



Kenosha Landlord Association

Volume 24, Issue 1

January 2012

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DISCLAIMER

The Kenosha Landlord Association publishes this newsletter to create awareness of issues relating to the rental housing industry. Information is compiled from a variety of sources and the views and concerns expressed by the contributors do not necessarily reflect those of the editor or the Association. When necessary, we suggest you consult an attorney.

Do You Want To Send Your Tenant Balances To Collections?



Special arrangements have been made by the Kenosha Landlords Association to address its members' debt collection needs.

We are now affiliated with Creditors' Alliance, Inc., a full service, national collection agency. Collections begin as flat fee based and include credit reporting and legal action.

Creditors' Alliance collects any type of debt up to 5 years old and judgments up to 12 years old, so count the number of bad debts you have accumulated and purchase the application forms for **\$20 each** from our forms representative **Larry Cappozzo 262-658-9000. Order 25 or more and pay \$15.00 each.**

Check out the WAA website. www.waaonline.org

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Business Name _____

Address _____

Home Phone _____

Business Phone _____

Fax _____

Email _____

Number of Units _____

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Phone **262-657-7886**
PO Box 1505, Kenosha, WI 53141-1505

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\$180
Non-Refundable

Please check here if you do NOT want your name and phone number included in our directory.

How to Win in Court

I received this excellent advice and information in response to the third part of the series on evictions. Thanks, Bill.

by *Bill Heikkila*

Why are you going to court?

I can only think of two reasons: (1) to get a deadbeat out of your property and (2) to get a judgment against him so you might have a chance of getting some of your money back at some point in the future. Some of the reasons that you don't want to go to court: (1) the tenant has really made you angry and now it's payback time, (2) this is one way to get him to pay the rent, (3) you want to ruin his credit, or (4) you don't like "his kind" or his lifestyle. Don't bother going to court in those cases, you're just wasting your time and the judge's, and you may in fact end up a loser in circumstances like those.

The reverse of the above point is when you keep putting off the eviction because you think you're going to get the rent tomorrow.

Maybe the tenant is encouraging that kind of thinking, but let me assure you that it ain't going to happen. If you have a new tenant and he starts off paying late, he is going to take whatever you give him -- he will keep paying later and later until the next thing you know, he is two months behind. My personal guideline is never let a tenant get more than a month behind, because you are not going to see any more money from him once that happens, regardless of what kind of promises he is making you. Your state will dictate when you can proceed with an eviction, but don't delay in the hope that money is magically going to show up in your mailbox. It won't.

Make sure everything you have done up to the time you file the eviction paperwork is legal and follows the tenant-landlord laws of your state.

If you don't know, you better find out before you have a tenant who is a candidate for eviction. Make sure your lease is legal. Example: in my state, Georgia, a landlord cannot delegate to the tenant responsibility for maintaining the property, even if he is offering reduced rent in return. Many people don't know this and write leases all the time stating that the tenant is responsible for maintenance. If you are unsure about the legality of your lease, be sure you have a severability clause in it.

Have your paperwork pertaining to this case organized (*Make sure you have paperwork!*) and make sure you have everything you might possibly need with you in court - rent receipts, the lease, all notices given to the tenant, the move in report, any notices received from the tenant, photos, etc.

Review your file several times before you go to court.

Be able to **CONCISELY** review the case without looking at the paperwork.



If this is your first time in court, or if it has been a long time since you have been (lucky you!), take the time to attend a session before your case comes up on the calendar

You will get to see how the judge handles his dispo cases, and you may pick up some ideas about how he likes to see the case presented

Dress professionally.

Chances are your tenant is going to show up in a T-shirt and baseball cap. Make the impression on the judge that you are a professional. It matters.

Don't panic if your tenant shows up with a lawyer.

It rarely happens (been struck by a meteor lately?), but when it does the judge is not going to let the lawyer start acting like Perry Mason (does anyone remember him?) - he is going to limit what the lawyer can get away with and keep the playing field level.

Don't try your case in front of the tenant before you go to court.

This means don't tell him beforehand what you are going to do to him and how hopeless his case is in an effort to get him out of the property prior to the court date. You are just helping him prepare to defend himself in court. In fact, the best policy is to avoid any contact with the tenant between the time he is served and the time you show up in court, because that avoids him complaining to the judge about harassment, and judges do not like to hear that tenants have been harassed. In fact, if you are hoping to get the tenant to move out before the court date, your total silence will probably have the most unsettling effect on him. If he contacts you, respond in writing.

