

# Landlord-Tenant Law

Jacksonville, FL - August 8, 2012

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## SES

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6<sup>th</sup> Annual

# Landlord-Tenant Law

Jacksonville, FL  
August 8, 2012

Presented by:

**Robert A. Heekin Jr.**

- *Stutsman Thames & Markey, P.A.*

**Keith E. Crockett**

- *Hathaway & Reynolds, PA*

**Graham W. Syfert**

- *Graham W. Syfert, Esq., P.A.*

(See complete biographies inside)



**Earn Continuing Education Credit:**

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- BOMI 7.0 • NASBA CPE 8.0 •

See inside for details.

## SES

Sterling Education Services, Inc.

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## SEMINAR AGENDA

- I. **Lease Drafting, Structuring, and Negotiating**
  - A. Tenant screening and qualifying – legally
    1. Fair housing and discrimination laws
    2. Background checks; rejecting applicants
  - B. Plain language lease: essential pro-active and remedial lease provisions
  - C. Security deposits and personal guarantees
  - D. Late fees: how much is too much?
  - E. Other lease issues
  - F. Special circumstances: public and subsidized housing, mobile homes: statutory protections and differences in notices and timelines
  - G. Environmental issues in leases
- II. **Landlord's and Tenant's Obligations**
  - A. Case law updates on landlord liability
  - B. Protecting Tenants at Foreclosure Act: obligations and responsibilities
  - C. Physical defects on the premises
  - D. Providing security
  - E. Liability for injury, e.g. lead paint, mold, radon
  - F. Other risk management issues
  - G. Abandoned property
- III. **Evictions: Excuses and Traps When Things Go Bad**
  - A. Terminating the tenancy
    1. Demands, notices, lockouts
    2. Forcible Entry and Detainer Action
    3. Other problems: ending the relationship
    4. Local "tenant's rights" ordinances
  - B. Landlord and tenant actions
    1. Jurisdiction and venue
    2. The writ: preparation, entry and service
    3. Discovery
    4. The hearing, statutory defenses, and appeals
    5. The Writ of Possession
  - C. Landlord deposits
  - D. Fair credit reporting
  - E. Mediation – if applicable
- IV. **Landlord or Tenant Files Bankruptcy**
  - A. What to do when a tenant or landlord files bankruptcy
    1. Effect of a bankruptcy stay, lifting the automatic stay, regaining possession
    2. Tenant's duty to pay rent during the pending bankruptcy
  - B. Considerations before pursuing judgment, should you even bother?
    1. Obtain necessary information to collect judgment early in the rental process
    2. Obtaining judgment: where to file: jurisdiction and venue issues; what to file; is small claims appropriate?
  - C. Collecting on the judgment
    1. Moving for periodic payments
    2. Post judgment attachments and trustee process: can you attach bank accounts or wages and other options?
    3. Absconding, skip tracing, and use of investigators
- V. **Ethical Considerations in Landlord-Tenant Law**
  - A. Negotiating with a pro se tenant at court
  - B. Conflicts of interest, un-represented, dual representation, and competency
  - C. Ethical situations
  - D. Fee arrangements and getting paid

## WALK-IN & CANCELLATION POLICIES

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

**CANCELLATIONS:** Substitutions or transfers to a future Sterling seminar are welcome anytime up to the day of the seminar. If you cancel at least three business days before the seminar you may 1) transfer your registration to another seminar, 2) receive a full refund minus a \$25.00 service charge, or 3) receive an audio and manual set of the seminar.

**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. You will receive the manual upon checking in at the seminar site; the price is included in the registration fee.

### Audio Recording

This seminar will be recorded, so if you cannot attend, or if you want to apply for home study credit (where available), you can order the audio recording and/or a reference manual from this program. Please use the registration form to order.

## UPCOMING SEMINARS

- **Landlord-Tenant Law**  
Pensacola, FL — May 31, 2012  
Gainesville, FL — October 5, 2012  
Fort Lauderdale, FL — October 16, 2012  
West Palm Beach, FL — November 9, 2012
- **Commercial Landlord-Tenant Law**  
Orlando, FL — August 8, 2012  
Tampa, FL — September 13, 2012
- **Landlord-Tenant Law: Surviving in a Difficult Economy**  
Miami, FL — September 20, 2012
- **Commercial and Residential Landlord-Tenant Law**  
Tallahassee, FL — October 12, 2012
- **Labor and Employment Law 2012**  
West Palm Beach, FL — June 5, 2012
- **Employment Law: Beyond the Basics**  
Tallahassee, FL — September 19, 2012

Find out more online at: [www.sterlingeducation.com](http://www.sterlingeducation.com)

## STERLING BOOKSTORE

Below is a selection of the materials currently available from previous Sterling seminars. To place an order call us at 715-855-0495, mail in this form with payment, or visit our online store at <https://store.sterlingeducation.com/bookstore.php>. **Discount Code: BOOKPG**

### COMMERCIAL LANDLORD-TENANT LAW & LEASE NEGOTIATION:

Understanding, Drafting, and Negotiating Commercial Leases; Landlord and Tenant Obligations and Default Remedies; Overview and Effective Use of Mediation/Dispute Resolution; The Eviction and Judicial Process; Tenant or Landlord Bankruptcy and Collections; and Ethical Considerations in Landlord-Tenant Law

**PRESENTERS:** Michael J. Posner with Ward, Damon, Posner, Pheterson & Bleau, P.L.; Jeremy Slusher with Broad and Cassel; Barbara G. Lanshe with Lanshe & Casas; Craig S. Barnett with Greenberg Traurig, P.A.; and Anthony J. Horky with Mombach, Boyle & Hardin, P.A.

