

OTHER OPPORTUNITIES

- **Fundamentals of Employment Law**
Tallahassee, FL – November 2, 2010
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- **Landlord-Tenant Law: Beyond the Basics**
Gainesville, FL – January 11, 2011
- **Beyond the Basics in Employment Law**
Fort Lauderdale, FL – January 12, 2011
Orlando, FL – January 19, 2011
Tampa, FL – January 25, 2011
- **Landlord-Tenant Law**
Tallahassee, FL – February 15, 2011

Check our website or call us for more info!

REFERENCE MATERIALS

Seminar Manual

The faculty has prepared a substantial reference work to accompany its presentation. This manual will serve as a valuable tool for future reference. You will receive the manual upon checking in at the seminar site. Its 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.

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RESIDENTIAL EVICTIONS:

DISTRESSED HOMES, FORECLOSURES & VENDOR/PURCHASER ISSUES:

Distressed Home Conveyances & Pre-Foreclosure; Vendor/Purchaser Real Estate Issues in Landlord-Tenant Context; Post Foreclosure Eviction & Issues; Unlawful Detainer & Defenses & Jurisdictional Issues; Green Issues; and Ethical Considerations in Landlord-Tenant Law

PRESENTERS: Michael J. Posner with Ward, Damon & Posner, P.A.; Anthony J. Horky with Mombach, Boyle & Hardin, P.A.; Steven E. Wallace with Ruden McClosky; and Oscar A. Sanchez with Akerman Senterfitt

Seminar #9FL11358 Manual only \$75

COMMERCIAL LEASES: HOW TO DO THEM RIGHT!:

Rent and Other Essential Issues; Operational Issues; Construction; Landlord Remedies; When the Landlord/Tenant Files Bankruptcy; and Ethical Considerations in Lease Drafting

PRESENTERS: Patrick G. "Rick" Emmanuel, Jr., Charles P. Hoskin, and Sally B. Fox with Emmanuel, Sheppard & Condon; Michael Rayboun with Keefe, Anchors, Gordon & Moyle, P.A.; and Charles S. Liberis with Liberis & Associates, P.A.

Seminar #9FL09318 Audio & Manual Set \$155 Audio only \$95 Manual only \$75

NEGOTIATING COMMERCIAL LEASES:

The Leasing Process; Critical Lease Issues & Sample Negotiation; Tenant Defaults & Enforcement of Leases, Awards & Judgments; When the Landlord & Tenant Files Bankruptcy; Special Concerns with Subleasing; and Premises Liability & Environmental Risk

PRESENTERS: Charles R. Gallagher III with Gallagher & Associates Law Firm, P.A.; W. Patrick Ayers with Arnstein & Lehr LLP; and Eric S. Adams with Shutts & Bowen LLP

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10th Annual

Landlord-Tenant Law



January 11, 2011
Tampa, FL

Presented by:

Charles R. Gallagher III

- Gallagher & Associates Law Firm, P.A.

Randall O. Reder

- Reders Digest

Kerry H. Brown

- Attorney at Law

Patrick J. McNamara

- de la Parte & Gilbert, P.A.

(See complete biographies inside)



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WHO SHOULD ATTEND

- Attorneys:
 - Landlord-Tenant
 - Real Estate
 - Evictions
 - General Practice
 - Litigation
- Property Managers
 - Developers
 - Building Owners
 - Leasing Agents
 - Landlords & Tenants
 - Real Estate Professionals

MEET THE FACULTY

RANDALL O. REDER, of Reders Digest in Tampa, practices in the areas of real estate, appellate, business, and probate law. Mr. Reder is currently concentrating his practice on mortgage foreclosure defense. He has been an attorney and expert consultant for the Florida Department of Transportation concerning easement and road access issues. As a member of the Attorneys' Title Insurance Fund, he has access to legal and research sources to assist him in answering the most complicated legal problems. He also issues title insurance policies. Mr. Reder is an active member of The Florida Bar, the Hillsborough County Bar Association, the Bay Area Real Estate Council, the Carrollwood Community Bar Association, the Carrollwood Area Business Association, and a charter member of The Florida Bar's Appellate Law Committee. Mr. Reder publishes the *Weekly Reder*, an email newsletter summarizing Florida appellate opinions. His writings can be obtained from his website www.redersdigest.com. Mr. Reder received his B.S. from the University of South Florida and his J.D. from Florida State University College of Law, where he was a legal writing instructor on law review and research assistant for Dean Joshua Morse.

