



IOWA LANDLORD ASSOCIATION NEWSLETTER
www.iowalandlord.org

December 2007

ILA LEADERSHIP AND CONTACT INFORMATION

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Newsletter Editor: Connie Huff



From the Desk of Your Directors

As 2007 comes to an end, we would like to thank all of our members and vendor members for their loyalty and support during the past year. We have all gone through a number of positive changes at the ILA and are a stronger and more unified Association. We look forward to an even better 2008.

Mark your calendars now for Landlord Day on the Hill. This event is scheduled for Feb. 13, 2008, at the lunchroom (same location as last year) in the Lucas Building. Any questions or comments,

please contact Pat Knueven, ILA Legislative Chair, at patknueven@aol.com. Come out and show your support!

ILA Fall Educational Seminar and Trade Show

Thank you to all who made the ILA Fall Educational Seminar and Trade Show a success. Our speakers: Joe Kelly, Lobbyist, Stephven Richard—EPA, Don Grove—Iowa Civil Rights Commission, Marilee Patterson—Humorist, Joelle Stolte—Iowa Department of Public Health, Dave Sollenbarger—ILA President and Mark Hanson, Attorney provided our attendees with a wealth of information to help us in our business. A special thank you to all the vendors who shared their time and products with us for the day.

As one of our newly joined members quoted, "I learned more today than I could have in a year by myself."

This is why we will continue to bring you our best in education and help you to be the best in the industry. We look forward to our next seminar in the spring. (Pictures on page two)

Welcome New Members

Samy Awad - West Des Moines

Baxter Property Management - Daniel Kunkel - Baxter, Iowa

Preston & Patty Daniels - Des Moines

Joshua Kvinlaug-Lewis - Des Moines

Kevin & Jennifer Merial - Des Moines

Riparian Properties - Mike & Judy Metzger - Des Moines

Lodean Suleiman - Windsor Heights

Welcome New Vendor Member

Cyclone Pest Management - Tom Harvey, President - Urbandale

NEW VENDOR



Cyclone Pest Management has been providing professional general pest and rodent control services to commercial, industrial and residential clients in Central Iowa since 1992. The four partners serving our clients have a combined 25 years of experience in Professional Pest Management, and are fully licensed and insured.

We will provide flexible and customized pest management programs to solve any business or individual's pest concerns in a prompt professional manner.

In addition to serving Des Moines and surrounding communities, we have a location in Montezuma to better serve customers east of Des Moines.

Contact Info: Tom Harvey 515-250-7731

E-mail: tharvey92@mchsi.com



ILA Members at the Fall Seminar



(continued from page 1) ILA members Pat Knueven and Helen Rodish talk with Sergeant Davey with the Vice & Narcotics Section of the Des Moines Police Department at his booth at the Trade Show.

Dave, Dennis and Connie wish you all a happy holiday season and a very prosperous New Year!



Happy Holidays



ASK AN ATTORNEY Legal Q & A

by Mark V. Hanson
Attorney at Law,
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Question: When I serve a Three-Day Notice to Pay Rent or other notice, when does the three days end? Or stated another way, when is the last point in time the tenant may perform to cure?

Response: This is covered by Iowa Code Section 4.1(34). See also Iowa Landlord Tenant Law, Iowa Code Section 562A.8A, which confirms you use 4.1(34) for tenant notices.

Short answer: From the date of your serving the notice, the tenant has the following period to cure or perform: count forward with the next

day being Day 1. That is do not count the day you served the notice, regardless of when during the day you served it. Include the last day—until midnight. If the last day falls on Sunday, the time prescribed shall be extended so as to include the whole of the next Monday. Longer answer: The statute does not address holidays in this provision, but it could be recommended you provide the tenant through the end of the next business day if the three-day or other notice time period would end on a weekend or holiday. If your notice time period would include a weekend day or holiday, you can count it unless it is the last day.

Notice the time permitted for the tenant to perform is through midnight of the last day. To avoid question of your availability to the tenant to cure/pay/perform, after business hours and before midnight, you might consider purposely giving the tenant an extra day at a time specified. For instance, one manager has a rent slot, which is checked at 8 a.m. on the morning of the fourth day. (continued top of page 3)

Ask an Attorney Continued ...

