

AHMA 2018 MOCK TRIAL



Presented By

Denise Holliday

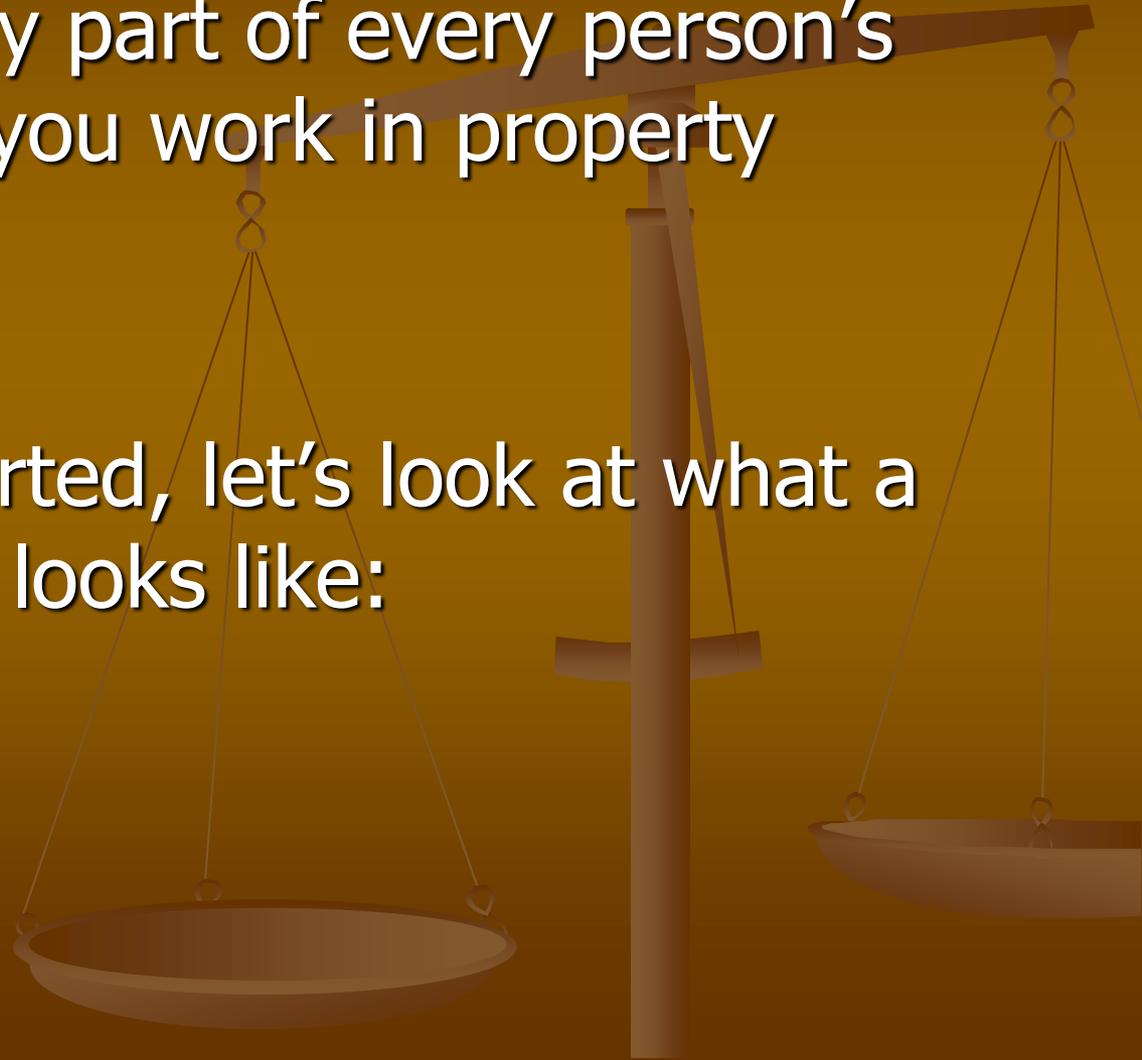
Attorney at Law and Judge Pro Tem

h3landlordlaw@gmail.com

Going to Court

This is a necessary part of every person's job description if you work in property management.

Before we get started, let's look at what a typical court case looks like:



What most people think court looks like!