Keep your answers short

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How to Win in Court

Illinois new key law

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(and it goes without saying -- truthful)

Don't add anything that the judge doesn't ask you and don't ramble. Don't get into things that have no bearing on the case or things that aren't on trial. Speak clearly and respectfully. The judge is going to be there all night hearing many cases - he appreciates you being respectful



of his time. Example: don't feel the urge to say something like: "I had a bad feeling about him the first time I met him." A statement like that would put you right down there with the tenant on the judge's Idiot Meter. (Yes, the judge has probably already decided that the tenant is an idiot because the tenant has allowed himself to become a defendant in an eviction case.)

You can anticipate some of the judge's questions and prepare your answers ahead of time.

Obviously, he is going to ask you to state your case as an opening, so you should practice by standing up in front of a mirror and reciting in a concise (but fully explained) manner why you have hauled this worthless tenant into court. You can probably also anticipate some of the claims that the tenant is going to make in his defense and have answers ready. For example, the tenant usually claims that the premises are in bad repair. Your answer would be to pull from your file the move-in report and present that the judge, with the explanation, "Your honor, I am quite surprised to hear that. As you can see from the move-in report that Mr. Lucky Tenant signed just three months ago, the premises were in excellent condition, and since I have had no notices from him regarding any subsequent problems (and your honor, my lease specifies that all notices are to be given in writing), I cannot imagine what he is referring to..."

Tenants being evicted don't have much imagination.

You may take it personally when the tenant starts attacking you or your property, but how many times do you think that judge sitting up there has heard that story? He may have already heard it a few times today. Your job is to remove any doubt he may have regarding which one of you is telling the truth.

Keep in mind that the judge knows nothing about your case until you and the defendant start presenting the case.

He may have read your Statement of Claim just before he asked you to present your case, but he is going to make up his mind solely on what he sees and hears from you. This is why paperwork and documentation are so important - a large percent-

Continued on page 8

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Landlord and Tenant Act is amended by adding Section 15 as follows:

(765 ILCS 705/15 new)

Sec. 15. Changing or rekeying of the dwelling unit lock.

(a) A lessor of a dwelling unit shall comply with the provisions of this Section regarding the changing or rekeying of the dwelling unit lock. For the purposes of this Section, "dwelling unit" means a room or suite of rooms used for human habitation and for which a lessor and a lessee have a written lease agreement.

(b) After a dwelling unit has been vacated and on or before the day that a new lessee takes possession of the dwelling unit, the lessor shall change or rekey the immediate access to the lessee's individual dwelling unit. For the purposes of this Section, "change or rekey" means:

replacing the lock;
replacing the locking or cylinder

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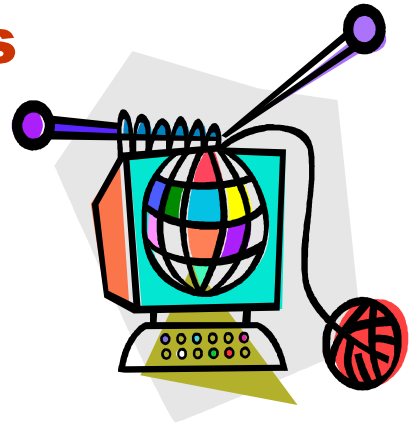
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Landlord Websites



<http://wcca.wicourts.gov/index.xsl>

<https://www.eftps.gov/eftps/>

<http://rcj-web.goracine.org/>

[Wwww.wisbar.org](http://www.wisbar.org)

<http://dwd.wisconsin.gov/UI/>

<http://www.pleasantprairieonline.com/>

<http://www.co.kenosha.wi.us/index>

[Wwww.cityofracine.org](http://www.cityofracine.org)

<http://www.dot.wisconsin.gov/drivers/index>

<http://www.epa.gov/>

<http://www.ezpaycorp.com/>

<http://offender.doc.state.wi.us/public/>

<http://www.commerce.state.wi.us/SB/SB-RentalWeatherizationAuthorizations.html>

http://www.kccjs.org/jail/inmate_search/

<http://www.ssa.gov/pgm/disability.htm>

<http://www.drl.state.wi.us/>

[Wwww.waaonline.org](http://www.waaonline.org)
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[Wwww.wifrontdoorhousing.org](http://www.wifrontdoorhousing.org)
[Wwww.datcp.state.wi.us](http://www.datcp.state.wi.us)
http://www.illinoistollway.com/portal/page?_pageid=133,1&_dad=portal&_schema=PORTAL

Tidbits of Information

2012 is reassessment value year for the City of Kenosha.

