

Landlord-Tenant Law: Lease Agreements, Defaults, and Collections

Nashville, TN - March 30, 2016

Early Registration

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- TN CLE 6.67 including 1.0 ethics
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See inside for details.

PRESENTED BY:

Gary S. Rubenstein, *Schulman, LeRoy & Bennett, PC*

Brandt M. McMillan, *Tune, Entrekin & White, P.C.*

Edward D. Russell, *The SR Law Group*

Sean C. Kirk, *Bone McAllester Norton PLLC*

(See complete biographies inside)

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AGENDA

- I. **Lease Agreements, Tenant Issues, and Documentation**
 - A. Screening and qualifying prospective tenants
 1. Basics
 2. Verifying the applicant (and keeping all records safe from identity theft)
 3. Written screening criteria
 4. Avoiding discrimination
 - a. Basics
 - b. Reasonable modifications
 - c. ADA accommodations, animals assisting people with disabilities, therapy assistance animals
 - d. "Restoration agreements"
 - e. "Reasonable accommodations"
 - f. Federal Fair Housing Act
 - g. Open housing laws
 5. Rental application
 6. Credit checks
 7. Rejecting an applicant (legally)
 - B. Rental documents
 1. Rental agreement
 2. Rules and regulations
 3. Nonstandard rental provisions and prohibited rental agreement provisions
 4. Tenant inspection /acceptance form (check-in / check-out)
 5. Disclosure of information on lead-based paint
 6. Pet agreement
- II. **Tenant Default, Notice of Default, and Lease Termination**
 - A. Notice of default: issuance, service, and specificity
 - B. Lease termination and surrender
 - C. Enforcement of accelerated rent and default clauses
 - D. Abandoned property
 - E. Tenant defenses: SCRA protections, retaliatory eviction action, habitability, and others
- III. **Landlord-Tenant Evictions and Litigation**
 - A. Case studies and current trends in litigating landlord-tenant disputes
 - B. The summary proceeding
 - C. Answer, defense, and counterclaims in landlord-tenant litigation
 - D. Settlement and post-judgment issues
 - E. When, if ever, is a judgment final?
- IV. **Happening Now in Tennessee Landlord-Tenant Law**
- V. **Collections: Enforcing Your Judgment**
 - A. When a tenant files bankruptcy: what can you do?
 - B. Considerations before pursuing judgment: is it worth it?
 - C. Obtain necessary information to collect judgment early in the rental process
 - D. Taking judgment
 - E. Docketing the judgment
 - F. Financial disclosure forms
 - G. Supplemental examination
 - H. Garnishments
 - I. Absconding
- VI. **Ethical Considerations in Landlord-Tenant Law**
 - A. Ethical situations
 - B. Conflicts of interest, un-represented, dual representation, and competency
 - C. Negotiating with a *pro se* tenant at court
 - D. Fee arrangements, getting paid

Sterling Education Services may alter the agenda due to circumstances beyond our control.

DATE & TIME

DATE: Wednesday, March 30, 2016
REGISTRATION: 8:00 a.m.
PRESENTATIONS: 8:30 a.m. - 4:30 p.m.
LUNCH: 11:30 a.m. - 12:30 p.m.
Lunch is on your own

LOCATION

One Century Place Conference Center
26 Century Boulevard
Nashville, TN 37214
615-872-6400
Map available online

WHO SHOULD ATTEND

- Property Managers
- Real Estate Brokers
- Housing Authorities
- Developers
- Building Owners
- Leasing Agents
- Other Real Estate Professionals
- Attorneys:
 - Landlord-Tenant
 - Leasing and Contracts
 - Evictions
 - Real Estate
 - Transactional
 - Litigation
 - Bankruptcy/Debtor-Creditor
 - General Practice
 - Sole Practitioners

SUMMARY

Home ownership and rental vacancy rates haven't been as low as they currently are for more than thirty years. That can be great news for landlords, but it also means that finding the best tenants for your property (and protecting yourself when bad tenants slip in) is more important than ever. Uncertain economic conditions and the influx of more baby boomers and families into the rental market mean that you and your clients need strategies in place to write solid leases, provide accommodations, and evict when necessary. Our faculty are familiar with the issues you're facing every day, so put their knowledge and experience to work and make the most out of the growing rental markets. **Register today!**

Please bring your license number, ID, or other necessary information to the seminar to ensure proper reporting of continuing education credit.