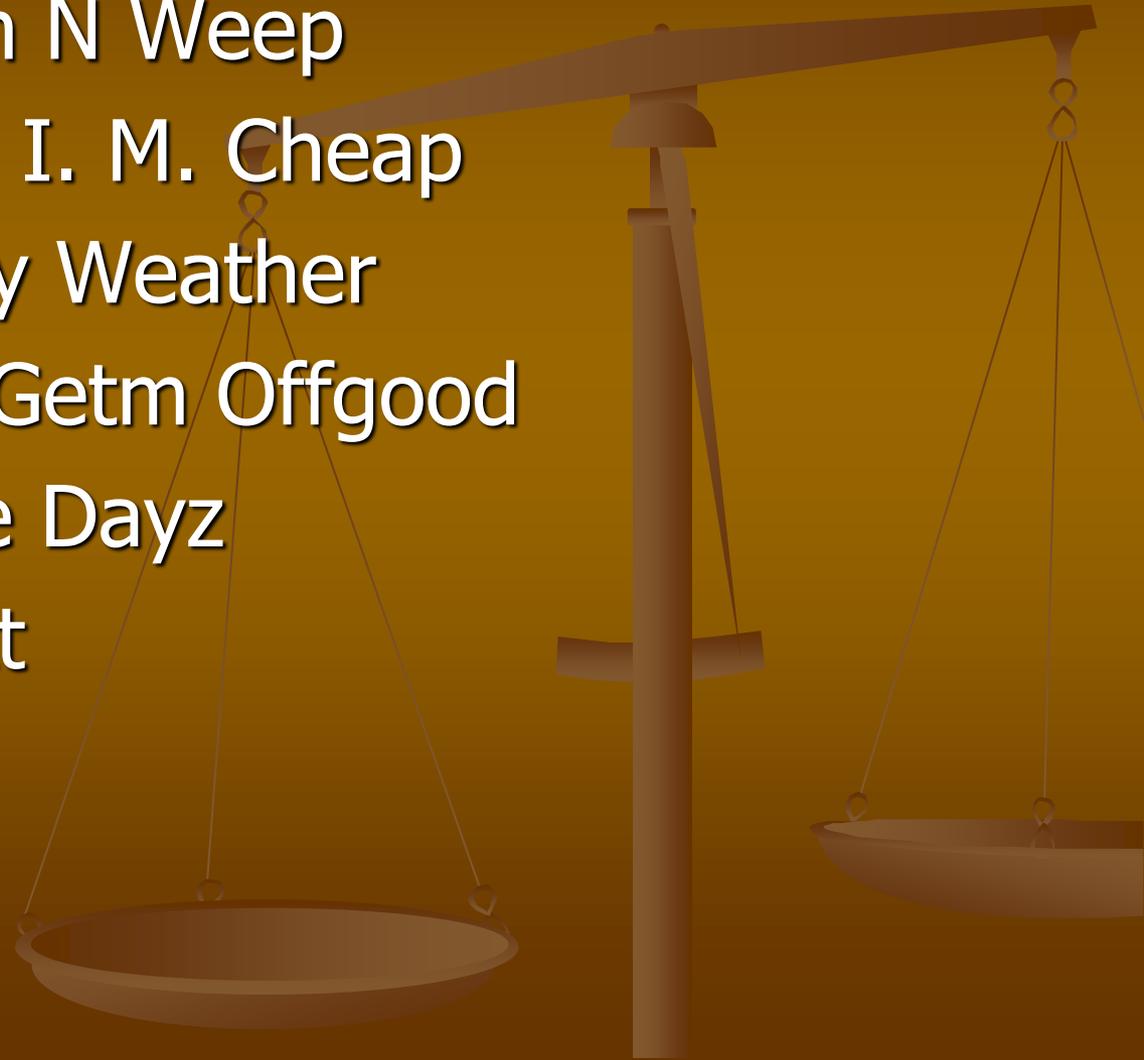
- But this is just on TV..... Real courts are complicated..... Andchallenging!



