

# Commercial & Residential Landlord-Tenant Law

Santa Barbara, CA - April 29, 2014

Early Registration

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if paid by March 18<sup>th</sup>

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  - BOMI 7.0
  - NASBA CPE 8.0
- See inside for details.

**PRESENTED BY:**

**Leslie A. McAdam**, *Ferguson Case Orr Paterson LLP*

**Christopher E. Haskell**, *Price, Postel & Parma LLP*

**Kevin R. Nimmons**, *Hollister & Brace*

**Eric W. Burkhardt**, *Beall & Burkhardt*

**Robin L. Unander**, *Law Office of Robin L. Unander*

(See complete biographies inside)

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# Commercial & Residential Landlord-Tenant Law

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## AGENDA

### I. Commercial Lease Provisions and Issues

- A. Commercial case law and legislative updates
- B. Drafting considerations: forms, attorneys' fees
- C. Default and remedy clauses
- D. Parties to the lease, occupants; rent and term
- E. Rights that cannot be waived or modified
- F. Disclosure obligations
- G. Tenant improvements
- H. Operating expenses, insurance, and taxes
- I. Assignment and subletting
- J. Use restrictions
- K. Renewals and extensions
- L. Arbitration clauses
- M. Guarantees

### II. Residential Lease Provisions and Issues

- A. Residential case law and legislative updates
- B. Drafting considerations: forms, attorneys' fees
- C. Default and remedy clauses
- D. Parties to the lease, occupants; rent and term
- E. Rights that cannot be waived or modified
- F. Disclosure obligations
- G. Fair Housing Act, public and subsidized housing, special circumstances for mobile homes
- H. Tenant improvements
- I. Operating expenses, insurance, and taxes
- J. Assignment and subletting
- K. Use restrictions
- L. Renewals and extensions
- M. Arbitration clauses
- N. Guarantees

### III. Landlord and Tenant Obligations

- A. Landlord
  1. Duty to deliver possession, to repair, to provide "quiet enjoyment"
  2. Security deposits: collecting, retaining, and returning
  3. Fair Credit Reporting Act
  4. Protecting Tenants at Foreclosure Act
  5. Abandoned property
- B. Tenant: duty to occupy, abandonment, holdover tenant, pay rent

### IV. The Eviction and Judicial Process

- A. The eviction process: Forcible Entry and Detainer Statute, "for cause" and evictions "without cause"
- B. The judicial process
  1. Determining jurisdiction, the summons and the complaint
  2. The eviction trial
  3. Judgment and Writ of Possession/Appeal
  4. Evicting the tenant
- C. Fair Debt Collection Practices Act

### V. When Tenant or Landlord Files Bankruptcy

- A. Bankruptcy overview
- B. The Automatic Stay
- C. Landlord rights in tenant bankruptcy
- D. Tenant rights in landlord bankruptcy
- E. Claim issues
- F. Guarantor/sub-tenant issues
- G. Practical issues

### VI. Landlords, Tenants, and Companion Animals

### VII. Ethical Considerations in Landlord-Tenant Law

Getting paid and fee arrangements, conflicts of interest, illegal immigrants/alien, dealing with un-represented parties, Rules of Professional Conduct

## DETAILS

**DATE:** Tuesday, April 29, 2014

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

**PRESENTATIONS:** 8:30 a.m. - 5:00 p.m.

**LUNCH:** 12:00 - 1:00 p.m.

*Lunch is on your own*

### LOCATION:

Best Western Plus Pepper Tree Inn  
3850 State Street

Santa Barbara, CA 93105

805-687-5511

*Map available online*

## WHO SHOULD ATTEND

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

## SUMMARY

Renting can be a complex area of the law to navigate, especially in the face of continuously changing regulations and uncertain economic conditions. Our speakers are ready to answer your questions and share their insight concerning the legal and practical aspects of both commercial and residential landlord-tenant law. Whether you are writing your first lease or managing multiple properties, join us to expand your knowledge and get the advantage in these essential aspects of property rental. **Register today!**

## CONTINUING EDUCATION CREDIT

### CA CLE

This course has been **approved** for **7.0 total credit hours**, including **1.0 hour of ethics**, by the **State Bar of California**. Sterling is a State Bar of California Approved MCLE Provider.

