

Commercial & Residential Landlord-Tenant Law

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Schaumburg, IL - November 8, 2012

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4th Annual

Commercial & Residential Landlord- Tenant Law

Schaumburg, IL
November 8, 2012

Presented by:

David S. Goles

- Swanson, Martin & Bell, LLP

Virginia M. Harding

- Gould & Ratner LLP

Eugene J. Geekie, Jr.

- Freeborn & Peters LLP

Louis N. Karnezis

- Karnezis Law Group, LLC

Isaiah Fishman

- Krasnow Saunders Cornblath

Kaplan & Beninati LLP

(See complete biographies inside)



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See inside for details.

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SEMINAR AGENDA

- I. **Commercial Lease Provisions and Issues**
 - A. Case law and legislative updates – commercial
 - B. Lease drafting considerations: forms, attorneys' fees
 - C. Parties to the lease; rent and term
 - D. Guarantees
 - E. Default and remedy clauses
 - F. Assignment and subletting
 - G. Options to renew/extend – expand/terminate
 - H. Liquidated damages and frequently contested issues
 - I. Tenant abandonment of the premises
 - J. Unclaimed tenant property
 - K. Signage issues
 - L. Condemnation issues
 - M. Alternate dispute resolution – arbitration and mediation
- II. **Residential Lease Provisions and Issues**
 - A. Case law and legislative updates – residential
 - 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
 - L. Renewals and extensions
 - M. Arbitration clauses
 - N. Guarantees
- III. **Landlord's and Tenant's Obligations**
 - A. Landlord's
 1. Duty to deliver possession, to repair, to provide "quiet enjoyment"
 2. Security deposits: to keep or not to keep; which court – small claims or county court
 3. Fair Credit Reporting Act
 4. Protecting Tenants at Foreclosure Act
 5. Abandoned property
 - B. Tenant's: duty to occupy, abandonment, holdover tenant, pay rent
- IV. **The Eviction and Judicial Process**
 - A. Pre-filing considerations and statutory notices
 1. Applicable law (Forcible Entry and Detainer Statute, Municipal Landlord Tenant Ordinances)
 2. Breaches actionable for eviction under the law
 3. Service of required statutory notices prior to initiating suit
 - B. The judicial process
 1. Filing an action: the summons and the complaint
 2. Service of process and service related issues
 3. Pre-trial issues: discovery, use and occupancy, dispositive motions, counterclaims
 4. Trial – order of possession/damages
 5. Eviction and eviction-related issues
- 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-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; Rules of Professional Conduct

WALK-IN & CANCELLATION POLICIES

WALK-INS: Walk-ins are welcome and payment is required at the door when registering. **Please call ahead to confirm the schedule.** Materials will be available for walk-ins on a first-come first-serve basis.

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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. You will receive the manual upon checking in at the seminar site; the price is included in the registration fee.

Audio Recording

This seminar will be recorded, so if you cannot attend, or if you want to apply for home study credit (where available), you can order the audio recording and/or a reference manual from this program. Please use the registration form to order.

UPCOMING SEMINARS

- **Landlord-Tenant Law**
Peoria, IL — August 16, 2012
- **Landlord-Tenant Law: Surviving in a Difficult Economy**
Champaign, IL — November 28, 2012
- **Fundamentals of Employment Law**
Rockford, IL — December 18, 2012

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LANDLORD-TENANT LAW:

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

PRESENTERS: Julia E. Davis with Hayes, Hammer, Miles & Cox, LLP; Steven A. Amjad with Meyer Capel A Professional Corporation; Rochelle A. Funderburg with Meyer Capel A Professional Corporation; and Shayla L. Maatuka with Dodd & Maatuka LLC

Seminar #12IL03094 Audio & Manual Set \$155 Audio only \$95 Manual only \$75

RESIDENTIAL LANDLORD-TENANT LAW:

Commencement of the Tenancy; Tenant's and Landlord's Obligations During Tenancy; Termination of Tenancy and Tenant Remedies and Defenses; The Eviction Process; Landlords and Tenants in Bankruptcy; Ethical Considerations in Landlord-Tenant Law

PRESENTERS: Lester A. Ottenheimer III with Ottenheimer Rosenbloom, LLC; Jennifer L. Johnson with Zanck, Coen & Wright, P.C.; Mario J. Tarara with Law Office of Mario J. Tarara, P.C.; and Nathan J. Noble with Nathan J. Noble, P.C.