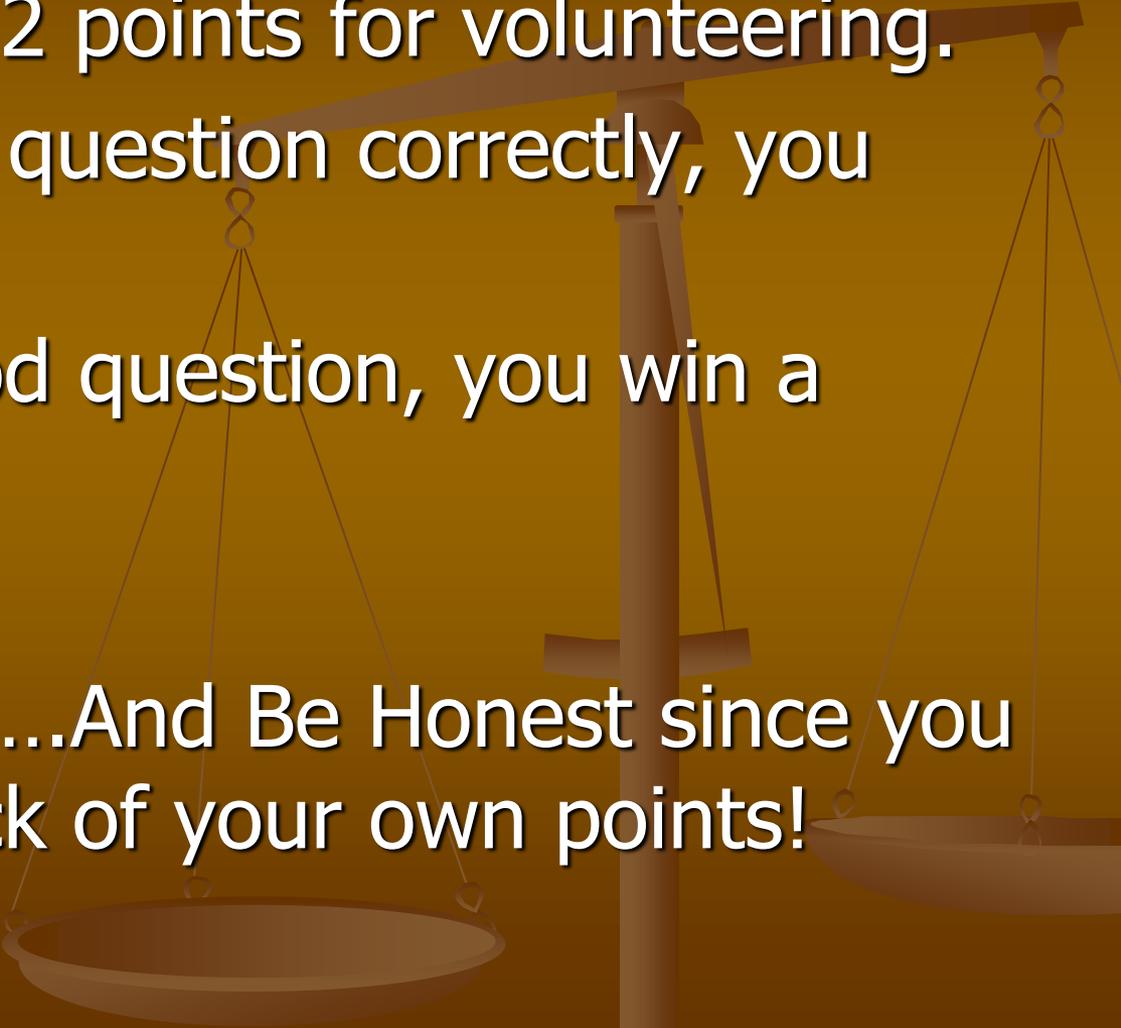


So Let's Look at the Cast of Characters

- Judge: Readem N Weep
- Landlord's Atty: I. M. Cheap
- Landlord: Merry Weather
- Tenant's Atty: Getm Offgood
- Tenant: Happie Dayz
- Gues: Kitty Katt



How to Win Points!

- Each actor gets 2 points for volunteering.
 - If you answer a question correctly, you win a point.
 - If you ask a good question, you win a point.
 - So keep track.....And Be Honest since you are keeping track of your own points!
- 

All Eviction Cases Start With:

- A breach by the Tenant
- A breach notice is issued
- Tenant fails to cure the breach or move out



Just Another Day at
Beautiful Acres Apts:
Pay Close Attention to the
FACTS



Notices

- Are there rules about how to deliver a Notice?



You entered my home illegally!!

Access Issues:

- In Writing
- Two Days Prior
- Reason For Access
- Reasonable Time and Frequency
- Refusal to Give Proper Access

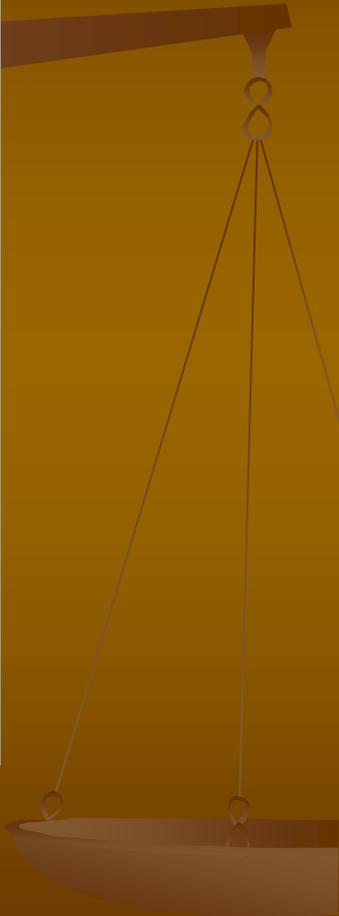
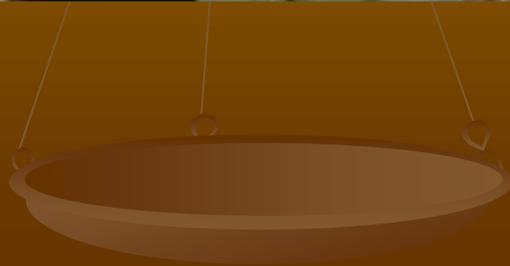


But what if the tenant tells you
that you can enter?



