

## Greensboro Landlords Association

Meeting Minutes  
November 9th, 2021

### Opening:

The monthly meeting of the Greensboro Landlords Association was called to order at 6:30 on November 9th, 2021 at our PTAA meeting space lead by our President, Amdrea Neese Pegram.

### Attendance:

35 Members were recorded by 3<sup>rd</sup> Party Vendor, Jennifer Dille with TESS, LLC.

### Announcements:

- **Well tonight is our last meeting for 2021. Not our last event however.** We will have the Big Holiday Social and Dinner next month, **December 14<sup>th</sup> at Porterhouse Burger Company.** We are looking to add new sponsors for the event. If you have a good vendor that wants great publicity and to connect with all of our landlords, please see Jennifer for Sponsorship Form. Cost is \$350 and includes a one year membership valued at \$125.
- **We had another good meeting last month discussing if to divest or not to divest.** Thank you all for joining in on the discussion – before and after the meeting.
- **Our Coffee Chat is next Tuesday, November 16<sup>th</sup> at Amoroso’s Bakery again.** It is from 4:15 – 5:00 PM. Masks are required while not eating or drinking.
- **Do we have any guests or first-timers that would like to introduce themselves?** Yes, we 3 guests!

### Elections:

**Tonight is our official Election Night to bring in our new Leadership for the GLA.**

### Nominations are:

- Steve Tyree for President
- Sandy Shelton for Vice President
- Faithful John Jobe for Treasurer

All in favor of our nominations say “Aye” (All said “Aye”)

Any not in favor of nominations say “Nay” (None said “Nay”)

**Also we would like for all Board Members to stand at this time** so our members know who you are and acknowledge the hard work you do behind the scenes every month. And Thank You Andrea for being our President for 2 full years!

**This evening Jeff Sims will be reviewing the Eviction Process and answering your questions during the meeting.**

**As A Reminder: Jennifer does record these meetings so please do not use people's names or businesses unless it is a positive remark.**

Here is a link to the fully recorded meeting, <https://youtu.be/J-ZWicHvdFc>

**(See next page for complete presentation.)**

# **Complaint in Summary Ejectment - CSE (The Eviction Process)**

North Carolina General Statute Chapter 42,  
Article 2A and Article 3 (July 13, 2020)

# WHEN TO FILE (BREACH OF LEASE)

Grounds for breach of lease per the NC Association of Realtors© standard lease (Form 410-T)

- If the tenant fails to pay the full amount of rent when it becomes due
- If the tenant fails to perform any other promise, duty or obligation imposed upon them by the terms of the lease or by Law and such failure continues for a period of five (5) days from the date the landlord provides tenant with written notice of such failure

# FORMS

## Forms for small claims court filing

- Magistrate Summons (Form AOC-CVM-100)
- Complaint in Summary Ejectment (Form AOC-CVM-201)
- Servicemembers Civil Relief Act Affidavit (Form AOC-G-250). [www@scra.dmdc.osd.mil](http://www@scra.dmdc.osd.mil)
- Printout of Department of Defense Status Report (military verification)

All forms can be found on NC Court System website (<http://www.nccourts.org>) or at the courthouse

# FORMS (cont)

## Other forms

- Judgment in Action for Summary Ejectment (Form (AOC-CVM-401)
- Notice of Voluntary Dismissal (Form AOC-CV-405)
- Writ of Possession Real Property (Form AOC-CV-401). File with clerk of court 10 calendar days after judgment for possession

# COSTS

- Summary Ejectment:
  - \$96.00 to Clerk of Court
  - \$30.00 to Sheriff (per defendant/tenant)
- Writ of Possession:
  - \$25.00 to Clerk of Court
  - \$30.00 to Sheriff (per defendant/tenant)
- Clerk of Court does NOT accept personal checks

# FILLING OUT THE FORM

- The Complaint requires the following info:
  - A description of the premises (i.e. the address), the rate of rent per month (assuming rent is paid on a monthly basis), the end date of the lease, and the balance owed by the tenant through the court date
- Block 3, check “the defendant breached the condition of the lease described below”

# FILLING OUT THE FORM (cont)

- Regarding the Magistrate Summons and Complaint in Summary Ejectment, provide the clerk of court with:
  - Four (4) copies of each if ONE tenant is on the lease
  - Six (6) copies of each if TWO tenants are on the lease
- Take a stamped envelope addressed to the tenant for the Sheriff

# PAYMENT

- The tenant may pay (and must be allowed to pay) the total outstanding balance plus court costs in certified funds prior to the hearing
- If they do the CSE must be dismissed, and no judgment may be awarded (NC General Statute 42-33)

# THE HEARING

- Prove your case in court (KISS)

Sample Script: The tenant occupies property at xxx. The monthly rent is xxx and is due on the 1<sup>st</sup> and late after the 5<sup>th</sup>. The rent is past due for month/\$\$ and the tenant has not returned the keys/possession of the property. We are seeking a judgment for possession on

