

ORCA TALES

LEGAL OPINION

Q: A couple moves in on a 1 year lease with a co-signer. Co-Signer is not a tenant or occupant. After only one month the tenants move out. Co-Signer refuses to pay for rent?

A: I have not seen the agreement they had the co-signer execute. However, as a practical matter they must first get the place re-rented so they know what the amount owed is. They should do their move out inspection, determine and do any repair and cleaning, and once it is re-rented, total it all up and then send a demand to the co-signer and tenants. I imagine they got a damage deposit when the tenants moved in. They should apply that within the 14 days of learning of the tenants moving out, apply it against August (month they moved out) rent that is unpaid, and that July was paid. They can also take the co-signer to small claims court to save money in attorney fees and costs. But, that is all premature until they know what the total is they are owed.

This Opinion does not constitute legal advise. Specific problems require specific solutions. Information was received by: Law Offices of Donald Kirkpatrick

TIPS FOR CARPET CLEANING

- Got ink on your nice carpet? Don't panic. Blot up the ink with a cloth or blotter. Next, take a sponge and wet it with a solution of Lysol and Water (ratio 1 teaspoon Lysol to 1 Quart water) Gently sponge area till ink is gone. Get clean sponge and rinse with water and then dry.
- Chewing gum stuck on carpet? Rub the area with ice cubes till gum is ice cold. Scrape up with a spatula. If stain is still there, you can try using a dry cleaning fluid.
- Nail Polish spill? Use nail polish remover, but apply within eye dropper. Wait a few minutes, and wipe with a clean, dry cloth.
- Always try to remove carpet stains as soon as possible. You have a better chance at removing the stain than if you wait longer. Never use ammonia or soap on carpets because they contain alkalis, which harm the fibers and fade the colors. Use a clean cloth, such as a towel, to soak up liquids. Use a spatula to scoop up semi solids. Sponge the area lightly with water, or a soapless lather cleaner. Do not rub too hard. Start cleaning at the outer edge of the stain, then work inward. Don't use too much water. You can use a hair dryer or electric fan to help dry the area when done.

ORCA WISDOM

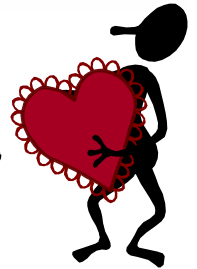


*What goes around comes around.
Work like you don't need the money.
Love like you've never been hurt.
Dance like nobody's watching.
Sing like nobody's listening.
Live like it's Heaven on Earth!*

From our hearts, to yours...
**HAPPY
VALENTINE'S DAY!**



Love the, ORCA Pod!



Failure to Warn of Danger

If you have knowledge of potential danger to your tenants, it is always best to inform them so they can take precautions themselves to help prevent injury.

Reports of burglaries and assaults on your property, or even in the neighborhood, should not be ignored or kept quiet. You may not want to panic tenants or scare applicants away. However, your reluctance to risk losing a tenant could cost both your conscience and your financial well being. Failure to warn tenants and applicants of dangerous situations can get you sued for negligence if harm comes to them because you were aware of a potential danger and did not pass the information on to them.

False sense of security: Don't make any claim or statement that could give an impression that your property offers special protection to people and their possessions, unless you are sure that it does. Whenever a tenant or applicant addresses safety issues, make it clear that extra security is not a amenity you offer. You cannot normally be expected to protect your tenants from even third-party risk, unless you make such claims. If your property contains "controlled access" or "security gates", you might consider calling them "gated" or limited access" entry instead. Some now refer to "security guards" as "hospitality staff" or "public relations" officers to help prevent tenants from a false sense of security. Even locks on windows and doors might be described as "meeting legal requirements" and of "good quality." It is probably best never to claim that they prevent break-ins.