**Seminar 11FL04108**  Audio & Manual Set \$155  Audio only \$95  Manual only \$75

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## WHO SHOULD ATTEND

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

## PROGRAM SUMMARY

This seminar will provide the latest practical information, legal judgment, and case law to help you stay current in the constantly shifting arena of landlord-tenant law. Be aware of the landlord's liability and how to draft leases and screen and qualify prospective tenants. Review the eviction process from beginning to end and learn how to enforce judgments. Those involved in any aspect of leasing rental property, and their legal counsel, will benefit from this seminar. **Be prepared!**

## MEET THE FACULTY

**ROBERT A. HEKIN JR.**, a shareholder of Stutsman Thames & Markey, P.A. in Jacksonville, is a commercial lawyer in his ninth year of practice. His practice areas include bankruptcy litigation, business and commercial litigation, real property litigation, land use and zoning, and homeowners and condominium association representation. Mr. Heekin is a member of the Jacksonville and the Florida Bar Associations, and he is admitted to practice before all Florida Courts and the U.S. District and Bankruptcy Courts for the Middle and Southern Districts of Florida. Mr. Heekin received his B.A. in Business Administration from the University of Florida and his J.D. from the University of Florida, Levin College of Law, where he served as chairman of the ACCENT Speakers' Bureau, and was a member of Florida Blue Key.

**KEITH E. CROCKETT**, of Hathaway & Reynolds, PA and Ponte Vedra Title, LLC in Ponte Vedra Beach, focuses his practice on buyer representations, shorts sales, and all aspects of landlord-tenant law. Mr. Crockett began his career as an in-house counsel for Fidelity National Financial. Later he was promoted to managing the administration of real estate title claims for the Mid-Atlantic Region of the United States. Mr. Crockett received his undergraduate degree in biology from the University of Virginia and his J.D. from the Florida Coastal School of Law in Jacksonville.

**GRAHAM W. SYFERT**, of Graham W. Syfert, Esq., P.A. in Jacksonville, practices in the areas of landlord-tenant law, civil litigation and commercial disputes, family law, foreclosure defense, criminal and traffic defense, real estate litigation, and business enterprises. Mr. Syfert, a co-founder and title agent for a Jacksonville title company founded in 2006, has represented many realtors and realty companies in civil litigation and before administrative boards on issues of commission disputes and ethics. Mr. Syfert has represented both buyers and purchasers in real estate transactions, and he has prepared complicated land trusts for investors, land management, and estate purposes. Mr. Syfert is a member of the Technology Law Section of the Georgia Bar Association, the Young Lawyers Division and Solo Practitioners Division of the Florida Bar, and the Jacksonville Bar Association. Mr. Syfert received his B.A. from the University of Central Florida and his J.D. from the Florida Coastal School of Law. His excellence in writing and research earned him a position as a staff editor of the *Florida Coastal Law Review*.

## LANDLORD-TENANT LAW

**DATE:** Wednesday, August 8, 2012

**REGISTRATION:** 8:00 a.m.

**PRESENTATIONS:** 8:30 a.m. - 4:30 p.m.

**LUNCH:** (on your own) 11:40 a.m. - 12:40 p.m.

**LOCATION:**

Jacksonville Marriott

4670 Salisbury Road

Jacksonville, FL 32256

## CONTINUING EDUCATION CREDIT

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

**FL CLE**

This seminar has been approved by The Florida Bar's Legal Specialization & Education Department for **8.0 general CLE credit hours**, including **1.0 hour of ethics**.

**FL RE**

This seminar has been approved by to the Florida Real Estate Commission for **8.0 hours** of Real Estate Continuing Education. Please note 100% attendance is required to receive credit.

**GA CLE**

This seminar has been approved by the Commission on Continuing Lawyer Competency of the State Bar of Georgia for MCLE credit in the amount of **6.7 hours**, 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.



**Maximum CPE Credit Hours: 8.0** (based on a 50 minute credit hour). Field of Study: **Specialized Knowledge & Applications**. Level of Knowledge: **Basic**. Delivery Method: Group-Live.\* Prerequisite: None. Advance Preparation: None. Sterling Education Services is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: [www.nasba.org](http://www.nasba.org). \*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.

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

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### Registration Fee (includes manual):

- \$309 per person
- \$299 per person for 2 or more
- \$279 per person **if paid by June 27<sup>th</sup>**
- \$127 audio **in addition** to a registration\*
  - Check Enclosed (payable to Sterling Education Services)
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### Reference Materials:

- Audio/manual package \$317\*
- Manual only \$95\*
- Audio only \$227\*

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LTL5p \*Pricing listed includes \$6 shipping and handling. Please allow 2 to 6 weeks after program for delivery.

†By providing this information you are agreeing to be added to Sterling's in-house contact lists.