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MEET THE FACULTY

VIRGINIA M. HARDING, a former partner of the Chicago firm of Gould & Ratner LLP in Chicago, now practices as of counsel with its real estate practice group. She has extensive experience representing developers including developers of planned multi-use communities. Ms. Harding is a member of The John Marshall Law School's Real Estate adjunct faculty. In the 2011-2012 academic year, she taught Introduction to American Law (Property & Contracts) to students in its M.S. Program in Real Estate Law and team taught the course on commercial leasing to LL.M. and M.S. students. In the fall of 2012, she will be a visiting adjunct professor at Brandeis School of Law at Louisville of University where she will again be teaching commercial leasing. She served on the lease negotiation committee for The Cliff Dwellers - a Chicago arts Club. Ms. Harding received her B.A. from the University of Illinois at Urbana-Champaign, her J.D. from the University of Chicago Law School, and her M.S. in Communication from Northwestern University.

EUGENE J. GEEKIE, JR., is a partner of Freeborn & Peters LLP's Litigation and the Bankruptcy, Reorganization, and Creditors' Rights Practice Groups. Mr. Geekie concentrates his practice in creditors' rights and general commercial litigation, workouts and business reorganizations, bankruptcy litigation, and real estate litigation. His representation has included defense and prosecution of various breach of contract claims, recovery of assets, as well as preference and fraudulent transfer litigation. Mr. Geekie also has a great deal of experience representing purchasers of the operating assets of bankrupt entities through Section 363 sales. He has been recognized as an Illinois *Super Lawyer*® in Bankruptcy and Creditor/Debtor Rights and as a "Leading Lawyer" in Bankruptcy & Workout: Commercial and Creditor's Rights/Commercial Collections from the Illinois Leading Lawyers Network. Mr. Geekie is a member of the Illinois State Bar Association, the Chicago Bar Association, the American Bankruptcy Institute, and the Turnaround Management Association. Mr. Geekie received his B.S. and B.A., *summa cum laude*, from Saint Louis University and his J.D., *cum laude*, from the Saint Louis University School of Law, where he was editor of the *Saint Louis University Law Journal*.

LOUIS N. KARNEZIS, principal of Karnezis Law Group, LLC in Chicago, practices in the areas of leases and leasing, estate planning, asset protection, international asset protection, business law, taxation, trusts and estates taxation, tax litigation, business estate planning, business planning, wills, bankruptcy, commercial real estate, intellectual property, franchises and franchising, civil fraud, civil litigation, nonprofit and charitable organizations, charitable trusts and foundations, nonprofit organizations law, private foundations, tax exempt organizations, family limited partnerships, limited liability partnerships, land trusts, trusts and estates, family trusts, family wealth transfer, and estate planning for the elderly. Mr. Karnezis received his B.A. from the University of Illinois and his J.D. from the John Marshall Law School.

ISAIAH FISHMAN, of Krasnow Saunders Cornblath Kaplan & Beninati LLP in Chicago, practices in commercial litigation, including corporate, partnership, contract, employment, commercial paper, and bankruptcy matters. Additionally, Mr. Fishman has extensive experience providing advice and counsel to clients on how, in the commercial arena, to minimize their exposure to litigation and on pre-litigation and pre-trial resolution of disputes. He has obtained favorable verdicts in two bench trials and, as a result, is a member of the Federal Trial Bar for The Northern District of Illinois. Mr. Fishman received his B.A., with honors, from the University of Iowa and his J.D. from the John Marshall Law School.

DAVID S. GOLES, a partner of Swanson, Martin & Bell, LLP in Libertyville, practices in the areas of landlord-tenant law, municipal law, commercial litigation, land use and zoning law, real estate law, and bankruptcy. His clients include commercial and residential real estate property owners, managers and developers, Illinois municipal and governmental bodies, and business entities. Mr. Goles is the author of "Smith v. Fair Employment and Housing Commission: Religious Freedom and Anti-Discrimination Laws Square Off in the Landlord/Tenant Setting," *Northern Illinois University Law Review*, Vol. 18, Issue No. 1. He is a member of the Lake County Bar Association, the Wisconsin Bar Association, and the Christian Legal Society. Mr. Goles earned his B.A. at American University and his J.D., *cum laude*, at the Northern Illinois University College of Law, where he was a member and the research editor of the *Northern Illinois University Law Review*.

COMMERCIAL & RESIDENTIAL LANDLORD-TENANT LAW

DATE: Thursday, November 8, 2012

REGISTRATION: 8:00 a.m.

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

LUNCH: (on your own) 12:15 - 1:15 p.m.

LOCATION:

Hyatt Place Schaumburg

1851 McConnor Parkway

Schaumburg, IL 60173

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Registration Fee (includes manual):

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- \$319 per person for 2 or more
- \$299 per person if paid by September 27th
- \$147 audio in addition to a registration*

Reference Materials:

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