- Are there any penalties for entering without giving a 2 day notice?
- Yes. One Month's free rent!





Stuff in Common Areas



What type of Notice to Give?

- What do you need to say in the notice?



- How much time to fix it?
- What if they remove it and bring it back?

Medical Marijuana

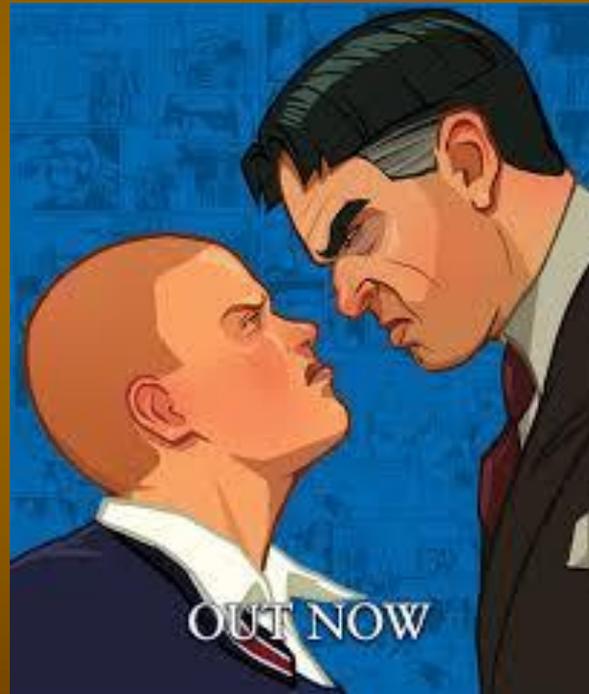
- So did anyone even notice the “medicinal herb” issue?



- So let's watch and see what an initial eviction appearance looks like?
- Pay close attention and put on your thinking cap!



Be careful how you are
perceived by others



Courtroom Decorum



Stick to the Facts

Courts have specific procedures and specific things that the judge needs to determine.



