

# **Autopsy Report**

**Address/Party: 365 Taylor Court / Owner**

**Author: Senior Property Manager Stephanie**

**Date: August 22, 2011**

## **Incident that caused a problem:**

Owner took a property back after a move out and is angry that we did not make him aware of a window leaking in the foyer that caused sheetrock damage, hard wood floor damage and window sill damage. He claims we should have made him aware of it and we are negligent in our duty to him as the property manager.

## **What was the outcome of the incident?**

Owner is mad. Took the house away from Crown. Left with a negative impression of Crown. Hurt our reputation.

## **Research found that:**

Same tenant was in the property for 6 years.

Property visits had been done for the first 4 years but not the last 2.

Person doing the property visits claims she was accosted by tenant, didn't say anything to their supervisor and refused to go back to the property.

We didn't do a property visit for 2 years (4 visits).

## **Did we screw it up?**

Absolutely. We should have done property visits as promised no matter what. It's our job to do these.

## **What should have been done?**

Person being accosted should have reported it to the broker.

Another person should have done the property visits.

## **What did we do to try to rectify our error?**

Sent our contractor to the property to access the cost to make it right. Sent the owner a check for the estimate with a letter of apology from the broker.

# **Timeline Regarding Willie Byrd 1234 Black Bear Drive, Marietta Lease Purchase**

- 8/10/11      Application to lease purchase 1234 Black Bear Drive
- 8/11/11      Application approved
- 8/30/11      Lease interview
- 9/1/11        Move in
- 9/14/11      Owner called to say the HOA notified her by telephone that the tenant was painting the exterior of the condo a lavender color without approval.
- 9/15/11      Willie called Crown to complain that "some yahoos at the HOA" are telling him he can't paint. He screamed and talked over me and used vulgar language before eventually hanging up on me. (Connie Marie)
- 9/15/11      Karen - Secretary of the home owners associating spoke with Connie Marie and notified Crown that the tenant had indeed painted the house lavender.
- 9/16/11      8:00 Connie Maire took photos of the property.  
9:00 Crown was in receipt of the official notice from the Home Owners Association. Connie Marie, Ann and Stephanie reviewed situation with Broker. After completion of review Broker composed an official notice of lease violation and possible default. Letter and Official HOA Violation Letter was sent certified mail.

# Notes to File Regarding Willie Byrd

## 1234 Black Bear Drive, Marietta

### Lease Purchase

- Purpose:** Tenant is very aggressive, vulgar, yells, painted condo exterior 2 weeks after move in
- 8/29/11 Willie called regarding house/approval and threatened all deals off if no response by 2.
- 8/30/11 Willie threatened to put kids in an aptment if no Official Notice of Approval. Said, "I don't want to waste your time, baby, but I'm a little crazy, too, and I like to show people that I mean business, so please give me a call before I make another move. Thank you, baby." (Annie)
- 8/30/11 Emailed buyer's agent stating he agreed to pay closing costs and wanted to review documents ASAP. He did not allow me the time to address the appraisal situation. He said, "quick talking to me about the @%#&\* money!" Then he changed his tune and said he just wants to get the papers.
- This guy scares me! He makes me feel intimidated! He seems to get his way through intminderung. This guy is going to be trouble!(Annie)
- 9/1/11 Move in
- 9/14/11 Owner called to say the HOA notified her by telephone that the tenant was painting the exterior of the condo a lavender color without approval.
- Contacted his buyers agent, Diann who agreed to help in communication with all issues surrounding Mr. Byrd through his tenancy. Diann notified Mr. Byrd that he would need permission from the owner, and the HOA, to make changes to the exterior, to choose a paint color and get a swatch approved, etc. The owner is agreeing to send a written okay to the HOA for Mr. Byrd to paint *with a color approved by the board*.
- 9/15/11 Called Crown to complain that "some yahoos at the HOA" are telling him he can't paint. He screamed and talked over me. It was useless to try to talk to him. He said two vulgarities to me and after the second, I said "my broker has instructed me not to continue speaking to you if you are going to use vulgar language, then the next thing I will do is hang up the phone." So he said, "go to hell," and hung up on me. (Connie Marie)
- 9/15/11 Karen - Secretary of the home owners associating spoke with Connie Marie and notified Crown that the tenant had indeed painted the house lavender. Connie requested an official copy signed by the president of the home owners association to be forwarded directly to our office as soon as possible.
- 9/16/11 8:00 Connie Maire took photos of the property.