### AZ CLE

The **State Bar of Arizona** does not pre-approve activities; however, this activity may qualify for up to **7.0 hours** including **1.0 hour of ethics/professional responsibility** toward the annual MCLE requirement.

### NV CLE

This seminar has been **approved** by the **Nevada Board of Continuing Legal Education** for **7.0 credit 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.



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. **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. 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.

## MEET THE FACULTY

**LESLIE A. McADAM**, of Ferguson Case Orr Paterson LLP in Ventura, is a civil litigator who has significant experience in landlord-tenant law, including unlawful detainers, as well as business and employment disputes. Ms. McAdam has been listed in Super Lawyers® *Los Angeles Magazine* Rising Star® Edition every year since 2009. She previously served as deputy counsel for the Legislative Counsel Bureau, located in Sacramento. Ms. McAdam is a member of the Ventura County Bar Association. She is a frequent speaker on a variety of topics in Southern California. Ms. McAdam is a volunteer attorney for Santa Clara Valley Legal Aid for which she won the State Bar of California President's Pro Bono Service award in 2012. Ms. McAdam studied at the Universidad de Granada; earned her B.S., *summa cum laude*, at California Polytechnic State University at San Luis Obispo; and earned her J.D., *cum laude*, at Northwestern School of Law of Lewis & Clark College, where served as the associate editor of the school's law review, *Environmental Law*.

**CHRISTOPHER E. HASKELL**, a partner of Price, Postel & Parma LLP in Santa Barbara, practices in complex business litigation focusing on construction and real estate disputes. In real estate matters, Mr. Haskell handles commercial and residential landlord-tenant disputes, easement and boundary disputes, and disputes with insurance companies. He has litigated numerous nondisclosure cases, typically involving the sale of large residential properties in the Tri-Counties area. Mr. Haskell is a member of the Santa Barbara County Bar Association, The State Bar of California, the Santa Barbara Rental Property Association, and the Oregon Bar Association. He served as a judicial extern to The Honorable Robert E. Jones of the Oregon Supreme Court. Mr. Haskell received his B.A. from Middlebury College; his J.D. from the Northwestern School of Law at Lewis & Clark College, where he was a member of the *Environmental Law Review*; and his L.L.M. from the University of the Pacific McGeorge School of Law.

**KEVIN R. NIMMONS**, of Hollister & Brace in Santa Barbara, composes his practice both of civil litigation and advising clients on real estate and business transactions. His civil litigation practice is in the areas of real estate and business, including commercial property, commercial and residential unlawful detainers, and all landlord-tenant disputes. In addition to civil litigation, Mr. Nimmons advises clients on business formation, real estate transactions, all aspects of real property leases, contract drafting, and other issues affecting business owners, employers, landowners, and commercial and residential landlords and tenants. He is a member of The State Bar of California and the Santa Barbara County Bar Association. Mr. Nimmons received his B.A., from California State University - Long Beach and his J.D., *cum laude*, from Syracuse University College of Law.

**ROBIN L. UNANDER**, of the Law Office of Robin L. Unander in Santa Barbara, has been the advising attorney to students at the University of California Santa Barbara Legal Resource Center for over ten years, and has her own law practice emphasizing civil litigation in landlord-tenant issues, personal injury, business and contract disputes, and general civil litigation. The UCSB office advises primarily residential tenants on housing-related issues regarding habitability, breaking a lease, security deposits, eviction notices, unlawful detainer defenses, right of entry, companion and service animals, illegal lease terms, illegal evictions, and roommate disputes. Ms. Unander's private practice serves commercial and residential landlords regarding evictions and unlawful detainers, lease violations, and practical conflict resolutions. This gives her a well-versed, unique insight and perspective into both sides of this area of law. Ms. Unander received her B.A. from the University of California - Santa Barbara and her J.D. from Southwestern University School of Law.