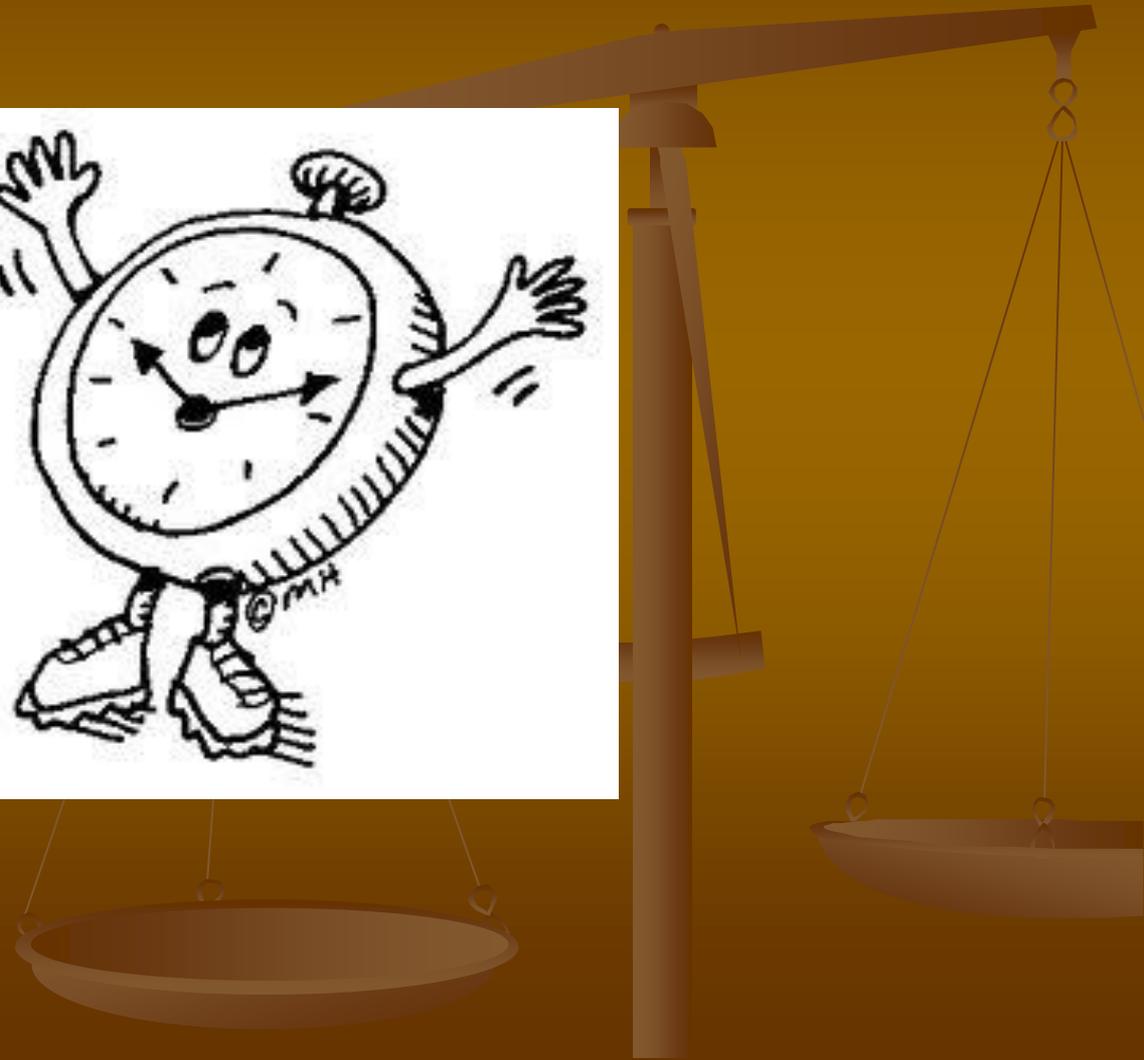


What does the Judge need to “find” at this point?

- 1. Who are the correct parties?
- 2. How does the tenant plead?
- 3. Does there need to be a trial?

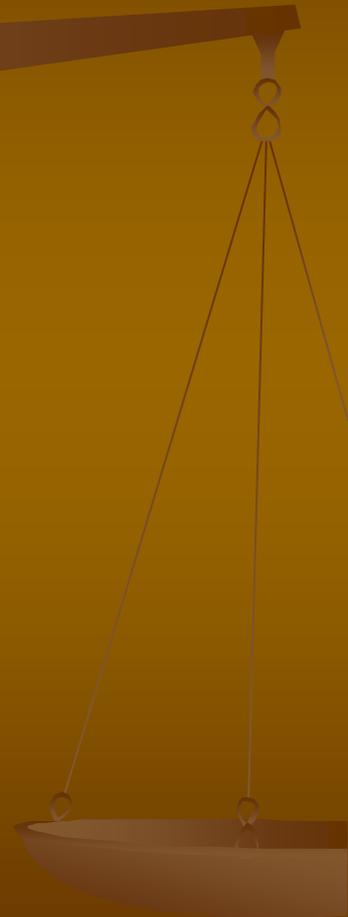
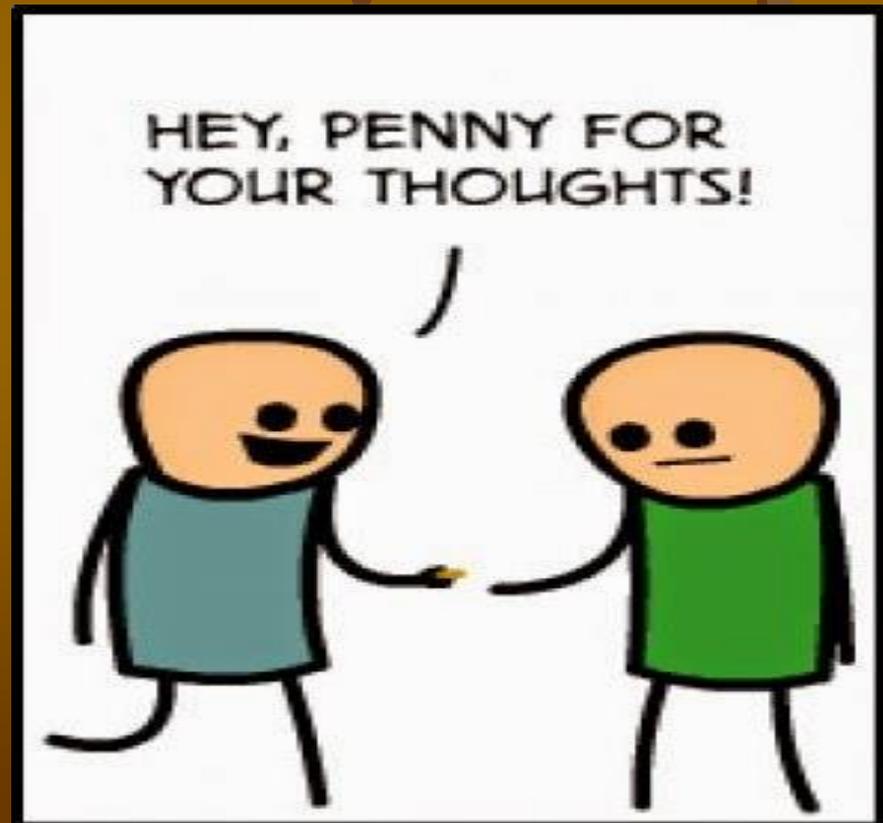


What is the rule about how soon the trial has to happen?



