

RESIDENTIAL **EVICTIION** SEMINAR



presented by

David Mendelson, Mendelson Law Firm

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Introduction

- Established in 1975, Mendelson Law Firm is a nationally recognized 'Creditor's Rights Law Firm' with attorneys licensed to practice in TN and MS.
- **DAVID MENDELSON, MEMBER OF:**
 - ACA International (Association of Credit and Collection Professionals)
 - CLLA (Commercial Law League of America)
 - Attorney Member on Board of Governors
 - Past Chair of the Southern Region
 - Past Chair of Young Members Section
 - Past Board of Governors Representative for Young Members Section
 - TBA (Tennessee Bar Association)
 - Creditor's Practice Section, 2 Terms as Chair
 - NCBA (National Creditor's Bar Association)
 - Federal Government Affairs Committee
 - National Convention Committee

What Happens When You Don't Collect or Evict?

- The longer an account goes unpaid, the less money you are likely to collect
 - On the date an account is due, you are likely to collect 98.8% of the money owed to your company
 - After 24 months, you are likely to collect only about 11.2% of the money owed you

(Source: Commercial Collection Agency Association)

What is Your Current Process?

- When non-payment occurs, what are the steps you take to try and recoup payment and pursue collections and evictions if needed?

WRITE DOWN STEP-BY-STEP
PROCESS ON NOTE CARDS

Lessor/Lessee Relations

- Enter into lease agreement
 - Contract
 - Proper information needed (names, credit application, last known address, employer, SS#, express permission to call cell)
 - Waiver of notice
 - Rent
 - Security deposit
 - Option to renew
 - Defaults
 - Monetary
 - Non-monetary
 - Constructive eviction
 - Retaliatory eviction
 - Health and safety issues

Evictions

- Turn file over to attorney
- FDCPA guidelines must be followed
- Regulation F Notice Letter
- Proper court – General Sessions Court
- Prepare and filing the FED
 - List proper parties
 - All residents

Overview of Court Operations

- Filing of the eviction
- Court fees - \$102.50 filing fee, plus service
- Service of process
- Answer – tenant can dispute in court and request a hearing
- Presentation of case by landlord and tenant

Types of Judgments

- Possession
- Money judgment and possession
- Judgments are final in 10 days
- Writ of possession

Auditing

- The importance of file organization
 - Proof of service
 - Affidavit of service
 - Copy of judgment
 - FDCPA compliance and reporting

Reporting and Performance

- What reports are you getting or do you require?
- Does your contract outline, or is there a report confirming, that the Regulation F Notice letter has been sent?
- Is anybody keeping up with success rates?
 - If so, are you competing agencies or attorneys against each other?

Reports

- What's important to you?
 - Frequency of reports
 - Information contained in reports
 - Types of reports
 - Services
 - Cost
 - Timing, process and key milestones
 - Judgment
 - Other

Collections

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- Our office is currently using the EasyEviction software.
- The web-based software provides for real time communication with our clients.
- Owners/property managers have 24/7 access to all communications with us, our notes and filed documents.

Collections 101

- Internal Process
- Fair Debt Collections Practices Act (FDCPA)
- Consumer Financial Protection Bureau (CFPB)
- Telephone Consumer Protection Act (TCPA)

Would You Change Your Process?

- What steps might you change and/or add to your current evictions process?

ADAPT STEP-BY-STEP
PROCESS ON NOTE CARDS

Questions and Answers

Thank you!

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