

6th Annual
Landlord-Tenant Law
Leases, Evictions, Litigation, and Settlements

Roanoke, VA - September 18, 2013

Early Registration

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- VA CLE 6.5 including 1.0 ethics
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- WV CLE 8.0 including 1.2 ethics
- KY CLE 6.75 including 1.0 ethics
 - BOMI 7.0
 - NASBA CPE 8.0

See inside for details.

PRESENTED BY:

Ross C. Hart, Hart & Hart Attorneys, LTD.

Shannon L. Jones, Leon P. Ferrance, P.C.

Paul A. Dull, Attorney at Law

Michael D. Hart, Michael D. Hart, P.C.

(See complete biographies inside)

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Landlord-Tenant Law

Leases, Evictions, Litigation, and Settlements

AGENDA

I. The Lease

- A. Routinely negotiated lease provisions: tenant's requests, landlord's response
- B. Construction and interpretation of leases
 1. Contract of Adhesion
 2. Ambiguities and lease parole evidence rule
 3. Question of law or fact
 4. Summary judgment
 5. Good guy clauses and guaranty clauses
- C. Lease options and right of first refusal: exercise, forfeiture of leasehold interest
- D. Keeping good tenants
- E. Interrelated forms and documents

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

III. Landlord-Tenant Evictions, Court, and Litigation

- A. The summary proceeding
 1. Unlawful detainers
 2. Judgment and warrant
 3. Appellate rights and remedies
 4. When not to proceed in court
- B. Answer, defense, and counterclaims in landlord-tenant litigation
 1. Answer or motion to dismiss
 2. Defenses (acceptance of rent, laches, and retaliatory eviction)
 3. Constructive eviction and partial actual eviction
 4. Waiver of jury trial
 5. Preclusion of counterclaims and offsets
 6. Case studies & current trends in litigating landlord-tenant disputes
- C. Settlement and post-judgment issues
 1. Effective drafting of the settlement stipulation
 2. Appeals
 3. Stay of Writ of Possession
 4. When, if ever, is a judgment final?

IV. Landlord or Tenant Bankruptcy

- A. Review of the assumption rejection procedure and the automatic stay
- B. Limitations on the rights of commercial tenants or landlords in Chapter 11
- C. Limitation of the automatic stay for residential tenants in bankruptcy cases
- D. Other changes affecting leases, other changes affecting real estate
- E. Collections and judgments

V. Ethical Considerations in Landlord-Tenant Law

- A. Negotiating with a *pro se* tenant at court
- B. Conflicts of interest, un-represented, dual representation, competency
- C. Ethical situations
- D. Fee arrangements, getting paid

DETAILS

DATE: Wednesday, September 18, 2013

REGISTRATION: 8:00 a.m.

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

LUNCH: 11:40 a.m. - 12:40 p.m.

Lunch is on your own

LOCATION:

Holiday Inn

4468 Starkey Road SW

Roanoke, VA 24018

540-774-4400

Map available online

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

SUMMARY

Landlord-tenant relations and disputes can be a challenging and murky area of the law in the best of times, and shaky economic conditions only compound existing issues and tensions. Plan ahead to avoid problems before they start, and learn practical tips on negotiating with tenants or counseling your clients. Our speakers are experienced, knowledgeable, and ready to help you work through the practical and legal roadblocks you face every day in landlord-tenant law. You will benefit from this seminar if you are involved in any aspect of property rentals. **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

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**.

NC CLE

This seminar has been **approved** by the **North Carolina State Bar Board of Continuing Legal Education** for **6.5 hours of CLE credit**, including **1.0 hour of ethics**.

WV CLE

This program has been **approved** by the **West Virginia State Bar** for **8.0 general credit hours**, including **1.2 hours of ethics**, under the West Virginia Rules for Mandatory Continuing Legal Education.