Can you raise any new issues?

- What about the threat by Happie?



Does it matter that Happie wasn't even there?

- Guest Statute
- Crime Free Addendum



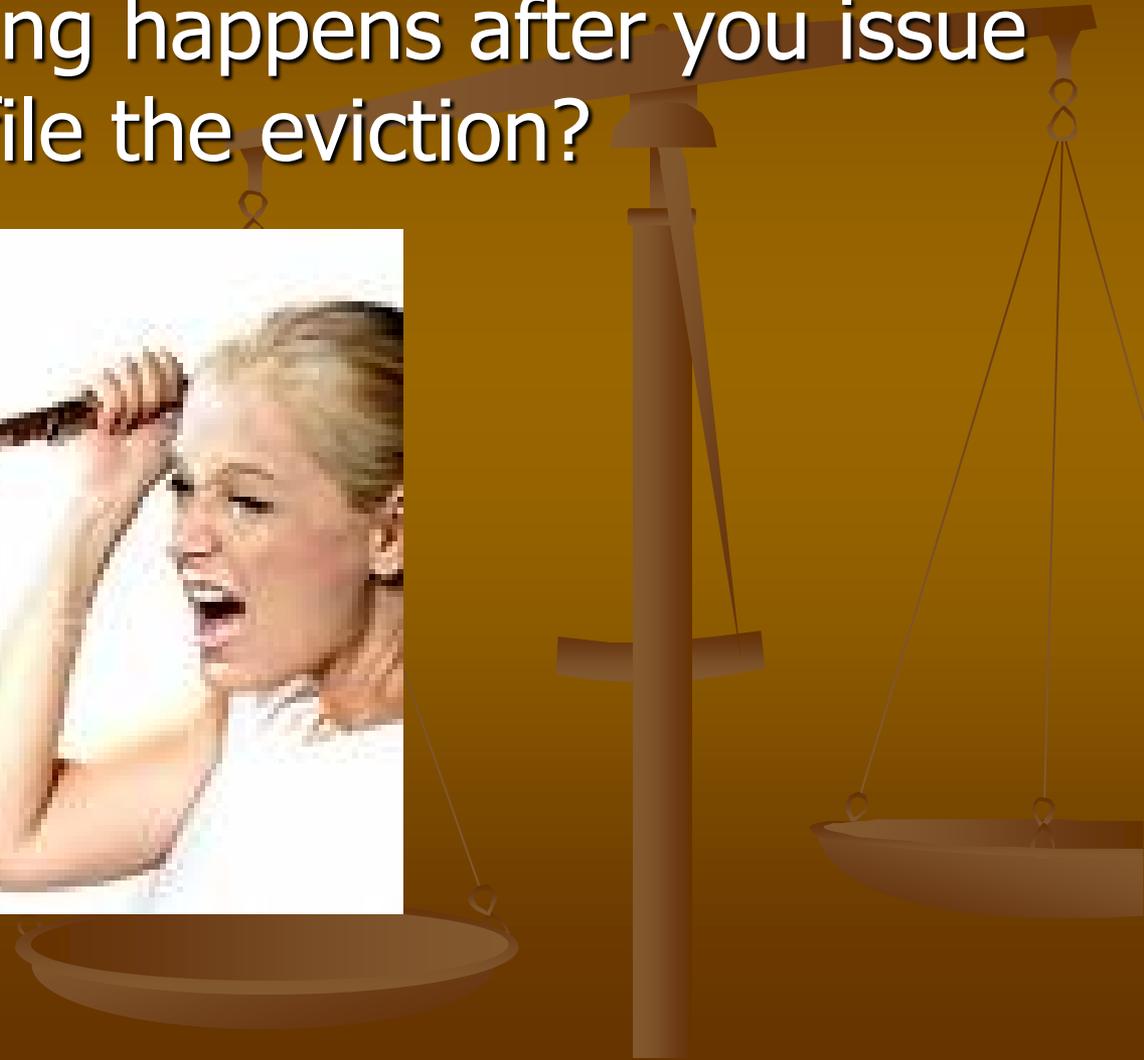
ROOMMATE WANTED

Must be willing to
share... everything.
Killer personality a plus.

