

# Preventing Litigation

## in Property Management



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# TODAY'S AGENDA




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Foreclosures  
Lead Paint  
HOA Battles  
Mold Claims  
Move-Out Disputes  
Maintenance Challenges  
Other Legal Battles  
Your Challenges

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## Managing Foreclosures

What to do with...

- Security deposit?
- Move-In Inspection?
- Lease and application?
- Unearned rent?
- Owner's escrow account?


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## Protect Yourself

- Civil litigation
- Actual damages
- Punitive damages
- Attorney fees
- Have a written policy
- Opt out
- Lease only

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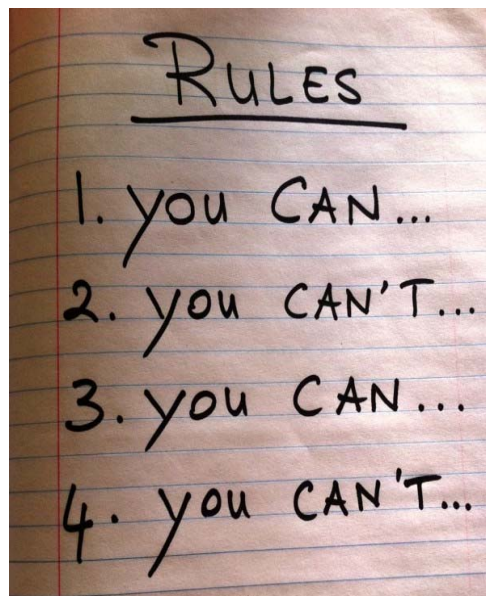
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# Managing HOA Challenges



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## Typical Restrictions

Limit on % leasing  
Demand information  
about renter  
Demand approval  
Tenant paid dues  
Sign their lease  
Examine HOA  
documents

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## Protect Yourself

Owner disclosure  
Inform me  
Indemnify me  
Hold harmless  
Pay attorney costs  
Tenant disclosure  
Respond quickly  
Charge appropriately.

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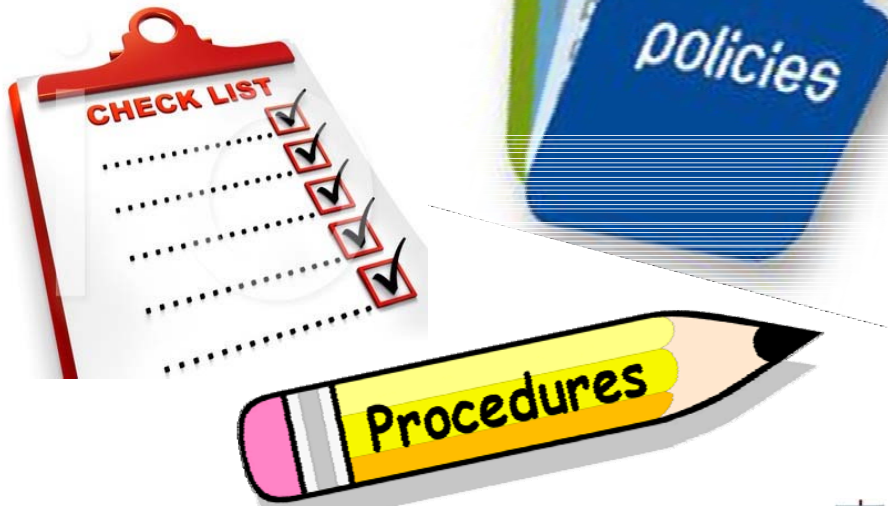
## Options for Managers

Get the HOA rules  
before you lease  
Manage carefully  
FCRA issues  
File a legal action.

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## What's the Difference?



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## Landlord Tenant Act

Move-In Inspection

Move-Out Inspection

3-day rule

5-day rule

Must be in writing

Must be specific

Follow the law

**It's the Law**



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**Promises**  
**Promises**  
**Promises**

## Home Warranties

You're not party  
to the agreement  
You're not in control  
Warranties are not  
governed by  
landlord-tenant  
law but you are  
Protect yourself



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## Unlawful Dispossessory



Definition:  
*Taking over  
possession  
of a property  
before  
you have  
the authority  
to do so*



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## Constructive Eviction

Definition:

*When the tenant is forced to move because the property is no longer habitable.*



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**Always make  
your decision  
in anticipation  
of explaining it  
to the Judge.**



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