

GOOD LANDLORDS



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Dealing with Evictions

By Gary Heath

Let's face it, regardless of how careful we are with pre-tenant screening, sooner or later we're all faced with evictions. Whether we want a tenant gone for non-payment of rent, disturbances, damages, or just plain nasty kids, the method of evicting the worthless-no-good is the same. We'll start with a notice of eviction (a sample is found on our web-site, www.goodlandlords.com).

Personally, I'll print four copies of the notice. One is sent to the tenant by registered mail. I attach the post office receipt to my copy of the notice. Some tenants may avoid signing for a registered letter, particularly if they are aware of the content. Therefore, although not required by law, I usually wait a day or two before sending another copy to the tenant by regular mail. Naturally, if the tenant receives HUD rental assistance, a copy should be sent to the appropriate agency.

FIVE MOST COMMON MISTAKES LANDLORDS MAKE IN COURT

By Judge William Brewer

It has been my privilege and pleasure to spend time with you at your fall meeting for the last three years.

Most of you may have heard enough from me to last you until fall of 2008, but Gary can't get enough. He has asked that I share with you some pointers for court. So, with all due respect to David Letterman (the Hollywood writer's strike still continues, so maybe if this judging gig doesn't work out...), here's the Top Five

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If the cause of the eviction is not resolved or the tenant has not moved by the end of the terms stated in the original notice, we'll have to proceed to step two, the Detainer Warrant.

Detainer Warrants are issued by General Sessions Court for a fee. I find it helpful to carry the tenant's file with me to the Justice Center to insure I have all the information available to complete the paper work.

Please see *Dealing with Evictions* on page 3

problems landlords can face in the courtroom.

Number 5: Prepare for court; it's probably going to happen, sooner or later. Review your lease; you do have one, don't you? Take advantage of all the landlord-friendly provisions of the Tennessee Uniform Residential Landlord and Tenant Act. If you aren't sure of your lease, get a lawyer to look at it.

Please see *Five Most Common Mistakes Landlords Make in Court* on page 2

November Meeting Details

By Staff

Many of you are aware that State Senator Raymond Finney is presenting a new law on behalf of Good Landlords during the next session of the General Assembly. If approved, this enhanced addition to the Uniform Landlord/Tenant Act will prove to be extremely beneficial to landlords and property managers

[Five Most Common Mistakes Landlords Make in Court](#)
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Speaking of lawyers, Number 4: If you are a property manager and not the owner of the rental unit or if you are an officer of the corporation that owns the rental unit, while you may be physically present in the courtroom, legally speaking, you are not there, you are invisible. You must have an attorney to proceed, unless you have the power of attorney from the owner of the unit, whether it be an individual or a corporation. Even an LLC, must have an attorney (which rhymes by the way if you sing-song it). If a partnership owns the unit, one of the partners can represent the partners in court. Most of you are sole proprietors, so that you can represent yourself in court, but what if the other side shows up with a lawyer?

Number 3: You versus the attorney. Instead of paying you your last three months rent, your tenant has saved that money and hired an attorney to take you on. Not very likely, probably your rent money has been spent on fixing the transmission of a 1983 Ford Fiesta, but they did find the phone number to Legal Aid and there they are with a free attorney ready to point out all the egregious things you did to their innocent, down-on-their-luck client. A lot of you who have done this for awhile could take them on and it would be a fair fight. If you don't feel comfortable doing this, consider asking the Judge for time to hire an attorney. (I tell people if I have a toothache, I hire a dentist.) Maybe you think you might be throwing good money after bad, so consider asking the attorney to talk about settling the case; sacrifice a little to get the deadbeat out.

when dealing with non-paying tenants.

During our November meeting, Senator Finney will bring us up to date on the status of this exciting improvement to current landlord laws. We hope you can attend!

November Meeting Date & Time
Tuesday, November 27, 2007
Blount County Library - 6:30 pm

Which leads to Number 2: How do you collect your judgment? OK, your well-drafted lease that you brought to court, without an attorney by your side has convinced the judge that, in spite of rantings of the sorry so and so's free attorney, that you are due a judgment; now what? Wait ten days and garnish. You know where the tenant is employed because your lease requires the tenant to continually advise you where he works and you follow up on that provision on a regular basis. Levy on the bank account because you have that information from the bounced checks you used to get. If the judgment is a significant amount, consider recording it with the Register of Deeds office. Keep your fingers crossed, maybe the lottery tickets they buy with your rent money will hit; even better maybe your ticket will hit and you can sell off your units and buy that island in the Caribbean.

And now, the Number 1 problem landlords face in the courtroom, (drum roll please); you are there in the first place. Are you there because you are not a member of Good Landlords, Inc.? You folks that are regular, practicing members know the advantages. I've said it before and I must say it again: I don't see you in court nearly as often as I did before Good Landlords came into existence and your bottom line confirms that as a fact. Pass this on to a landlord who doesn't belong; that's who I see all the time. See you in October.

Dealing with Evictions from page 1

The completed Detainer Warrant is transferred from General Sessions to the Sheriff's Department for processing. Once the warrant is served, you will receive a call informing you of the day and time to appear in court.

Many landlords may become a bit nervous when going to court. Granted, it may be a little more intimidating than going to Home Depot for supplies, but it is simply part of our business, it happens every day, just have your ducks in a row, and everything should go smoothly. In many cases, the tenant is a no-show anyway.

If the eviction is for non-payment of rents, the judge may ask you for financial information, past due rent amounts, deposits held, utility cost, etc. Stay calm and just answer the judge's questions. If the eviction is for other reasons, it may be helpful to have pictures, dates of conflicts, or any other information appropriate for the purpose of eviction.

Usually, the entire court process is swift and in

your favor. The judge allows you possession of your property and may suggest you return to court in a couple of weeks to announce damages and determine the judgment's dollar amount.

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The law provides defendants (the tenant) ten days to appeal the judge's ruling. Most landlords will never experience an appeal to a higher court. Therefore, the tenant must leave your property within ten days or face a Writ of Possession.

More than ninety-five percent of the time, the tenant moves on to another landlord during the judge's ten day ruling. If a Writ of Possession becomes necessary, guess what, you're heading back to the Justice Center to seek assistance from the police department. Soon, your tenant and all their worldly possessions will be physically removed from the property.

Non-Member Notice

Although guests are always welcomed to any of our Good Landlords meetings except those specifically identified as member's only, without some communication, we really have no way of knowing if the mail is finding the right person or even if the individual is interested in receiving information on the rental business in our area.

For that reason, and due to higher postage cost, News Letters and meeting announcements will only be available to non-members on line at our web-site, www.goodlandlords.com, beginning in January 2008.

Therefore, if you are not a registered member of Good Landlords, and wish to stay informed of our meetings and important information that may affect the rental business in our area, please visit our web-site often.

Even better, visit the web-site, click on forms, and print out a membership application. The dues are only sixty-five dollars per year.

Just one bad tenant can cost much more than several years worth of membership dues.

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**Landlords & Property
Managers Working
Together**

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Visit us at:

www.goodlandlords.com

Articles in this News Letter Include:

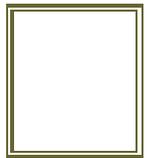
- Dealing with Evictions
- Five Most Common Mistakes Landlords Make in Court
- November Meeting Details
- Non-Member Notice

Future Articles for Members Include:

- Staying Informed
- Understanding Credit Reports
- Jazz it up! Collecting Top Rents for Your Property
- Collecting Bad Debts

Thank you for being a Good Landlord!

Good Landlords, Inc.
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Member's Name
Street Address
City, ST ZIP Code