

# Commercial & Residential Landlord-Tenant Law

## 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, marijuana use and/or sale on premises
  - K. Renewals and extensions
  - L. Arbitration clauses
- 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, marijuana use and/or sale on premises
  - L. Renewals and extensions
  - M. Arbitration clauses
  - N. Legality of screening applicants for marijuana use
- 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: timelines, notices, disposal (including marijuana paraphernalia)
  - 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. Landlord-tenant bankruptcy
  - B. Review of the assumption and/or rejection procedure and the automatic stay (commercial v. residential)
  - C. Limitations on the rights of commercial tenants and landlords in Chapter 11
  - D. Limitation of the automatic stay for residential tenants in bankruptcy cases
  - E. Other changes affecting leases: changes affecting real estate
  - F. Treatment of leases and executory contracts under the Bankruptcy Code
- VI. **Ethical Considerations in Landlord-Tenant Law**

Getting paid and fee arrangements; conflicts of interest; illegal immigrants/aliens; dealing with un-represented parties; attorney advice regarding marijuana use, sale, or cultivation

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

## DETAILS

**DATE:** Wednesday, November 4, 2015

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

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

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

*Lunch is on your own*

### LOCATION:

Embassy Suites Hotel

7290 Commerce Center Drive

Colorado Springs, CO 80919

719-599-9100

*Map available online*

## WHO SHOULD ATTEND

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

## SUMMARY

Renting can be a complex area of the law to navigate, especially in the face of continuously changing regulations and uncertain economic conditions. The state legalization of marijuana brings new challenges to managing both commercial and residential rental properties. 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!**

Please bring your license number, ID, or other necessary information to the seminar to ensure proper reporting of continuing education credit.

## CONTINUING EDUCATION CREDIT

### CO CLE

This seminar has been approved by the **Colorado Supreme Court Board of Continuing Legal & Judicial Education** for **8.0 CLE credit hours**, including **1.2 hour of ethics**.

### CO Real Estate

This seminar has been approved by the **Colorado Division of Real Estate** for **8.0 continuing education credit hours**.

### BOMI

This program qualifies for **7.0 hours of BOMI International CPD credit** for RPA, FMA, and/or SMA graduates.



Sterling Education Services, Inc. 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.

State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: [www.learningmarket.org](http://www.learningmarket.org).

**CPE Credit: Maximum Credit Hours:** 8.0 each session (based on a 50 minute credit hour). **Field of Study: Specialized Knowledge & Applications.** Prerequisite: None. **Level of Knowledge: Basic.** **Delivery Method:** Group-Live. **Advance Preparation:** None.

\*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

**ROBIN L. NOLAN**, a partner of Berenbaum Weinshienk PC, with offices located in Denver and Colorado Springs, focuses on a broad range of real estate, business, and litigation matters, including residential and commercial leasing and landlord-tenant issues. She was named a Rising Star® for 2010-2013, and she is a member of the Colorado Bar Association, the Denver Bar Association, and the Thompson G. Marsh American Inn of Court. Ms. Nolan earned her B.A. at Colorado State University and her J.D. at the University of Denver Sturm College of Law.

**JEAN C. ARNOLD**, a partner of Arnold & Arnold, LLP in Littleton, focuses on real estate, including landlord-tenant and construction law. She is a frequent presenter, teacher, and corporate trainer in construction and real estate topics, mechanics' liens, collections, and legal ethics. Ms. Arnold teaches the monthly Collections Clinic for the First JD Bar Association and has taught the legal topics curriculum in the Construction Management Certificate program at Red Rocks Community College through 2013. She is the co-author of "The Construction Manager and the Design-Build Project" in *Design Professional and Construction Manager Law*, published by the ABA, and is the co-author of "Is Colorado Becoming a Tenant-Friendly State? An Examination of the Mobile Home Park Act of 2010," published in *Denver University Law Review Online* in 2013. She is a member of the Denver Bar Association, the Colorado Bar Association, the First Judicial District Bar Association, the American Bar Association, and the Denver Law Club, and she is a council member for the Colorado Bar Association's Real Estate Section. Ms. Arnold earned her B.S.B.A., *summa cum laude*, and her M.B.A. at the University of Denver and her J.D. at the University of Denver Sturm College of Law.

