



ILA Legislative Report

EDITORS NOTE: January 9th will begin the 2006 legislative session. Joe will be updating us in future editions of the Iowa Landlord NewsBrief. Until then, Joe wishes each of you a very prosperous and Happy New Year.



Joe Kelly
ILA Lobbyist

Happy New Year!

N i n e t e e n members have signed up for the CAM (Certified Apartment Manager) Class. This is an excellent turnout for the first time class from the NAA. It is being held each Tuesday starting on January 17th and running through the 7th of March. The CAS (certified apartment supplier) class runs concurrently for four weeks on February 7, 14 and 21 plus one class which is an elective.

DIALOGUE WITH DIRECTORS



We still have a few copies of the August 2005 Occupancy Survey available. Price is \$12 for members and \$24 for nonmembers. We want to thank the following vendor members for sponsoring the CAM and CAS classes: Apartment Finder, Tubwrx, Furniture Options, Sherwin-Williams, Qwest, Stitzell Electric Supply and A+ Lawn and Landscaping.

As we start 2006, we wish to thank all our Associate Members for their participation in and with the Iowa Landlord Association. As vendors who service the Multi-housing industry, these individuals and companies are valuable assets for all of our members. We have included a current list of our Associate Members with this issue of our newsletter. We hope that you will consider them first when you have the need for the products and services they provide.

May each of you have a wonderful and profitable 2006!

REMINDER!!!



The **NAA CAM** (Certified Apartment Manager) class begins on January 17, 2006 (Tuesday) and runs each following Tuesday through the 7th of March. There is still time to sign up for this class. Also, running concurrently will be the **CAS** (Certified Apartment Supplier) class. This class runs for four weeks: February 7, 14 and 21st and the last class is an elective from one of the other classes being offered from January 17 through March 7th. Each CAS class costs \$75.00 or a total of \$300.00.

Certified Apartment Manager (CAM) Program

The Certified Apartment Manager (CAM) course was developed by the National Apartment Association to provide the hallmark training for on site manager professionals. Reviewed and updated on an ongoing basis, these ten programs provide the foundation for strong, informed and professional on site management.

ILA Members prefer to do business with Associate Members

This Month's January 2006 NewsBrief

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| • ILA Legislative Report | • The Welcome Mat | • WebSite: www.iowalandlord.org |
| • CAM / CAS Class Reminder | • Ask An Attorney | • Email: ilaservices@iowalandlord.org |

Ask an Attorney: Legal Q & A



by **Mark V. Hanson**, Attorney at Law,
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Q: Can the landlord, after receiving the writ, move the tenant out without a deputy being present. Apparently, the Code of Iowa is silent on this matter. It may not be prudent, but is it legal?

A: Iowa Code Section 562A.33 provides the landlord may not recover or take possession except in the case of abandonment, surrender, or as permitted in this chapter. Section .32 provides the landlord has a claim for possession, which is satisfied through the action for possession, forcible entry and detainer (FED) which is Iowa Code Chapter 648.

Normal Procedure: When the Landlord goes to the Small Claim hearing, let us assume he wins. The judge / magistrate signs the Judgment awarding possession to the Landlord, and ordering the clerk to issue a writ of removal to the sheriff, and the sheriff shall put the plaintiff in possession. The Judgment may withhold execution for up to three days. At that point the Landlord is legally entitled to possession. Assuming the tenant has not yet moved, the Landlord files a Writ of Removal with the clerk of court. The clerk prepares Execution papers and sends them to the sheriff. In the mean time the Landlord gives Directions to the Sheriff regarding the case number, Landlord's name (Plaintiff), who the tenant is (Defendant), address, how to contact the Landlord, and the Landlord pays the requested fee. The Landlord meets the sheriff deputy at the rental property on the appropriate day and is responsible for setting the Tenant's personal property out of the dwelling. In Polk County the sheriff notifies the tenant the day before that the deputy will be back the next day to execute on the writ, and they should remove their property to avoid having it set on the curb. On the day of eviction, the deputy is there to keep the peace, not move the property.

If you want to move the tenant without the deputy being present, what is your exposure? Or reverse the question, what is the benefit to using the deputy?

