

# BASIC GUIDE TO ANSWERING AN EVICTION COMPLAINT

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

## UTAH LEGAL SERVICES, INC.

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

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