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

MEET THE FACULTY

ROSS C. HART, of Hart & Hart Attorneys, LTD. in Salem, concentrates his practice in landlord-tenant law, real estate law, estate planning, adult guardianship, and elder law. He is a founder, former director, and president of the Consumer Credit Counseling Service of Southwest Virginia. Mr. Hart served as escheator for the Commonwealth of Virginia off and on since 1985 (first appointed by Governor Robb), and was appointed as the first citizen member of the Virginia Board of Medicine where he served for nine years. He has also served as a director and president of the Roanoke Valley SPCA. Mr. Hart received his B.A. from Monmouth College in Illinois in 1973 and his J.D. from the University of Virginia School of Law in 1976.

SHANNON L. JONES is an attorney of Leon P. Ferrance, P.C. in Roanoke. Ms. Jones previously worked at the Carroll County Commonwealth's Attorney's Office, and is certified by the Supreme Court of Virginia for representation of individuals as a guardian. She is a member of the Roanoke Bar Association and the Virginia Young Lawyers Association. Ms. Jones earned her B.A. at Virginia Polytechnic Institute and State University, and her J.D. at Ohio Northern University's Pettit College of Law.

PAUL A. DULL, Attorney at Law in Roanoke, focuses his practice on criminal defense, personal injury, domestic relations, and general litigation. He is a member of the Roanoke and the American Bar Associations, the Virginia State Bar, the American Trial Lawyers Association, and the Virginia Trial Lawyers Association. Mr. Dull received his B.A. from the University of Virginia and his J.D. from the Appalachian School of Law.

MICHAEL D. HART, of Michael D. Hart, P.C. in Roanoke, has been practicing law in the Roanoke Valley since 1991. His practice is exclusively limited to representing debtors in bankruptcy, with a focus on reorganization plans for consumers and small businesses. Before moving to Roanoke, he worked for the Pension Benefit Guaranty Corporation in Washington, D.C., representing the government-owned corporation in large, commercial bankruptcy cases throughout the nation. Mr. Hart received his B.A. from Baptist Bible College, completed graduate work at Liberty University, and earned his J.D., with high honors, at the Rutgers University School of Law-Camden.

SEMINAR HIGHLIGHTS

- Drafting and negotiating solid leases
- Environmental issues in leasing
- When a tenant is in default
- Litigating landlord-tenant disputes
- How and when to evict
- Drafting settlement stipulations
- Fair Housing and discrimination cases
- The effect of landlord or tenant bankruptcy
- Ethical behavior and practice

Landlord-Tenant Law Roanoke, VA - September 18, 2013

Registration Fee:

- \$329 per person (includes manual)
- \$319 per person for 2 or more
- \$299 per person if paid by August 7th

Reference Materials:

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

Payment Information:

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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>.

LANDLORD-TENANT LAW: SURVIVING IN A DIFFICULT ECONOMY

Seminar # 12VA04049

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:

David Charles Masselli with David Charles Masselli, P.C.; Karen A. Leiser with Leiser, Leiser & Hennessy, PLLC; and Matthew M. Moore with Shulman Rogers Gandal Pordy & Ecker, P.A.

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

COMMERCIAL LANDLORD-TENANT LAW AND LEASE NEGOTIATIONS

Seminar # 11VA10227

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

PRESENTED BY:

James G. Birnbaum with Birnbaum, Seymour, Kirchner & Birnbaum, LLP; Ross A. Seymour with Birnbaum, Seymour, Kirchner & Birnbaum, LLP; Cheryl M. Gill with Johns, Flaherty & Collins, S.C.; Ellen M. Frantz with Johns, Flaherty & Collins, S.C.; Katrina E. Joseph with Anderson, Helgen, Davis & Nissen, LLC; and Thomas H. Taylor with Taylor Law Group, LLC

Manual only \$75

Seminar # 13VA09264

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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

- **Fundamentals of Landlord-Tenant Law**
Reston, VA - September 10, 2013
- **Commercial and Residential Landlord-Tenant Law**
Richmond, VA - September 12, 2013
- **Landlord-Tenant Law**
Norfolk, VA - September 25, 2013
- **A Practical Guide to Workers' Compensation**
Richmond, VA - July 25, 2013
- **Family Law Hot Topics and Current Issues**
Richmond, VA - August 7, 2013

Visit our website for details!