CONTINUING EDUCATION CREDIT

TN CLE

This seminar has been **approved** by the **Tennessee Commission on CLE and Specialization** for **6.67 general hours**, including **1.0 hour of ethics**.

TN Real Estate

This seminar has been submitted to the **Tennessee Real Estate Commission** for **8.0 hours of elective continuing education**. Please note that 100% attendance is required to receive credit. Approval is expected. *Call for details.*

KY CLE

This seminar has been **approved** by the **Kentucky Bar Association** for **6.75 total continuing legal education credits**, including **1.0 hour of ethics**.

BOMI

This program qualifies for **7.0 hours** of **BOMI International CPD credit** for RPA, FMA, and/or SMA graduates.



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CPE Credit: Maximum Credit Hours: 8.0 each session (based on a 50 minute credit hour). Field of Study: **Specialized Knowledge & Applications**. Prerequisite: None. Level of Knowledge: **Basic**. Delivery Method: Group-Live. Advance Preparation: None.

*No CPE credit will be granted for home study with the purchase of the seminar audio recording. SES is only approved for "Group/Live" programs. For more information regarding administrative policies such as refunds, cancellations and complaints, please contact SES at 715-855-0498.

Other continuing education credit may be available. Please contact Sterling to inquire.

MEET THE FACULTY

GARY S. RUBENSTEIN, a principal of Schulman, LeRoy & Bennett, PC in Nashville, has been practicing in landlord-tenant matters, insurance defense, and surety bond issues for over thirty-five years. Mr. Rubenstein's landlord-tenant practice includes representing various management companies in the Nashville area. His insurance defense work includes issues related to surety bonds, as well as letters of credit. Mr. Rubenstein currently teaches business law at the John Gupton School of Mortuary Science, has served as a special judge on numerous occasions, and is an observer of the Landlord-Tenant Committee of the Uniform Law Commission. He is a member of the Nashville Bar Association, the Tennessee Bar Association, the American Bar Association, the Greater Nashville Apartment Association, and the board of directors of the Tennessee Apartment Association. Mr. Rubenstein received his B.A. from Purdue University and his J.D. from Vanderbilt University Law School.

BRANDT M. McMILLAN, of Tune, Entekin & White, P.C. in Nashville, has a practice involving a diverse range of civil litigation, including commercial contract disputes, construction litigation, landlord-tenant disputes, and insurance coverage issues, and he represents professionals in administrative proceedings before disciplinary and licensure boards. Mr. McMillan also has substantial experience litigating employment discrimination claims, civil rights claims, wrongful death claims, and Tennessee Governmental Tort Liability Act claims. He is a member of the Nashville Bar Association and the Tennessee Bar Association. Mr. McMillan received his B.A. from Davidson College and his J.D. from the University of Memphis School of Law.

EDWARD D. RUSSELL, of The SR Law Group in Mt. Juliet, has a comprehensive background in civil litigation in federal, state, bankruptcy, and appellate courts. Mr. Russell has extensive experience in overseeing in-house and outside counsel and litigation, as well as providing strategic legal and business counsel to corporate clients. He is a member of the Tennessee Bar Association, the Nashville Bar Association, and the American Bankruptcy Institute, and is admitted to practice in both Tennessee and California. Mr. Russell received dual bachelor's degrees from the University of Washington and his J.D. from the Seattle University School of Law.