The Three-Day Notice to Pay Rent specifies rent must be presented to the office or be in the rent slot no later than 8 a.m. on the fourth day. The Notice identifies a specific date. The rent slot is checked on Monday morning for all rent to be received between close of the office on Friday afternoon and Monday morning at 8 a.m. If the rent three-day ended on Sunday, it would automatically shift over to Monday midnight, so the rent slot would be checked Tuesday morning. (This manager also makes it a practice to serve all Three-Day Pay notices on Tuesdays, in which case the Three-Day ends at midnight on Friday. So the tenants always have in reality through the weekend until 8 a.m. Monday to get their rent together and into the slot. If they are paid weekly (and a number are), this is an assistance to them. If your tenant pays by mail, you are entitled to require the rent be received by you by the cure date. However, I would suppose if a tenant mailed you the rent certified mail, it would be considered "received" by you on the day of mailing. See the next paragraph on mailing certified—it works both ways. When does the counting start—that is when did you serve the tenant? Or if the tenant gives you notice—same question. Notice is "received" by the tenant or by the landlord when it comes to the tenant's or the landlord's attention or when it is delivered in hand to the tenant or landlord or mailed by certified mail or restricted certified mail, whether or not the tenant or landlord signs a receipt for the notice, to such person at the place held out by such person as the place for receipt of the communication (the rental unit or rental office for the landlord), or in the absence of such designation, to such person's last known place of residence. (See next column for an exception to this "receipt upon mailing certified mail" in the service of an FED petition by certified mail.)

Run of the mill notices can be served by posting, but this does not apply to Three-Day Notice to Pay Rent, Notice to Cure, Notice of Termination of Lease, Notice to Quit, Original Notice for Petition for Forcible Entry and Detainer (eviction) (there are other provisions and requirements for posting the petition). If you post any notice, the date of posting must be written on the notice.

My recommendation for the rent and cure notices is to deliver three ways to cover your bases. 1. Deliver. If the tenant doesn't answer the door, you could post, but you must also mail certified. 2. Mail regular first-class postage. 3. Mail certified. Keep the white postal slip for proof of mailing. The reason I also mail first class is, if you really want the tenant to get the notice, there is more assurance the tenant will get their regular mail. Typically, they won't go and pick up the certified mail. If they don't pick up the certified mail, it doesn't matter. You have your white slip for proof you mailed it and that is all that is required.

If you post one day (for instance in the evening when you are checking on the property and get the notice to the post office the next morning), the date you specify to the tenant for cure or performance must match with the latest method of delivery.

Regarding serving a FED petition by posting.

1. You yourself cannot serve the petition. Either the sheriff's office or private process server must do so. 2. If the FED Original Notice Petition is posted, you or your private process server must also mail a copy of the petition certified mail. 3. You must give the tenant at least three days' notice of the hearing. Notice of the hearing means when you serve him. If you serve by posting and certified mail, service is not complete until you file with the clerk of court an affidavit you served by posting and certified mail. So not only must you mail certified, you must file the affidavit with the clerk prior to three days before the hearing. (The hearing must be within seven days of filing the petition unless you get a court order for a delayed hearing date.)

"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."

Member Book



We are proud to announce that the Iowa Landlord Association Information and Membership Directory is now complete. Thank you to the vendor members who met and gave their time and help in putting the Directory together.

Your ILA vendor members will start distributing the Directory to all Association members in December. We believe this Directory will be helpful to you in searching for other landlords and vendors that can assist you with the day-to-day needs of your business.

If you have not received your Directory by the first week in January or if you have any questions, please call Connie at (515) 255-0675 or e-mail her at ilaservices@iowalandlord.org.

December 2007

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- 5 Hanukkah
- 6 Vendor Meeting - 4 p.m. -
The Iowa.net - 2411 Grand Ave.
- 25 Christmas - ILA Offices Closed

January 2008

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- 1 New Year's Day - ILA Offices Closed
- 3 Vendor Meeting - 4 p.m. -
Armstrong Cabinets -
10141 Hickman Road
- 21 Martin Luther King Jr. Day



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