City Dump Site is only open on Tues. 9:30-5pm & Sat. 8-3:30pm

KLA Elections During January 2012 Holiday Party

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Secrets of Interviewing Applicants

Getting to the Truth

Often it is difficult to elicit responsive or satisfactory answers from a prospective tenant. (That, of course, is grounds to reject them.) But sometimes everything looks good on a rental application, but something bothers you. Here is how to get the applicant to tell you things he might not otherwise tell you.

Creative silence.

People hate silence. After you ask a question, SHUT UP! If they are not forthcoming with an answer, don't help them. Wait for them to say something. After they have answered, wait for a few seconds. They may hate the silence and tell you something they had not intended to tell you.

Ask open-ended questions.

The key words are "Who, What, When, Where, Why, and How." No question with one of those words included in it can be answered yes or no. Another way to phrase a question is "Tell me about. . ."

Here are some sample questions which cannot be

answered with just a word or two.

What did you like about your last landlord?

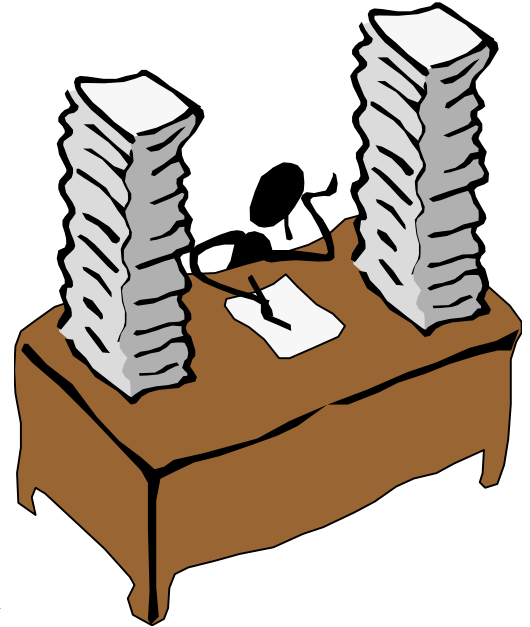
Tell me about your neighbors at your last apartment.


Why did you move from the house you rented before the most recent one?

When did you decide to move?
 What are your hobbies?
 What kind of electronic equipment do you have?
 Why would you or wouldn't you rent from your present landlord again?

I think you get the idea. None of the above questions can be answered in less than a sentence. The prospective tenant will have to tell you something real.

In my seminar "How to Stop Bad Tenants at the Curb" we spend at least an hour on just how to ask questions of applicants to get the answers you want. For more information on speeches and seminars, go to: [Speeches and seminars.](#)



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Illinois New Key Law

Continued from page 4

mechanism in the lock so that a different key is used to unlock the lock;

changing the combination on a combination or digital lock;

changing an electronic lock so that the means or method of unlocking the lock is changed from the immediately prior tenant; or

otherwise changing the means of gaining access to the lessee's locked individual dwelling unit so that it is not identical to the prior lessee's means of gaining access to the lessee's locked individual dwelling unit.

(c) If a lessor does not change or rekey the lock as required in this Section, and a theft occurs at that dwelling unit that is attributable to the lessor's failure to change or rekey the lock, the landlord is liable for any damages from the theft that occurs as a result of the lessor's failure to comply with this Section.

(d) The provisions of this Section do not

apply if the lessee has obtained the right to change or rekey the dwelling unit lock pursuant to a written lease agreement.

(e) The provisions of this Section do not apply to (i) an apartment rental in an apartment building with 4 units or less when one of the units is occupied by the owner or (ii) the rental of a room in a private home that is owner-occupied.

(f) This Section applies only in counties having a population of more than 3,000,000.

Section 99. Effective date. This Act takes effect January 1, 2012.