SEAN C. KIRK, of Bone McAllester Norton PLLC in Nashville, concentrates his practice on commercial litigation, secured transactions, collections, and creditors' rights matters. He also represents clients in a variety of litigation matters arising in state, federal, or bankruptcy courts. Mr. Kirk also manages multi-jurisdictional litigation on behalf of his clients across the U.S., and a significant portion of his practice involves commercial loan workouts and representation of secured lenders in commercial foreclosure and deficiency actions. He is a member of the Nashville Bar Association, the Tennessee Bar Association, the American Bar Association, the Turnaround Management Association, the American Bankruptcy Institute, the Conference of Freight Counsel, the Transportation Lawyers Association, and the Small Business Council of the Nashville Chamber of Commerce. Mr. Kirk received his B.A. from the University of Georgia and his J.D. from the University of Tennessee College of Law.

Landlord-Tenant Law Nashville, TN - March 30, 2016

Registration Fee: (includes manual)

- \$339 per person
- \$329 per person for 2 or more
- \$309 per person **if paid by February 17th**

Reference Materials:

- Add audio to your registration for \$157*
- Manual only \$95*
- Audio only \$257*
- Audio/manual package \$347*

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LANDLORD-TENANT LAW: HOW TO PROSPER IN THE NEW MARKET

Seminar # 15TN04053

Leases: An Ounce of Prevention; The Landlord's and the Tenant's Rights and Obligations; Evictions; Tenant or Landlord Bankruptcy; Ethical Considerations in Landlord-Tenant Law

PRESENTED BY:

Ronald G. Steen, Jr. with Thompson Burton PLLC; Gary S. Rubenstein with Schulman, LeRoy & Bennett, PC; and Todd E. Panther with Tune Entekin & White, P.C.

Audio & Manual Set \$155 Audio only \$95 Manual only \$75

COMMERCIAL AND RESIDENTIAL LANDLORD-TENANT LAW

Seminar # 14TN12308

Commercial Lease Provisions and Issues; Residential Lease Provisions and Issues; Landlord and Tenant Obligations; The Eviction and Judicial Process; When Tenant or Landlord Files Bankruptcy; Ethical Considerations in Landlord-Tenant Law

PRESENTED BY:

S. Joshua Kahane with Glankler Brown, PLLC

Audio & Manual Set \$155 Audio only \$95 Manual only \$75

4 Easy Ways to Register:

- **Web:** www.sterlingeducation.com
Enter # in "Express Registration"
- **Mail:** Sterling Education Services
PO Box 3127
Eau Claire, WI 54702
- **Phone:** 715-855-0498
- **Fax:** 715-835-5132

WALK-INS

Walk-ins are welcome and payment is required at the door when registering. Materials will be available for walk-ins on a first-come first-served basis. **Please call ahead to confirm the schedule.**

CANCELLATIONS

Substitutions or transfers to a future Sterling seminar are welcome anytime up to the day of the seminar.

If you cancel 3 or more business days before the seminar you may:

- 1) transfer your registration to another seminar,
- 2) receive the audio and manual package, or
- 3) receive a refund minus a \$25 service charge.

PLEASE NOTE: If you do not attend and do not cancel as described above you are not entitled to a refund.

REFERENCE MATERIALS

SEMINAR MANUAL:

The faculty has prepared a substantial reference work to accompany their presentation. This manual will serve as a valuable tool for future reference. Each attendee will receive a manual upon checking in at the seminar site; the price is included in the registration fee.

AUDIO RECORDING:

This seminar will be recorded live and the audio recording and/or a reference manual is available for purchase separately or in conjunction with registration. Self-study credit may be available by purchasing the audio and manual package (varies by location). **Please call for details.**

UPCOMING SEMINARS

- **Landlord-Tenant Law: From Lease to Eviction**
Chattanooga, TN
March 2, 2016
- **Family Law & Same-Sex Marriage Issues**
Nashville, TN
March 2, 2016

Visit our website for details!