CHARLES R. GALLAGHER III, managing partner of Gallagher & Associates Law Firm, P.A. in St. Petersburg, focuses his practice on real estate litigation, insurance litigation, business litigation, and consumer law. Mr. Gallagher also has experience in litigation and transactional matters in real estate, probate, family law, and construction. He is an agent/member of the Attorneys' Title Insurance Fund, Inc. and a graduate of the 2009 Class of Leadership St. Pete. Mr. Gallagher is a member of The Florida Bar, the St. Petersburg, the Clearwater, the Hillsborough County, the Orange County, and the American Bar Associations. He was selected as a Rising Star® in the 2010 edition of *Florida Super Lawyers*®. Mr. Gallagher earned his B.A. at Rollins College and his J.D. at Stetson University College of Law, where he was the director of the Legal Writing Clinic and an Honor Court Attorney.

KERRY H. BROWN, Attorney at Law in St. Petersburg, practices in landlord-tenant law, commercial litigation, collections, business law, and personal injury law. Mr. Brown has more than thirty years of experience, and he has participated in over forty jury trials and hundreds of judge trials. He primarily represents commercial and residential landlords, but he also represents a few tenants. Mr. Brown is a member of the Florida Creditors Bar Association and the trial sections of The Florida Bar and the St. Petersburg Bar Association. He was appointed to the first State of Florida Motor Vehicle Lemon Law Arbitration Board. Mr. Brown received his A.B. from Princeton University and his J.D. from the University of Florida, Fredric G. Levin College of Law.

PATRICK J. McNAMARA, vice managing shareholder with the Tampa law firm of de la Parte & Gilbert, P.A., represents private and governmental clients before state and federal courts in the areas of construction litigation, commercial and general civil litigation, professional liability, personal injury litigation, and appeals. Mr. McNamara has negotiated and drafted numerous construction, architectural, and engineering contracts for some of the state's largest construction projects. He is a frequent speaker on construction law and litigation practice. Mr. McNamara is a member of the Hillsborough County Bar Association, the Federal Bar Association, the American Bar Association, and the Association of Trial Lawyers of America. Mr. McNamara received his B.A. and J.D. from the University of Florida.

LANDLORD-TENANT LAW

DATE: Tuesday, January 11, 2011

REGISTRATION: 8:00 a.m.

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

LUNCH: (on your own) 12:00 - 1:00 p.m.

LOCATION:

Doubletree Guest Suites Tampa Bay
3050 North Rocky Point Drive West
Tampa, FL 33607

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Please remember to 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 credit hours**, including **1.0 hour of ethics**.

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

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Landlord-Tenant Law

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Tampa - January 11, 2011

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SEMINAR AGENDA

I. 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, illegal immigrants
- D. Fee arrangements, getting paid

II. Leases: An Ounce of Prevention

- 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. Special circumstances: public and subsidized housing, mobile homes: statutory protections and differences in notices and timelines

III. Landlord Liability for Problems with the Premises

- A. Case law updates landlord liability
- B. Protecting Tenants at Foreclosure Act: obligations and responsibilities
- C. Physical defects on the premises
- D. Providing security
- E. Liability for injury (lead paint, mold, radon, etc.)
- F. Other risk management issues

IV. Evictions: Excuses and Traps When Things Go Bad

- A. Terminating the tenancy
 1. Demands, notices, lockouts
 2. Forcible entry and detainer
 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

V. Landlord-Tenant Mediation/Dispute Resolution

Overview and effective use

VI. Collections: Enforcing Your Judgment

- 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 and 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

VII. Green Issues

- A. Overview of green building and the rating systems, e.g. LEED®
- B. Green lease legislation; risks and rewards for owners and tenants: considerations, incentives, operating costs, tenant improvements, operations, and maintenance

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