Crown Realty & Management Corporation  
**Agreement and Mutual Release**

This Mutual Release is between Crown Realty & Management Corporation (hereinafter "Crown") and **Larry Landlord** (hereinafter "Owner") regarding a property located at **845 Anywhere Street** (hereinafter "Property") and an agreement between the parties to lease and manage said Property originally signed **May 10, 2005** (hereinafter "Agreement").

Whereas, Owner hired Crown to manage the Property, and  
Whereas, Parties have a dispute as to how the Property was managed.

NOW THEREFORE for one dollar (\$1.00) and other good and valuable consideration, receipt and sufficiency of which is hereby agreed to by all parties, parties do hereby agree as follows:

1. **Crown** agrees to pay **Owner** **\$1,000,000.00** to settle said dispute within 48 hours of the execution of this agreement by both parties.
2. Parties agree not to pursue each other for any alleged violations of any kind regarding the Agreement.
3. Owner agrees not to file a complaint with any organization, local or national, internet or regulatory, regarding Crown, including the Better Business Bureau, Georgia Real Estate Commission, or any other business or institution established to regulate or settle complaints between disputing parties.
5. Crown agrees not to file in the credit bureaus any negative marks regarding any unpaid charges against the Owner. Crown's failure to abide by this provision will constitute a breach of this agreement and Crown agrees to pay and all costs associated with removing of said negative marks, including but not limited to court costs and attorney fees.

This release contains the entire agreement between the parties in this dispute and the terms of this release are contractual and are not a mere recital.

Parties agree this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**Crown Realty & Management Corp.**

**Owner(s)**

X \_\_\_\_\_

X \_\_\_\_\_

it's \_\_\_\_\_

X \_\_\_\_\_

# Broker Issues

There are certain things in a real state brokerage firm that must be brought to the broker's attention for counsel and advice. There is a sample list.

## Accounting

- Non-cashed checks over 90 days old.
- Non-reconciled deposits or receipts
- Bounced checks over (10) days old
- Check book not balanced
- Letters from the IRS
- Any negative trust account balance 15 days old (monthly review/report)

## Maintenance

- Unpaid vendors-thirty (30) day old
- Work order over thirty (30) days old
- Owner who refuses to repair a serious maintenance problem in a timely manner
- Claims of mold
- Claims of rodents
- Emergencies

## Legal Pursuits

- Only your broker can file and 1-9 to someone's credit report.
- Negotiate settlements with legal pursuits
- Any complaints about our filing against them in the credit bureau

## Rent Collection

- Unpaid rent over maintenance
- Unpaid rent over bankruptcy
- Consent orders

## Complaints

- Any letter or phone call from an attorney.
- Owner termination received
- Security Deposit disputes
- Any registered letter
- Anyone threatening to "contact a lawyer"
- Any letter, call or e-mail from a lawyer
- Any Better Business Bureau contact

## Miscellaneous

- Evictions: once the writ is brought
- Bad move out inspection (over \$1,000)
- Declaring the house abandoned
- Taking possession while under eviction
- Cash for keys
- Tenants or owners refusing to sign renewal documents
- Owners trying to modify management agreements
- Any situation threatening the safety and health of our tenants, staff, or agents.
- Conflict with other real estate agents/brokers
- Foreclosures
- Odd applications
- Problems that have dragged out
- Changing out roommates

**Keep "Incident Report" current at all times**

## Staff

- Signing all long-term contracts like postage meter, copier, office space, coffee service
- Employee service agreements like payroll services and insurance contracts
- Service contracts like phone maintenance, computer service contracts, e-check, ACH, tenant screening service, rental posting agreements, alarm system service