Effective Date: 1/1/2012

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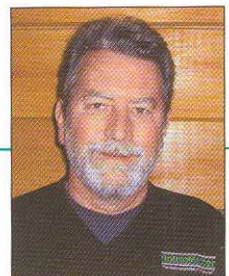
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How to Win in Court



Continued from page 4

age of the cases a judge hears in night court are two guys arguing with not one scrap of paperwork between them, so judges love it when someone shows up with real documents. This includes photos if the issue is the condition of the premises.

Do not address the tenant directly when in front of the judge, even if the tenant starts talking to you

Just keep looking at the judge and wait for him to directly address you. Once your case is being heard in front of the judge, ALL of your communications should be only with the judge and never with the tenant

The judge may want to offer you some compromise.

Consider possible compromises that he may offer (this is another benefit of going to a session of court prior to your case) so that you won't be blindsided. For example, the tenant may offer partial payment in court and offer a payment plan for the balance - the judge may ask you if that is acceptable, so you should consider ahead of time whether you would be willing to do that and for what amounts. (By the way, if you've reached the point where you are in court with a tenant, I don't think any payment plan short of 100 percent of what's owed is acceptable.) Keep in mind that you may reject an offer of compromise, but the judge may overrule you (that's why they're sitting up there and you're standing where you are...).

If the amount of rent owed is in dispute, the better your records look, the better off you will be.

If you have a receipt book with every rent payment recorded sequentially and there are 15 payments received on the date the tenant claims to have paid you, but his is not among them, the judge will give that considerable weight (in your favor). Printouts of ledgers are also good. Remember, you are a professional landlord, not some guy who is renting his house out because he couldn't sell it. (I am right about that, aren't I?)

Generally, you don't need witnesses in a dispo case, but witnesses carry a lot of weight in court.

So if your tenant shows up with a witness (not counting his mother or girlfriend - they don't carry the same weight as a real witness), you might be at a disadvantage. But you might not if the witness is also wearing a T-shirt and baseball cap.

If part of your case is based in the condition of the property - tenant failing to keep his property clean, junk car, etc., then photos are good, but the tenant may say "that's not my house."

If you can produce a witness who will testify that they drove by the premises with you and saw you take the photos of 123 Main St, any such argument on the tenant's part would be refuted. In a case like this, you will probably know ahead of time if the tenant is going so difficult that you're required to have a witness to back up key points of your case. You know ahead of time because you've been dealing with the guy already and you see the signals.

Some courts will mandate that the landlord and tenant have to try to settle the matter prior to their case being called.

Let the tenant do the talking. This is not the time to tell him what a bad tenant he has been. If he wants to tell you what a bad landlord you have been, just listen and move on - don't waste your time arguing with the person. Know before had what you would settle for and don't settle for less. You don't have to settle, either - if you stand up before the judge and say "We weren't able to reach any agreement, your honor," he's not going to count any points off. In fact, you may walk out of the courtroom with the tenant and tell him, "I'm not interested in settling" - that perfectly OK, but keep in mind that there's nothing to be lost by hearing what he has to say - as I said before, he may try his for you right then.

If you reach a settlement before your case is heard, the judge will issue what's called a "consent judgment," which means that if the tenant lives up to what is in the judgment, it won't appear in the public records as a real judgment.

If he doesn't live up to it (they rarely do), then you can convert the consent judgment into a "real" judgment and fi fa. If you get a consent judgment, make sure the tenant understands that point. It shouldn't appear on his public record unless he fails to uphold his end of it. Unless he's already got a string of judgments recorded against him (surely you didn't rent to someone like that...) then this should matter to him.

Don't get emotional, even if the tenant attacks you or even if the judge rules against you.

If the judge rules against you, you likely have a right of appeal to a higher court, probably a state court. That's a whole 'another chapter, though. But if you are prepared and conduct your yourself professionally and act in an organized manner, you probably aren't going to lose, because your tenant isn't going to do any of those things.

Win or lose, you will be better prepared for the next court date.