—Information obtained from OnSite Magazine

FEELING THEIR PAIN

In property management, we cannot take anything personally. Each and every owner, tenant, or vendor will get upset and yell at you on one day or another. The trick is to understand where that anger is coming from. There are four parts to "feeling their pain" that have been broken down below:

Understand -

- A. Understanding the overall situation is the most important part. 99% of the time the anger is not directed toward you. It seems to stem from frustration and the current situation. An example would be the owner is upset that the tenant has not paid the rent and is yelling at you. Now the owner knows this is not your fault, but you are the one bringing the bad news.
- B. Understanding the individual's situation is also very important. Try to know each and every owner, tenant, and vendor's personal or business situation. Such as when the owner above who was yelling at you for the tenant not paying the rent is the same owner who needs the rent in order to pay the mortgage. It also helps if you know which owners have surpluses and which do not. These little pieces of information come in handy.

Agree and Deflect - After you have figured out where the anger is coming from, deflect that anger away from you. Tell the owner you agree with his frustrations and that the tenant should pay the rent on time every month. You are not skirting blame since it is not your fault that the tenant did not pay, but rather you are sending the anger away so you can finish the phone call and accomplish what you need to do.

Supply - Now that you understand the person and have successfully deflected their anger, supply them with information and encouragement. You have to be able to supply the owner or whomever with correct information quickly. Keep the owner informed regarding what you have done so far and what needs to be done. Supply dates and costs for what needs to be done. Most of all, supply the person with what you will do for them in order to help them in their time of need. It is also a good idea to throw in some encouragement as well. Find some good news for the person.

Resolve - Ok, so the person is no longer upset at you, he has all the information, and the decision has been made. You have successfully handled the situation and are ready to move on. Make sure you repeat to the person the action you will be taking and thank them. Those simple words end any conversation on a good note.

The hardest part is to understand the person. Too often in life we become defensive too quickly. You must remember that you are not the person at whom they are mad. Once you understand, the rest flows feely.

-Information obtained from the Residential Resource for NARPM and was originally obtain from Frank Gallucci from Hammond & Hammond.

SEX OFFENERS -

Things to think about and know...

Does a Sex Offender live on your block, lead your child's youth group or work at your day care center? Until 1990, you did not have a right to know, nor a means to find out. Now you do. Since February 28, 1990, individuals convicted of a sex offense, or serving time for such an offense as of that date, are required to register with the Sheriff's office in the county which they intend to reside after completion of their sentence. This must be done 14 days prior to release. Upon release, the offender then has 24 hours to physically appear at that Sheriff's Office to formally register. Offenders who move to Washington from another state or foreign country must likewise register. Once registered, the offender is also required to notify the Sheriff's Office 14 days prior to any change of address. If the move is to another county in this State, the offender must notify the Sheriff's Office in both Counties. Failure to notify is a felony and will result in re-incarceration. These conditions are imposed for a minimum of 10 years; some must register for life. Monitoring for compliance is a high priority of the Sheriff's Office and the maintain, update and physically check on offenders in the field to insure your safety.

Strategies for avoiding victimization are about the same as those for avoiding being a victim of any crime. Remember, most criminals are looking for the easiest victim. Using common sense, a little bit of caution, trusting your intuition and maintaining good communication with your children will significantly reduce you and your family's chance of becoming another statistic. Here are a few tips for helping keep your children safe:

- Always know the whereabouts of your Children.
- Small children should never be left alone.
- Teach your children to not go with anyone, unless they have first checked with you. If a stranger or friend pressures your child, teach your child to refuse, and seek help.
- Role play "just in case" scenarios. For example, what should they do if a stranger approaches them and offers candy or pop, or wants to take their picture. Teach them to get away and tell you right away about it.
- Teach your children *good touch* and *bad touch*. Reassure them that it is OK to tell you if they feel someone has touched them wrong, especially if that person told your child to keep it a secret.
- All child care workers, teachers, volunteers etc. are now required to have a background check prior to commencing work. Be sure the adults to whom you have entrusted your children have complied with this law.
- Trust your instincts. You know your child better than anyone else. If you see behavior changes, mood swings or other signs, don't ignore them. You may have a child in desperate need of help.

Remember that an Informed Public is a Safer Public!