



IOWA LANDLORD ASSOCIATION NEWSLETTER
www.iowalandlord.org

October 2009

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From the Desk of Your Directors

FALL EDUCATIONAL SEMINAR AND TRADE
SHOW

When: Nov. 19

Where: Downtown Holiday Inn—Top Floor
1050 - 6th Ave, Des Moines, Iowa

As in the past, this will be an all day event, complete with lunch, snacks and beverages and door prizes. Continuing education credits for Realtors have been applied for. Speakers include Michele Matt Weston, professional speaker, Attorney Mark Hanson and the DMPD. Other topics to be addressed include the new lead poisoning rules, discrimination, legislative update and others. See the enclosed insert for further details and registration.



OCTOBER LUNCH AND LEARN

The October Lunch and Learn will be held at Mama Lacon's, 2743 86th Street, Urbandale, on Oct. 15. The buffet lunch will start at 11:30 a.m. and continue until 1 p.m. The cost of the great lunch buffet is \$15 per person. Our speaker will be Michelle Brant, leasing manager with one of our corporate members, Professional Property Management. Michelle will be talking about marketing rentals. Michelle is a very interesting and talented speaker with a deep background in our industry. Her topic is a must for all managers, leasing agents and owners.

Call Connie at (515) 255-0675 or e-mail us at: ilaservices@iowalandlord.org to reserve your spot now!

WELCOME, NEW MEMBER

Bruce Hann—Denver, CO

WELCOME NEW VENDOR PARTNERS

Mid-Iowa Satellite—Ames, Iowa (see details of their services on page two.)

Speck USA—Parking Lot Maintenance, West Des Moines, Iowa. (Read all about their services on page three.)



Happy Halloween

NEW VENDOR

Mid-Iowa SATELLITE

Mid-Iowa Satellite is located in Ames, Iowa. Telephone number, (515) 233-1112. E-mail address, midiowasatellite@yahoo.com. Mid-Iowa Satellite is an authorized retail agent for DirecTV, Dish Network, WildBlue high speed Internet by satellite and Qwest services for both residential and commercial customers throughout the state and beyond.

Mid-Iowa Satellite sells and installs all models of Sharp, Hitachi, Mitsubishi and Toshiba televisions. We will match or beat any competitors' price.

We are locally owned and operated. Our experienced technicians provide installations and service in 24 hours and 72 hours, respectively. Mid-Iowa Satellite offers a variety of programming and price packages superior to cable service.

ILA Annual Summer Picnic

Thanks to all who attended and enjoyed good weather, great food, prizes and comradery.

Special thanks to our vendor partners that contributed prize giveaways: Artistic Waste, Factory Direct Appliance, Flooring Gallery, Strauss Security Solutions and Vacancy4rent. Congratulations to our big prize winners: Sharon Garneau, manager at Easter Lake Estates, and Shawn McAninch, owner of McAninch Properties.



Members and family start through the food line at the ILA Annual Summer Picnic



ASK AN ATTORNEY Legal Q & A

by Mark V. Hanson
Attorney at Law,
Whitfield & Eddy, P.L.C.

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Question: Who can represent the landlord in small claims court.

Response: We previously had discussion on who can represent the landlord plaintiff in small claims court. The question came up again. The applicable statute is 631.14. Prior to a revision in 2006, if the property was owned by an individual(s), those individuals needed to be in court personally or represented by their attorney. They could not send anyone except their attorney to represent them. In 2006 this section was revised to read as follows:

August Breakfast Meeting

The final summer breakfast meeting at the Cub Club in Sec Taylor stadium was full of information provided by Ryan Sesker, a mortgage banker with BANK IOWA. Thanks to Ryan for providing us with important investment property financing tips and supplying answers to all our questions.



631.14. Representation in small claims actions.

1. Actions constituting small claims may be brought or defended by an individual, partnership, association, corporation or other entity. In actions in which a person other than an individual is a party, that person may be represented by an officer or an employee.