- Keep to the facts and avoid getting into a back and forth argument with the tenant

# JUDGMENT

- If the magistrate awards a Judgment for Possession in your favor, the tenant will have 10 days to:
  - pay the amount owed and accepted by the landlord
  - work out a payment plan arrangement with the landlord
  - vacate the premises
  - appeal the decision to district court
- A small claims Judgment for Possession does not award money to the landlord (see exception below)
- Exception - If the tenant was personally served by the sheriff or the tenant appears in court, you may request (but may not necessarily be entitled to) a Money Owed Judgment against the tenant

# PAYMENT

- Following an Judgment for Possession, the tenant may still elect to pay part of all of their outstanding balance. As landlord, you may determine what amount of payment is acceptable to allow the tenant to continue to reside in the property
- Generally, after accepting payment from the tenant on their outstanding balance, you may not enforce the judgment received to evict the tenant down the road. Make sure you are comfortable with your arrangements before accepting any payment from the tenant

# TIMELINE

- Time between small claims filing and the court date is approximately 7-10 days
- Time between judgment and Writ of Possession is 10 calendar days
- Time between Writ of Possession filing and padlock/eviction is approximately 7-10 days
- Total time from filing to eviction is 45 days +/-

# WRIT OF POSSESSION

- You have been awarded a judgment for possession – how do you get your house back
- 10 calendar days after the judgment file a Writ of Possession with the clerk of court
- Take 2 copies + stamped tenant envelope + \$25 to Clerk of Court + \$30 to Sheriff (per tenant)
- Sheriff will call you to schedule the padlock/eviction
- Meet at the property with the keys and a locksmith or your tool box/locks and stand behind the sheriff

# LOCKOUT/EVICTION

This is the standard info that the sheriff puts on the tenant copy of the Writ of Possession

Pretty clear and self explanatory

Deputy CSC

**NOTICE**

**THE GUILFORD COUNTY SHERIFF'S OFFICE WILL  
SERVE THIS EVICTION ORDER AT THE PREMISES ON**  
**APR 06 2021** AT **8:30am**

Date Time

**YOU SHOULD VACATE THE PREMISES AT THIS TIME,  
INCLUDING YOUR PROPERTY AND BELONGINGS. IF  
DEPUTIES FIND YOU THERE WHEN THEY EXECUTE THE  
ORDER, THEY ARE AUTHORIZED TO PHYSICALLY REMOVE  
YOU. ANY PROPERTY OR BELONGINGS LEFT BEHIND WILL  
BE DISPOSED OF IN ACCORDANCE WITH LAW. FAILURE TO  
REQUEST FROM LANDLORD POSSESSION OF ANY  
PROPERTY LEFT ON THE PREMISES WITHIN**

**7 DAYS / 21 DAYS**

**OF EXECUTION (5 DAYS IF TOTAL VALUE OF THE  
PROPERTY LEFT ON THE PREMISES IS LESS THAN \$500)  
MAY RESULT IN THE PROPERTY BEING THROWN AWAY  
DISPOSED OF OR SOLD. G.S. 42-36.2; G.S. 42-25.9**

(Over)

AOC-CV-401, Rev. 8/17  
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# COMMON MISTAKES

- No notice/time to cure issue if there is a breach for other than non-payment of rent (unauthorized pets/occupants, etc.)
- Proof of lease violation - burden is on the plaintiff (you the landlord) to prove case (ledger, balance due summary)
- Bad accounting (failing to include rent up to court date, DO NOT INCLUDE COURT FEES)
- Not performing all of the landlord responsibilities

# UNAUTHORIZED OCCUPANTS/PETS

- Be sure to send tenant a notice giving five (5) days to correct/cure
- Assess fines per the lease
- Have a policy for what is considered unauthorized occupant (not stay in excess of 14 consecutive days or a total of 30 days in any 12 month period)
- Proof by the weight of the evidence
- Pictures of pets, unauthorized occupants acceptable
- Do not recommend taking mail from mailbox

# APPEAL TO DISTRICT COURT

- A tenant has 10 days from the judgment to appeal to district court
- If they do, generally speaking and specifically if the property is owned by an LLC, you will need an attorney to represent you in district court
- Pending the district court date, the tenant is required to pay the rent (rent bond) to the Clerk of Court by the 5<sup>th</sup> of each month
- You must request the rent (rent bond) from the Clerk of Court
- If they fail to pay the rent (rent bond) you can file the Writ of Possession

**Closing:**

- Thank you for another great meeting and for all your questions and comments.
- Thank you for a great meeting!
- **Reminder – Coffee Chat is next week Tuesday the 16<sup>th</sup>** at Amoroso’s Bakery off College Rd
- If you have a vendor who wants **to Sponsor our Holiday Dinner and Social next month, please see Jennifer for a form.**
- **Thank you everyone and have a very nice evening!**

**Minutes submitted by: Jennifer Dille with TESS, LLC**