**ERIC W. BURKHARDT**, a partner of Beall & Burkhardt in Santa Barbara, focuses his practice on real estate and bankruptcy law. Mr. Burkhardt's bankruptcy practice includes creditor representation, filing cases for business and consumer debtors, and representing Trustees in bankruptcy, handling Chapter 11, 7, and 13 cases, and representing creditors in Chapter 12 cases. He has served as a California State Court Bankruptcy expert. His real estate practice includes advising clients with complex real estate purchase and lease transactions as well as quiet title, easement, view, tree and contractual litigation, and arbitration. Mr. Burkhardt received his B.A. from the University of California and his J.D., *cum laude*, from Pepperdine University Law School.

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## Santa Barbara, CA - April 29, 2014

### Registration Fee: (includes manual)

- ☐ \$329 per person  
☐ \$319 per person for 2 or more  
☐ \$299 per person **if paid by March 18<sup>th</sup>**

### Reference Materials:

- ☐ Add audio to your registration for \$147\*  
☐ Manual only \$95\*  
☐ Audio only \$247\*  
☐ Audio/manual package \$337\*

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### Attendee Information:

- 1) Name: \_\_\_\_\_ Job Title/Practice Area: \_\_\_\_\_  
Email: \_\_\_\_\_  
2) Name: \_\_\_\_\_ Job Title/Practice Area: \_\_\_\_\_  
Email: \_\_\_\_\_  
3) Name: \_\_\_\_\_ Job Title/Practice Area: \_\_\_\_\_  
Email: \_\_\_\_\_

### Company Information:

Company/Firm Name: \_\_\_\_\_  
Type of Business: \_\_\_\_\_ Number of Employees: \_\_\_\_\_  
Address: \_\_\_\_\_  
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\*Pricing listed includes \$6 shipping and handling. Please allow 2 to 6 weeks after program for delivery.  
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## BOOKSTORE

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>.

### RESIDENTIAL LANDLORD-TENANT LAW

#### Seminar # 13CA04087

Commencement of the Tenancy; Tenant and Landlord Obligations During Tenancy; Termination of Tenancy and Tenant Remedies and Defenses; The Eviction Process; Landlords and Tenants in Bankruptcy; Ethical Considerations in Landlord-Tenant Law

#### PRESENTED BY:

Leslie A. McAdam with Ferguson Case Orr Paterson LLP; David J. Tappeiner with Fell, Marking, Abkin, Montgomery, Granet & Raney, LLP; Carolyn C. Phillips with the Law Offices of Carolyn C. Phillips; Michael S. Martin with Myers, Widders, Gibson & Jones, L.L.P.; and Eric Burkhardt with Beall & Burkhardt

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

### LANDLORD-TENANT LAW: SURVIVING IN A DIFFICULT ECONOMY

#### Seminar # 12CA06161

Leases: An Ounce of Prevention; Tenant's Rights and Obligations; Landlord's Rights and Options When the Deal Goes Bad; Tenant or Landlord Bankruptcy; Ethical Considerations in Landlord-Tenant Law

#### PRESENTED BY:

Dheeraj K. Singhal with DCDM Law Group, PC; Susan L. McCarthy with Arnold LaRochelle Mathews VanConas & Zirbel, LLP; Leslie A. McAdam with Ferguson Case Orr Paterson LLP; Shantel J. Kuntuzos with Law Offices of Shantel J. Kuntuzos; Joel Mark with Nordman Cormany Hair & Compton LLP

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

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- **Web:** [www.sterlingeducation.com](http://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

- **Hot Topics in Employment Law**  
Irvine, CA  
March 25, 2014
- **Advanced Workers' Compensation**  
San Diego, CA  
April 22, 2014

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