Other adult (name) _____ picking up/dropping off the children at this address: _____ and transfer at end of parent time with ☐ Petitioner ☐ Respondent ☐ Other adult (name) _____ picking up/dropping off the children at this address: _____.

☐ Curbside transfers (which means that the parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other pick-up/drop-off arrangement: (describe in detail)

4. ☐ **Communication between parties:** Communication between the parties shall be as described below: (choose all options ordered)

☐ In person

☐ Phone: Petitioner's # _____ Respondent's # _____

☐ Text: Petitioner's # _____ Respondent's # _____

☐ Email: Petitioner's email address _____

Respondent's email address _____

☐ Through third party: name _____

phone # _____

☐ Other method of communication: (describe in detail)

☐ Communications between the parties shall be civil and respectful and limited to parent-time issues only.

☐ The parties shall not make negative or harmful remarks about each other in the presence of the minor children, shall not allow other people to do so and shall remove the minor children if anyone makes negative remarks about the other party.

☐ The parties shall not discuss this case in the presence of the minor children, shall not allow other people to do so and shall remove the minor children if anyone discusses the case in the presence of the minor children.

☐ The parties shall not harm or threaten to harm the other parent or the minor children and shall not allow other people to do so and shall remove the minor children if anyone harms or threatens harm to the other parent or minor children.

5. ☐ Child support:

(A) Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

(B) Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

(C) ☐ Petitioner ☐ Respondent shall pay \$_____ per month for child support (must choose i. or ii. below). The following child support worksheet is attached: (choose one)

- ☐ sole physical custody worksheet
- ☐ joint physical custody worksheet
- ☐ split custody worksheet

i. ☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2)

ii. ☐ This amount is NOT based on the Uniform Child Support Guidelines because:

(D) ☐ The child support shall be effective upon entry of this order.

OR

☐ The child support shall be effective as of this date: _____.

(E) Child support shall be paid as follows: (choose i. or ii.)

i. ☐ Mandatory income withholding by the Office of Recovery Services. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments should be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145.

OR

ii. ☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

(F) Child support payments shall be made: (choose one)

☐ one-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement:

(G) Child support not paid on or before the due date shall be delinquent on the day after the due date.

(H) Child support arrearages shall be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent should be intercepted by the state of Utah and applied to child support arrearages.

6. ☐ Child care expenses

Both parties shall share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

(A) The parent who pays child care expenses shall **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

(B) The other parent shall begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

(C) ☐ Other order for child care payment:

7. Health insurance, medical and dental expenses

The minor children currently have health insurance coverage through:

☐ Petitioner's insurance

☐ Respondent's insurance

☐ Medicaid

☐ CHIP

☐ Other: _____

☐ Not covered by insurance

☐ ☐ Petitioner ☐ Respondent shall maintain health insurance for the minor children.

(A) Both parties shall share equally:

- (1) the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium should be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
- (2) all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

(B) The parent ordered to maintain insurance shall provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

(C) If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

(D) The parent receiving written verification shall reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

8. [] Tax exemptions for dependent children

The tax exemptions for the minor children for tax year _____ is ordered as follows:

[] Petitioner shall claim: (child(ren)'s initials) _____ and (month and year of birth) _____

[] Respondent shall claim: (child(ren)'s initials) _____ and (month and year of birth) _____

[] Other: _____

9. ☐ Alimony (divorce cases only)

☐ Petitioner ☐ Respondent shall pay to ☐ Petitioner ☐ Respondent temporary alimony in the amount of \$ _____ per month by: (choose one)

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

10. ☐ Payment of bills and debts

☐ Petitioner shall make at least minimum payments on:

| Type of Debt | Name of Creditor | Last 4 Digits of Account Number |
|--------------|------------------|---------------------------------|
| | | |
| | | |
| | | |
| | | |

☐ Respondent shall make at least minimum payments on:

| Type of Debt | Name of Creditor | Last 4 Digits of Account Number |
|--------------|------------------|---------------------------------|
| | | |
| | | |
| | | |
| | | |

☐ Other: _____

11. ☐ Property

The temporary use and possession of property shall be as follows:

☐ To Petitioner:

☐ Residence (address): _____

☐ Vehicle(s) (make/model/year): _____

☐ Personal property items: _____

☐ Other: _____

☐ To Respondent:

☐ Residence (address): _____

☐ Vehicle(s) (make/model/year): _____

☐ Personal property items: _____

☐ Other: _____

☐ Neither party shall sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

12. ☐ Attorney fees

☐ Petitioner ☐ Respondent shall pay \$_____ to

☐ Petitioner's attorney

☐ Respondent's attorney.

13. ☐ Other orders

| | | |
|-------|--------------|-------|
| _____ | Sign here ► | _____ |
| Date | Commissioner | _____ |

| | | |
|-------|-------------|-------|
| _____ | Sign here ► | _____ |
| Date | Judge | _____ |

Approved as to form.

| | | |
|-------|----------------------------------|-------|
| _____ | Sign here ► | _____ |
| Date | Plaintiff/Petitioner or Attorney | _____ |

| | | |
|-------|----------------------------------|-------|
| _____ | Sign here ► | _____ |
| Date | Defendant/Respondent or Attorney | _____ |

| Certificate of Service | | | |
|---|---|------------------------|---------------------|
| I certify that I served a copy of this Order on Motion for Temporary Order on the following people. | | | |
| Person's Name | Method of Service | Served at this Address | Served on this Date |
| (Petitioner or Attorney) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <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.) | | |
| (Respondent or Attorney) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <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"/> Fax (Person agreed to service by fax.) <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"/> Fax (Person agreed to service by fax.) <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.) | | |

_____ Sign here ► _____
 Date _____

 Typed or Printed Name _____