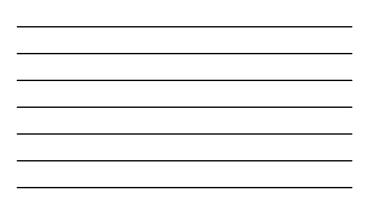
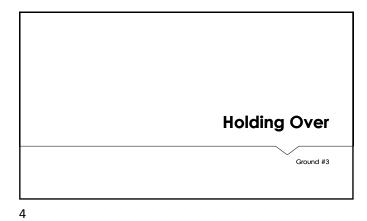
## Holding Over & Criminal Activity

Intro 2/Module 4

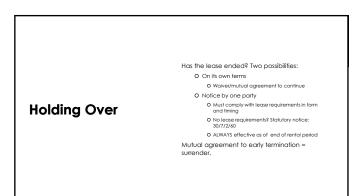


_			
1	. Judgment on the pleadings is available for which ground?	YES BLC	NO FTPR
2	<ul> <li>A LL can accept partial rent without waiving SE by including a non-waiver provision in which ground?</li> </ul>	BLC	FTPR
3	<ul> <li>A LL must demonstrate strict compliance with lease provisions re procedure for termination in which ground?</li> </ul>	BLC	FTPR
4	. Tender is a complete defense for which ground?	BLC	FTPR
5	. Rent of \$800 is due on the first and was not paid. You hear it on the 15 <sup>th</sup> . The amount of your judgment is costs +	\$800	\$400
6	. Rent of \$800 is due on the first and was not paid. You hear it on the 15 <sup>th</sup> . The amount the tenant must tender is costs +	\$800	\$400



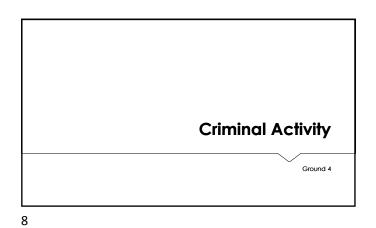


There are two kinds of leases, _ A	has a definite ending date.		
	repeats until someone ends it.		
If the lease states how it	must be ended,		
If the lease is silent on he	ow it may be ended,		
	eriods when you have to fill in the blank.		
	eriods when you have to fill in the blank. Notice Required		
G.S. 42-14 establishes notice p Term of Lease			

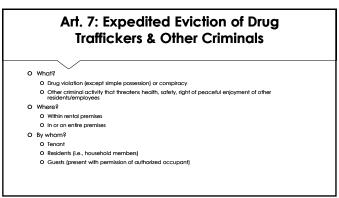


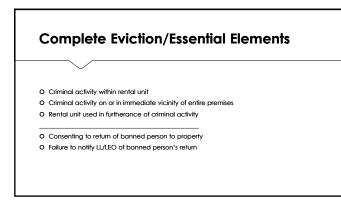
	O Group 1	Begin with Problem 1	
Holding Over	O Group 2	Begin with Problem 2	
	O Group 3	Begin with Problem 3	
	O Group 4	Begin with Problem 4	
Small Group Work	O Group 5	Begin with Problem 5	
	When you finish your first problem, go on to the next See how many you can answer correctly.		
	You have 10 minutes.		

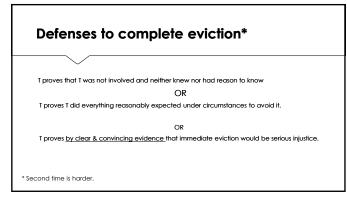
7



Criminal Activity Two possibilities: OGS Ch. 42, Art. 7 OBLC









## Not defenses

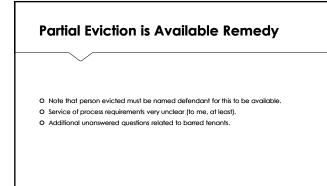
O Waiver not available.O Isolated incident/wrongdoer no longer a resident/guest.

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Other defenses that might apply

Watch out for criminal acts when T is victim!
Fair Housing Act requirement of accommodations for tenants with disabilities may sometimes be relevant.

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## **Conditional Eviction**

- O Directed at T: don't allow barred person to return or fail to report if they do so.
- O Note signature requirement.
- O Enforceable by motion in original case or by filing new case

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## Final notes

- O This civil action is independent of criminal charges. Neither conviction nor charges are required for plaintiff to proceed.
- O Be aware of potential evidentiary concerns about police reports.
- O Potentially complex interaction with breach of a lease condition when forfeiture clause triggered by criminal activity. (What does "not contrary to this Article" mean?)
- O Additional complexity when rental property is government-subsidized.