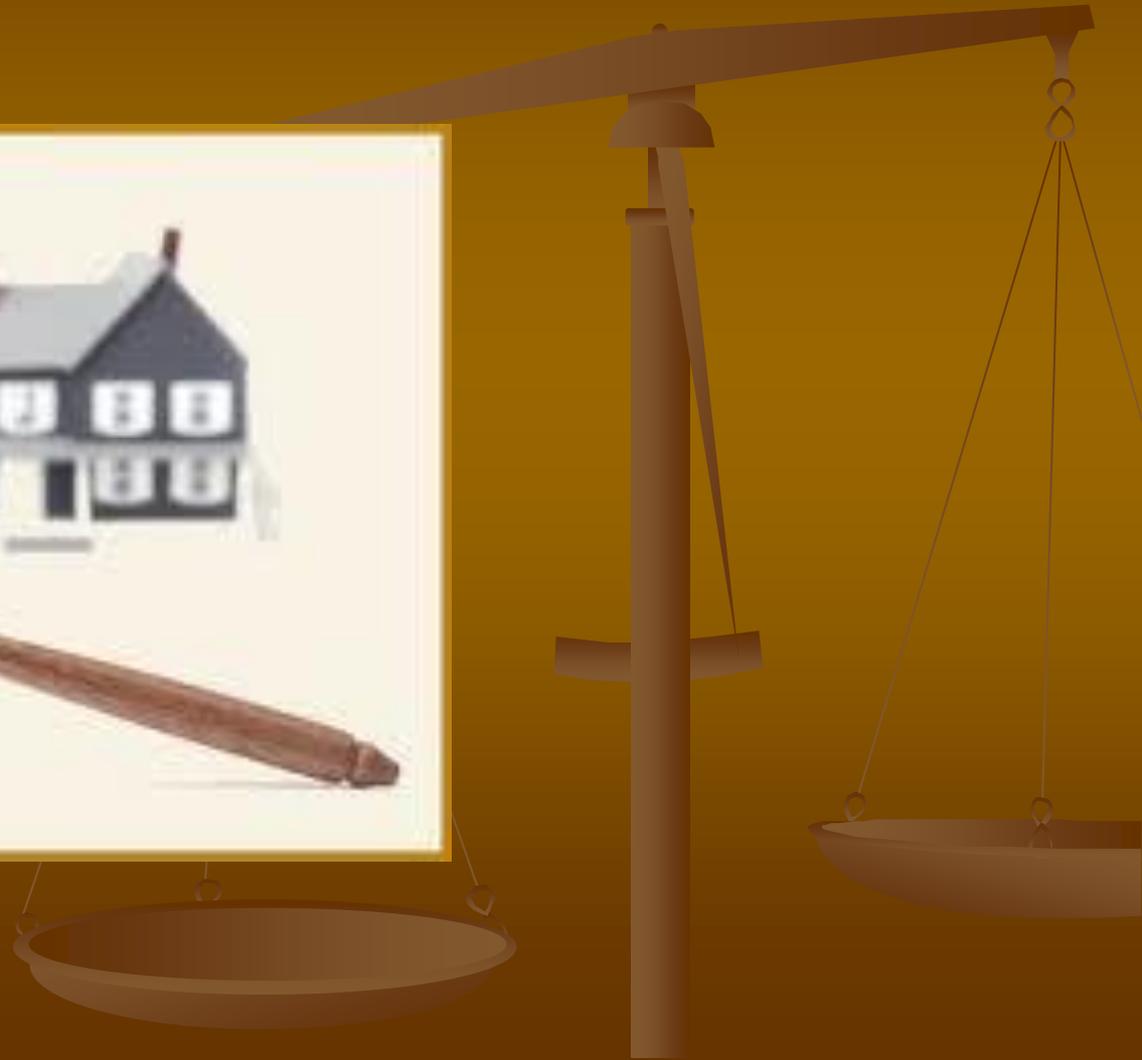
CALL REBECCA (866) 666-6001

Actions that Occur after you issue a Notice

- What if something happens after you issue the notice and file the eviction?



Amending the Complaint



Fair Housing Issue?



Failure to Report a Change in Income.....

This depends on your lease!