First, if the tenant has obviously vacated, abandoned, surrendered, and removed property, and maybe even turned in keys, you are home free.

Second, if the tenant has apparently abandoned, but you are not sure because the tenant left some stuff, you need to make a judgment call to determine if the

tenant has in fact abandoned the dwelling and abandoned some personal property. If you can conclude the tenant has abandoned, you could then clean out and throw away the abandoned personal property. But, this is judgment on the landlord's part on whether the tenant might return later and demand the personal property. There is no hard definition of abandonment of the dwelling or of personal property.

Third, if the tenant has obviously not vacated, can you move the tenant's property without the sheriff deputy executing on the writ of possession? You have exposure if you do. The presence of the deputy lends protection against an angry tenant. The use of the writ of removal and execution and the deputy gives legal authority to your actions. Upon execution of the writ, there is legal authority for your removing the tenants personal property out of your rental dwelling and moving it to the curb. So, this removes the necessity of making a judgment call if the tenant has vacated and abandoned property. The Landlord does not have a statutory duty to care for tenant's personal property left in the premises following an eviction proceeding. So, you have protection against claim by the tenant if you use the deputy. There is legal authority for your possession if there had been any question before. If the tenant tries to return after the execution, you have legal authority / grounds to obtain an injunction against the tenant, or work with the police for criminal trespass charges.

If there is no doubt in your mind the tenant has vacated, then having the deputy execute on the writ may not be necessary. However, if there is any question, saving a few bucks and omitting the sheriff execution on the writ of removal may be false savings.

Editors Note:

If you have legal questions you would like covered in this article, please forward them to: **dennis@iowalandlord.org**. Opinions and advice contained should be individually considered, and if you have specific questions concerning your operation or legal responsibility you should seek qualified legal assistance of an attorney of your choice.

"The determination of the need for legal services and the choice of a lawyer are extremely important decisions and should not be based solely upon advertisements or self-proclaimed expertise. This disclosure is required by the rule of the Supreme Court of Iowa."

Need to Rent ???
advertise your rental at:
www.vacancy4rent.com

The 99 Cent Apartment

by **Paul R. Bergeron III**, NAA's Director of Communications, paul@naahq.org.

Village Green allowed eBay bidders to set the value of one of its apartments.

Instead of asking "Why?" ask "Why not?" This is a mindset that can lead to effective, innovative ideas. Such was the case at Village Green Companies when it discussed listing one of its apartment units on eBay.

Village Green admits that the idea of listing an apartment on eBay is not new. But the Farmington Hills, Mich.-based company with a portfolio of 27,000 units, became an industry trendsetter—and a serious risk-taker—when it set a minimum bid of 99 cents per month for a one-year lease.

In this unique venture, Village Green took the risk of allowing the market place to set a value on one of its apartments.

The available apartment, which has a market rate value of \$735 per month, according to Village Green, was a two-bedroom, one-bath unit at its Village Green of Troy community in the Detroit suburbs. It was put on the auction block for 30 days, starting July 15, and was auctioned with no reserve, meaning no minimum sale price. The winning bid was \$730 per month.

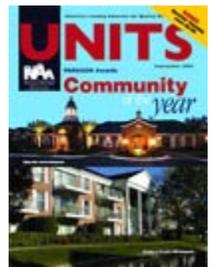
Village Green said it is the real winner. "We have seen our Web traffic increase dramatically over the past two years to an average in the neighborhood of 25 percent of our overall traffic, and in some cases more than 40 percent," said George S. Quay IV, President and COO of Village Green Companies.

"With this sizeable experience [from Internet traffic] we were interested in promoting our product to the Web prospect and still determining if we could realize a premium for the quality of our management services and the asset," he said. "We wanted to see if our unit would be viewed as a commodity. Initial results were very encouraging. If the test indicated that the Web prospect would not pay a premium for the services and asset, then [eBay] would not be a vehicle we would consider in the future."

With eBay tracking the number of visitors to each specific listing, Quay noted that over the first four days, the Village Green listing had 241 unique visitors. Of those, 21 viewers had book-marked the listing, which seemed to indicate that they would track the bidding.