2. In actions concerning residential rental property that is titled in the name of one or more individuals, an employee of one or more of the titled owners, or an officer or employee of a property management entity acting on behalf of one or more of the titled owners, may bring or defend an action in the name of the titled owners, the property management entity or the name by which the property is commonly known.

Notwithstanding any other provision to the contrary, if the defendant or plaintiff has been improperly named in the petition in an action concerning residential rental property, the real party in interest shall be substituted at the time the error is identified, and the action shall not



be dismissed or delayed except to the extent necessary to identify and serve the real parties in interest.

And some additional provisions not applicable to our discussion.

Now, if you own the rental property in your name individually, you can send an employee, or your property management company to represent you. You may not send an agent or other representative.

How do you caption the case? I would put in the caption as plaintiff the name of the individuals owning the rental property, then who is representing the owner and is expected to appear in court and in what capacity. For instance:

Larry Landlord and Mary Landlord, by Ed Employee as Employee of and acting on behalf of Larry Landlord and Mary Landlord, Plaintiffs

Versus Ted Tenant, Defendant.

In this case, Ed should be able to appear for Larry and Mary without trouble.

Or,

Larry Landlord and Mary Landlord, by Pete's Property Management, Inc. as property management company for and acting on behalf of Larry Landlord and Mary Landlord, Plaintiffs

Versus Ted Tenant, Defendant.

In this case, an officer or employee of Pete's Property Management should be able to appear for Larry and Mary.

Or

Larry Landlord and Mary Landlord doing business as Excellent Apartment Complex, by Pete's Property Management, Inc. as property management company for and acting on behalf of Larry Landlord and Mary Landlord doing business as Excellent Apartment Complex, Plaintiffs

Versus Ted Tenant, Defendant.

In this case, an officer or employee of Pete's Property

Management should be able to represent Larry and Mary and Excellent Apartment Complex.

I think you might be able to also have Pete's Property Management, Inc. be the plaintiff directly, with an officer or employee appearing at court, particularly if Pete's signed the lease.

I think you might be able to have Excellent Apartment Complex be the plaintiff, but I would follow that with the name and capacity of the person or entity expecting to represent Excellent Apartment Complex in court, whether it is Ed Employee, or Pete's Property Management.

I don't think you need to identify in the caption the name of the officer or employee of Pete's Property Management who will appear in court, but the officer or employee will testify to the magistrate who they are and their capacity.

"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."



Turning Up the Heat

When the weather cools down, the heaters come on. Tell your tenants to not be concerned if the first time they turn them on they will notice a slight odor. That is just the dust burning off the coils, and it is not unusual or dangerous.

However, if their heater is not working properly, tell them to please let you know so you can correct the problem before it gets really cold!

They should also check to make sure all smoke detectors are working properly, and it is a good idea to have them purchase carbon monoxide detectors for gas heated units if you have not already supplied these for them.



NEW VENDOR



Speck USA is a full-service pavement parking lot maintenance company located in West Des Moines, Iowa. We are the single source for ALL your paved surfaces, and we are the only company in central Iowa that can make that claim.

Speck USA provides a unique combination of size and experience, and we pride ourselves in providing superior customer satisfaction and service.

Whether you are looking to build a new lot, or you are looking to spruce up your existing one, Speck USA is ready to help you get the most from your investment.

Call us now at (515) 285-4649 for all your pavement needs!



October 2009

Sunday

Monday



Tuesday

Wednesday

Thursday

Friday

Saturday

<h1>Dental Hygiene Month</h1> 				1 National Crime Prevention Month	2	3
4 Fire Prevention Week (Oct. 4-10)	5	6	7	8	9	10
11	12 Columbus Day	13	14 	15 Lunch and Learn 11:30 a.m.-1 p.m. Mama Lacona's, 2743 86th St., Urbandale	16	17
18	19	20	21	22	23	24 MAKE A DIFFERENCE DAY
25	26	27	28	29	30	31 Happy Halloween



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