So Let's watch the trial



Burden of Proof



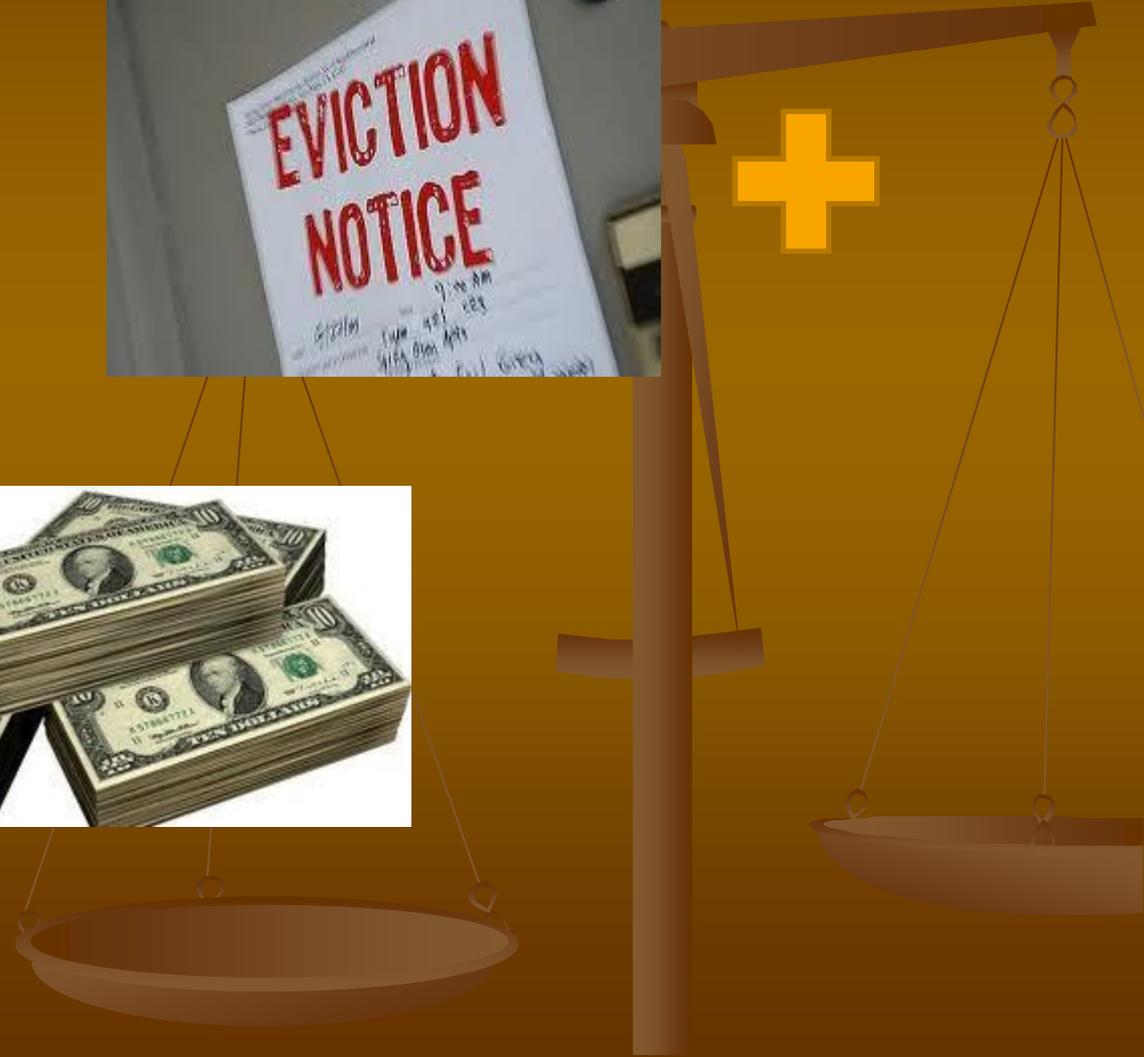
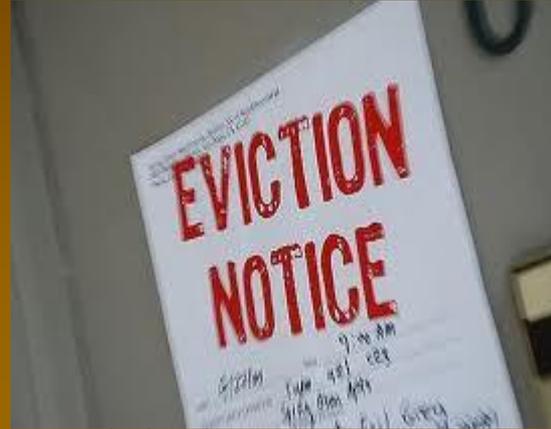


Partial Payment Non-Waiver: ARS 33-1371

- Do not take any portion of any money owed without a signed non-waiver
- Contemporaneous
- Specific
- Signed by the Tenant



Waiver By Partial Performance



Non-Compliances: ARS 33-1368

- First 10 day Remedied???
- Second 10 Day Same or Similar Nature
- Curable vs. Noncurable