After one week, the unit had 10 bids. By the time the bidding closed on Aug. 15, 701 unique visitors had viewed the site, placing 15 bids.

EDITORS NOTE: The entire article can be found in the September 2005 issue of Units. Archive of the article can be found on the NAA website at www.naahq.org.



Colorado Convention Center

June 15-17, 2006 - Denver, Colorado

Find details at;

<http://www.naahq.org/meetings/naaeducon.htm>

The Welcome Mat

The Iowa Landlord Association is pleased to announce the latest members to join ILA.

Members:

Bret Cooper, Carriage Park Apartments
West Des Moines, Iowa

Associate Members:

Dawn Black, Marriott Execustay - Urbandale

We encourage our members to use the knowledge and expertise of our Associate Member(s) to help solve landlording issues and problems.

Would you like to list your property on the Iowa Landlord Association Apartment Rental Search but you're not on the Internet?



**Iowa Landlord Association
Apartment Search Service
Listing Form**

Make copies of this form, fill out the form and FAX to: 515-255-0675

You can mail or fax in your listing directly to our office if this would be easier for you.

To list your property, please fill out this form and send a picture of your property to our office.

Have you a rental property you wish to sell? Advertise it on the web site! Call us for details.

Interested in banner ads on our website?

ILA Rental Property Search Listing Rates

- Listing Prices =
Members - \$50/mo.,
Non-Members - \$100/mo.
- Pictures/Logo inclusion = \$10/submission
- Picture/Logo image preparation (if needed) = \$35/hr.
- Photography Services = \$50 trip fee; \$35/hr after 1 hour; Materials at cost; Service available in the Des Moines metro and Polk County surrounding areas; Services are on a scheduled basis; Contact information@iowalandlord.org for arrangements.

Your Company: _____
 Your Name: _____
 Your Company Address _____
 Your Phone number for contact _____
 Property Address: _____
 Property City, Zip: _____

Monthly Rent Price: \$ _____ / Month
Number of Bedrooms: Studio/Efficiency 1 2 3 4+

Type of Housing: Condos, Townhomes, or Duplexes
 Unfurnished Apartments Furnished Apartments
 Single Family Dwelling Short Term Rentals Senior Community

Utility Arrangements: None Supplied Some Paid All Paid

Accommodations and General Amenities – Please check the items associated with this property:

Air Conditioning:	<input type="checkbox"/>	Dishwasher:	<input type="checkbox"/>	Wheelchair Accessible: ..	<input type="checkbox"/>
Microwave:	<input type="checkbox"/>	Stove:	<input type="checkbox"/>	Trash Compactor:	<input type="checkbox"/>
Balcony / Patio:	<input type="checkbox"/>	Refrigerator:	<input type="checkbox"/>	Garbage Disposal:	<input type="checkbox"/>
Dining Room:	<input type="checkbox"/>	Fireplace:	<input type="checkbox"/>	Pet Friendly:	<input type="checkbox"/>
Computer High				Laundry Type:	
Speed Broadband				<input type="checkbox"/> Washer / Dryer	
Internet Accessibility: ..	<input type="checkbox"/>	Cable Ready: ...	<input type="checkbox"/>	<input type="checkbox"/> Washer / Dryer Connections	
		Garage:	<input type="checkbox"/>	<input type="checkbox"/> Laundry Facility	

Community Accommodations and Amenities

Club House:	<input type="checkbox"/>	Storage Facilities:	<input type="checkbox"/>	Gated Access:	<input type="checkbox"/>
Public Transportation: ...	<input type="checkbox"/>	Tennis Courts:	<input type="checkbox"/>	Playground:	<input type="checkbox"/>
Fitness Center:	<input type="checkbox"/>	Swimming Pool: ..	<input type="checkbox"/>	Whirlpool / Spa:	<input type="checkbox"/>

Run Dates of Your Listing

Date Begin: _____ Date End: _____

Your Email Address: _____

Additional Information About This Rental:

*** Don't Have A F.A.X. - - Just copy and mail your form to us. ***



(HINT! For the cost of an ILA membership - Non-members can purchase their membership, save money and experience ALL the benefits of ILA membership!)

