

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

Knoxville, TN - December 14, 2016

Early Registration

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- See inside for details.

**PRESENTED BY:**

**Garrett P. Smartwood**, *Long, Ragsdale & Waters, P.C.*

**Lindsey Hobbs**, *Attorney at Law*

**Jedidiah C. McKeehan**, *Tarpy, Cox, Fleishman & Leveille, P.L.L.C.*

**John R. Anderson**, *Grant, Konvalinka & Harrison, PC*

(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. "Restoration agreements"
    - d. "Reasonable accommodations"
    - e. Federal Fair Housing Act
    - f. 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. ADA Accommodations

- A. Animals assisting people with disabilities
- B. Therapy assistance animals
- C. Other accommodations

### 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

## DATE & TIME

**DATE:** Wednesday, December 14, 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

Holiday Inn Knoxville West  
at Cedar Bluff

9134 Executive Park Drive

Knoxville, TN 37923

865-693-1011

*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 approved by the Tennessee Real Estate Commission for 8.0 hours of elective continuing education. Please note that 100% attendance is required to receive credit.

### KY CLE

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

### VA CLE

This seminar has been approved by the Virginia State Bar Board of CLE for 6.5 credit hours, including 1.0 credit hour for ethics.

### BOMI

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

## MEET THE FACULTY

**GARRETT P. SWARTWOOD**, a shareholder of Long, Ragsdale & Waters, P.C. in Knoxville, concentrates his practice in the areas of civil trials, commercial litigation, and business and real estate law. His practice includes commercial collections, judgment recovery, foreclosures, construction litigation, landlord-tenant and real estate litigation, probate litigation, business dispute resolution, and complex litigation. Mr. Swartwood also represents clients in contract and lease negotiations and preparation. He has extensive experience in both state and federal trial courts, bankruptcy courts, and appellate courts. Mr. Swartwood has represented clients in arbitration and administrative proceedings and before special masters. He frequently lectures on landlord-tenant matters at professional education programs. Mr. Swartwood is a member of the Knoxville and the Tennessee Bar Associations. He previously served as a judge advocate in the U.S. Marine Corps. Mr. Swartwood received his B.A. from the University of Florida and his J.D., *cum laude*, from the Stetson University College of Law.

**LINDSEY HOBBS**, Attorney at Law in Knoxville, practices in the areas of landlord-tenant disputes, business litigation, creditors' rights, general civil litigation, and commercial transactions. Ms. Hobbs is a member of the State Bar of Tennessee, the State Bar of Georgia, and the South Carolina Bar. She has previously spoken at seminars on the topics of landlord-tenant matters and foreclosures. Ms. Hobbs received her B.A. from the University of Tennessee and her J.D. from the University of South Carolina School of Law, where she served on the editorial board of the *South Carolina Journal of International Law and Business*.

**JEDIDIAH C. MCKEEHAN**, of Tarpy, Cox, Fleishman & Leveille, P.L.L.C. in Knoxville, practices in landlord-tenant law, personal injury, domestic relations, criminal defense, collections, and mediation. Mr. McKeehan is a landlord as well as an attorney. He represents collection groups across the U.S. and has experience negotiating payment plans for debtors. Mr. McKeehan is also the host of *In Session*, a legal talk radio show and podcast, and the weekly legal columnist for the *Knoxville Focus*. He is a member of the Knoxville Bar Association. Mr. McKeehan received his B.A., with honors, from Carson-Newman College and his J.D. from the Samford University Cumberland School of Law.

**JOHN R. ANDERSON**, a director of Grant, Konvalinka & Harrison, PC in Chattanooga, focuses his law practice on commercial real estate, real estate development, real estate lending, closings, multi-unit residential real estate, title insurance, and lender representation. Mr. Anderson previously worked for Hamilton County as government special counsel. He is a member of the Chattanooga Bar Association, the Tennessee Bar Association, the Ohio Bar Association, the Federal Bar Association, and the American Bar Association. Mr. Anderson serves as a trustee for the University of Chattanooga Foundation and has served on the Board of Governors for the University of Tennessee National Alumni Association, as president of the Brainerd/Southeast Hamilton Area Chamber of Commerce, and as president of the University of Tennessee at Chattanooga Alumni Council. He is a frequent presenter at professional education programs on all aspects of real estate law. Mr. Anderson received his B.A., *magna cum laude*, from the University of Tennessee at Chattanooga and his J.D. from the University of Cincinnati College of Law.

# Landlord-Tenant Law Knoxville, TN - December 14, 2016

## Registration Fee: (includes manual)

- \$339 per person
- \$329 per person for 2 or more
- \$309 per person **if paid by November 2<sup>nd</sup>**

## Reference Materials:

- Add audio to your registration for \$157\*
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- Audio only \$257\*
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Below is a selection of materials available from previous Sterling seminars. To order, please complete this form and mail with payment or call 715-855-0495. You can also find these and other materials online at <https://store.sterlingeducation.com/bookstore.php>.

### LANDLORD-TENANT LAW: FROM START TO FINISH

#### Seminar # 16TN03079

Lease Drafting and Tenant Accommodations; Landlord Obligations and Tenant Rights; Evictions: When the Agreement Ends...For Better or Worse; Changes in Tennessee Law Regarding Tenant Property Following an Eviction or Abandonment; Collections: Enforcing Your Judgment; Ethical Considerations in Landlord-Tenant Law

#### PRESENTED BY:

William F. Clayton with Woolf, McClane, Bright, Allen & Carpenter, PLLC; John R. Anderson with Grant, Konvalinka & Harrison, PC; Kevin B. Wilson with Kevin B. Wilson Law Offices; and Scott M. Shaw with Evans Harrison Hackett, PLLC

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

### 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.

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

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- 2) receive the audio and manual package, or
- 3) receive a refund minus a \$25 service charge.

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## 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

- **ADA, FMLA, and Workers' Compensation**  
Nashville, TN  
November 17, 2016
- **Landlord-Tenant Law: Lease Agreements, Defaults, and Collections**  
Memphis, TN  
December 7, 2016

*Visit our website for details!*