**CHRISTOPHER A. YOUNG**, a partner of CYLG, P.C. in Denver, focuses his practice on commercial and real estate litigation with an emphasis on commercial landlord representation. Mr. Young has extensive experience representing local and national property development and management companies in an assortment of disputes. He was named to 2012 and 2013's Colorado Rising Stars® list as published in *5280 Magazine* and the *Denver Post*. He has also been named as one of ten "Compleat Lawyer" finalists by *Law Week Colorado*. Mr. Young is a frequent lecturer at professional education programs on landlord-tenant issues. Mr. Young earned his B.B.A. at the University of Iowa and his J.D. at the University of Colorado School of Law.

**MICHAEL A. SMITH**, of counsel with Kline Alvarado Veio, P.C. in Denver, has nearly thirty-five years of experience representing a vast array of developers, business owners, corporate entities, and lenders. Mr. Smith is experienced in all aspects of real estate including landlord-tenant relations; lease review; representation of developers; foreclosures; property acquisition and sales; construction, tax incentive, and permanent financing; land use, planning, zoning, and subdivision activities; all aspects of condominium development; mechanic's liens; closings; representation of construction and permanent lenders; drafting miscellaneous property documents; creditors' and debtors' representation in bankruptcy; litigation and arbitration in real property and contractual matters; estate planning and administration; and all aspects of general corporate representation. He has taught various courses and participated in numerous law seminars for several major universities, including the University of Denver and its Sturm College of Law and College of Business Administration, and the University of Colorado. Mr. Smith received his B.S.B.A. and B.A., both *summa cum laude*, from the University of Denver and his J.D. from Harvard Law School.

**W. BRADLEY BETTERTON-FIKE**, of the Law Offices of Bradley Betterton-Fike in Denver, practices exclusively in civil litigation. Mr. Betterton-Fike represents individuals and businesses in landlord-tenant litigation, contracts, trials, appeals, title defect litigation, complex mechanics' lien litigation, commercial litigation, partnership-shareholder disputes, business divorce, regulatory and agency proceedings, and alternative dispute resolution proceedings such as mediations and arbitrations. He is a member of the Denver Bar Association and the Colorado Bar Association. Mr. Betterton-Fike earned his B.A. at the University of Colorado at Colorado Springs and his J.D. at the William Mitchell College of Law.

# Commercial & Residential Landlord-Tenant Law Colorado Springs, CO - November 4, 2015

## Registration Fee: (includes manual)

- \$349 per person
- \$339 per person for 2 or more
- \$319 per person if paid by September 23<sup>rd</sup>

## Reference Materials:

- Add audio to your registration for \$167\*
- Manual only \$95\*
- Audio only \$267\*
- Audio/manual package \$357\*

## Payment Information:

- Check Enclosed (payable to Sterling Education Services)

<input type="checkbox"/> VISA <input type="checkbox"/> MC <input type="checkbox"/> AMEX <input type="checkbox"/> DISC	Card #: _____
	Exp. Date: _____ Security Code: _____
	Name on Card: _____

## Attendee Information:

*For internal use only:*  
CRLTXL

- 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: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

\*Pricing listed includes \$6 shipping and handling. Please allow 2 to 6 weeks after program for delivery.  
 \*By providing this information you are agreeing to be added to Sterling's in-house contact lists.

## 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: LEASES, EVICTIONS, LITIGATION & SETTLEMENTS

#### Seminar # 14CO10262

The Lease; Tenant Default, Notice of Default, and Lease Termination; Landlord-Tenant Evictions, Court, and Litigation; Landlord or Tenant Bankruptcy; Ethical Considerations in Landlord-Tenant Law

#### PRESENTED BY:

Richard A. Marsh with Pipis Marsh Law LLP; Peter J. Dauster with Myatt Brandes & Gast P.C.; and Gordon F. Esplin with Law Office of Gordon F. Esplin

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

### LANDLORD-TENANT LAW

#### Seminar # 14CO11270

Lease Drafting, Structuring, and Negotiating; Landlord and Tenant Rights and Obligations; Ethical Considerations in Landlord-Tenant Law; Evictions: Excuses and Traps When Things Go Bad; Landlord or Tenant Files Bankruptcy

#### PRESENTED BY:

Christopher A. Young with Gibbs Young, LLC; Jean C. Arnold with Arnold & Arnold, LLP; Robin L. Nolan with Berenbaum Weinshienk PC; and Brandon R. Cegliean with Law Offices of Brandon R. Cegliean P.C.

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

## Seminar # 15CO11259

Call us at 715-855-0495 about discounts for groups, non-profits, new practitioners, and more!

## 4 Easy Ways to Register:

- **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

- **Residential  
Landlord-Tenant Law**  
Fort Collins, CO  
October 28, 2015

Visit our website for details!