[Read more about the Evictions manual](#) [Order Evictions: How to Win \(or Lose\) Them](#)

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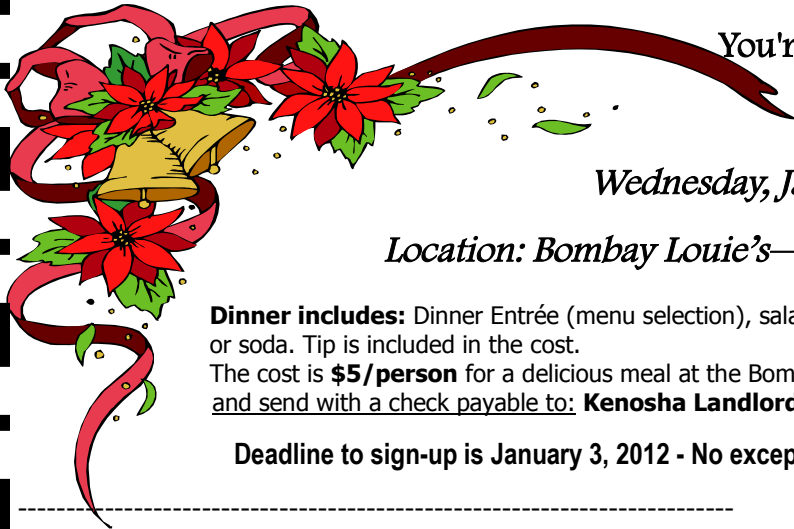


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You're invited to Kenosha Landlord Association 2011-2012 Holiday Party

Wednesday, January 18, 2012 at 7:00pm

Location: *Bombay Louie's—2227 60th St., Kenosha, WI*

Dinner includes: Dinner Entrée (menu selection), salad, bread basket, dessert, and choice of coffee, hot tea or soda. Tip is included in the cost.
The cost is **\$5/person** for a delicious meal at the Bombay Louie's Restaurant. Please complete the form below and send with a check payable to: Kenosha Landlord Association P.O. Box 1505 Kenosha, WI 53141

Deadline to sign-up is January 3, 2012 - No exceptions! Cocktails at 6:30 pm

Name: _____

Name: _____

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Email: _____

Kenosha Landlord Association ~ 2011-2011 Annual Holiday Party

Wednesday, January 18, 2012 at 7:00pm

Location: *Bombay Louie's*

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Landlord/Crime Free Multi-Housing Rental Seminar

Saturday, January 21st 2012, 8am to 4:30pm

Location: Carolyn's Coffee Connection
1351 - 52nd Street
Kenosha, WI 53140

The KPD Crime Prevention Unit and the Kenosha Landlord Association designed this Seminar to help landlords make better decisions when managing their rental units.

The following topics will be discussed:

- Property Maintenance Codes
- Crime Prevention Techniques
- Applicant Screening
- Leases and Evictions
- Crime Free Lease Addendums
- Process Serving
- C.P.T.E.D. (Crime Prevention through Environmental Design)
- Fire Safety
- Waste and Disposal

This seminar will help landlords and property managers in the following ways:

- Satisfied tenants build stable neighborhoods
- Active management leads to less turnover
- Stabilized property values and rents
- Lower maintenance and repair costs
- Everyone is safer
- Peace of mind from spending less time on crisis control.

To register for the seminar please call:
Crime prevention Unit at 657-3937
or e-mail: watch@kenoshapolice.com.

See a live demonstration of our new Crime Mapping Software, and learn how you can receive e-mails about criminal activity in and around your properties.

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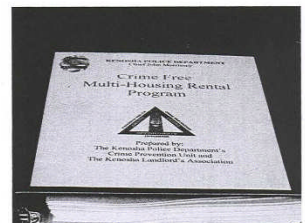
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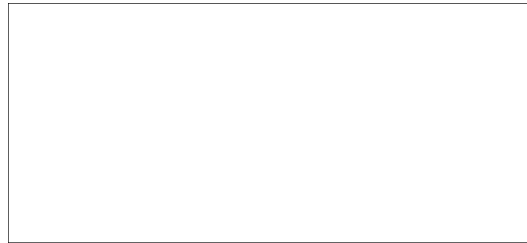


Kenosha Landlord Association

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Kenosha, Wisconsin 53141

RETURN SERVICE REQUESTED



Next Meeting
NEW Location

**Carolyn's Coffee
Connection**

1351 52 St., Kenosha

On our regular
3rd Wednesday the month

February 15th, 2012

At 7:00 P.M.

**Christmas Party for
KLA Members &
Associates On
January 18th, 2012
at Bon Bay Louie's**

www.kenoshalordassociation.ws

Free Food Or Snacks Provided At Meetings