

LANDLORD-TENANT AGREEMENTS AVOID THE EQUITABLE OWNER TRAP

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OUTLINE

- (1) **INTRODUCTION** - Class will deal with errors that are often made by do-it-yourself property managers (and some attorneys) that unwittingly give enforceable ownership rights to tenants and eliminate possibility of using Unlawful Detainer procedures. Covers the nature of landlord-tenant relationships; lease-options, land-sale contracts, and interim occupancy agreements. Will have actual case examples and suggested recovery solutions

- (2) **LANDLORD- TENANT RELATIONSHIP**
 - Nature of real property title - bundle of rights
 - Landlord-Tenant = possession, not title
 - Availability of Summary Procedure (Unlawful Detainer)
 - What is the intent of the parties vs what do documents say
 - Responsibility of Drafter

- (3) **RELATIONSHIPS THAT EFFECT TITLE**
 - (A) **Tenancies**
 - Oral, Month-to-Month, Lease
 - Are any rights granted beyond tenancy
 - (B) **Lease Options**
 - Types of Agreements
 - Is it really a disguised sale
 - What are tenant's obligations
 - Purchase Contract terms - Disclosure (TDS)
 - (C) **Contract for Deed, Contract for Sale**
 - Is it a sale? Vendor-Vendee
 - Equitable Ownership
 - Unlawful Detainer not available
 - (D) **Pre-closing Buyer occupancy**
 - Avoiding ownership
 - Not a tenancy without rental Agreement
 - (E) **Other agreements**
 - Land Trust
 - Combination of multiple agreements

- (4) **REMEDIES FOR PROPERTY OWNER**
 - (A) **Unlawful Detainer** - might not be challenged
 - (B) **Complaint for Ejectment** - Superior Court
 - (C) **Buy-Out**
 - (D) **Self-Help** - Beware of Wrongful eviction

- (5) **CONCLUSION**