

Who You Gonna Call?

By: Nicole Faries, Esquire



(To be read to the tune of the Original Ghostbuster's Theme Song)

When there's someone strange in your rental unit, who you gonna call?

Police or Attorney?

When there's something weird and it don't look good, who you gonna call?

Police or Attorney?

Is it criminal or civil? Is it criminal or civil?

When you're seeing people in your rental unit, who you gonna call?

Police or Attorney?

When there's an unfamiliar man sleeping in your unit, who you gonna call?

Police or Attorney?

Is it criminal or civil? Is it criminal or civil?

When you're in your office, pick up the phone and call...

The Police!

Ellen Sebastiani

We are pleased to announce that Ellen Sebastiani has joined our firm as a paralegal.

Marcella Manis

We are also pleased to announce that Marcella Manis has joined our firm as our legal administrative assistant.

Both Ellen and Marcella have strong legal backgrounds in both civil and criminal law firms.

Marylou Reith

Marylou is a paralegal who previously worked with Michael. She returns to our firm to assist with billing inquiries and other administrative duties.

Chris Kephart

Chris Kephart is a new Law Clerk for Robert J. Valihura, Jr., who will also be assisting Michael Morton on legal issues for the firm. Please join us in welcoming everyone!



Who You Gonna Call? (continued)

If you do not have a lease agreement with the person occupying your rental unit, then that person is criminally trespassing, and thus, the person is subject to arrest for this criminal offense. The problem that landlords have is that the police do not see this as a bright line, clear cut area, instead the police feel that this is gray area. This is because, in most cases, the person has been living

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in the unit; and the police neglect to consider that the person has been living in the unit ILLEGALLY! If a person is in someone else's property without permission and they will not leave when the owner asks them to leave, that is a criminal matter.

Often times the illegal occupant will confuse the police because they will explain that their family member was renting the space and passed away and claim that they are now standing in the shoes of their family member, or the person may say that they have been paying rent to the landlord (and this could be true as someone you don't know of could be dropping money orders in your drop box after hours). The problem is that neither of those facts creates a landlord/tenant relationship as there must be an agreement between the landlord and tenant in order to create such a relationship.

Unfortunately, many police are not willing to weed through this gray area without some strong convincing. Thus, if the call to the police doesn't work, it is now time to call your attorney, and

hopefully that means a call to Michael P. Morton, P.A. because our attorneys deal with this issue all too often. We have successfully obtained Orders from the Justice of the Peace Court which clearly state that there is no landlord tenant relationship and the illegal occupant has not right to be in the rental unit. Once such an Order is entered, the gray area becomes a clear line for the police to act, and the illegal occupant will be arrested if they do not vacate the unit.

This is a criminal matter, but sometimes it requires the help of a civil attorney to get the police to act.

REMINDERS:

WRITS OF POSSESSION: Please remember that if Michael P. Morton, P.A. is representing you in a summary possession action, we will file the request for writ of possession when necessary.

CHANGES IN COSTS AND FEES:

Court Costs start at \$43.75

Post-Judgment Legal Interest has increased to 6.25%

PROOF OF MAILING – CHANGE IN FEES

Please note that the post office has changed the fees for Proof of Mailing.

The cost for Proof of Mailing is now \$1.30 and if you have a minimum of (3) mailings, the cost for EACH mailing is reduced to \$.36. 1-2 mailings, the cost remains \$1.30

The Proof of Mailing is now able to be filled in via PDF instead of the post office books. If you are interested in obtaining a blank fillable Proof of mailing, please email Sherry Lyons at slyons@michaelpmorton.com

SATISFYING JUDGMENTS

Please remember that if Michael P. Morton, P.A. represented you in a landlord tenant action and you obtained a monetary judgment against a tenant or former tenant, and if that tenant pays the amount they owe in full, you need inform us that the debt has been satisfied so that we can mark the case satisfied, or you need to mark the case satisfied on your own. However, if the tenant pays right away and you wish to execute the writ of possession to lock the tenant out, then do not file the satisfaction until the Constable has allowed you to change the locks.



WAGE GARNISHMENTS

Our firm has been approved by Equifax Credit Reporting Agency to run database inquiries for employment information for collection purposes. The cost of each query is less than \$30.00, and the information is guaranteed by Equifax to be accurate and up to date. Any query which does not provide employment will not be charged. Equifax works by allowing payroll services, Fortune 500 companies and other companies to grant access to their information and is updated continuously.

If you have judgments for collection, please consider using Michael P. Morton, P.A. to process wage garnishments against those individuals. We will be happy to discuss our services with you.

NEW BILLING RATES FOR 2017

Due to the substantial increase over several years of office, supply and labor expenses, we have found it necessary to increase our hourly rates. We have not increased our rates for legal services for several years, and although I would very much like to retain our previous hourly rates, we have found that it is necessary to increase the rates. It is our wish that this change will be met with understanding and acceptance, as it was a difficult decision. This change will allow us to continue to provide quality legal services for you. Please see the next page for the new hourly rates.

Our firm has endeavored to keep rates low and competitive to make legal representation affordable. We wish to continue to serve you with the level of quality legal services we have provided in the past and will continue to do so. Please feel free to contact me if you have any questions regarding this change.

EFFECTIVE JANUARY 1, 2017 OUR NEW BILLING RATES ARE AS FOLLOWS:

NEW HOURLY BILLING RATES:

Attorney	JP Action	CCP Action	Superior Court Action	Supreme/Chancery Action
MPM	\$310.00	\$335.00	\$355.00	\$395.00
RJV	\$310.00	\$335.00	\$355.00	\$395.00
NMF	\$295.00	\$320.00	\$340.00	\$360.00
DCZ	\$250.00	\$275.00	\$300.00	\$330.00

LEGAL STAFF HOURLY BILLING RATES:

Chris Kephart, Law Clerk	\$160.00
Sherry Lyons, DCP	\$160.00
Christina Saitis, DCP	\$150.00
Marylou Reith, Paralegal	\$150.00
Ellen Sebastiani, Paralegal	\$125.00
Marcella Manis, Legal Administrative Assistant	\$75.00

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Thank you for reading our newsletter.

If you have any topics that you would like to see addressed in future newsletters, please email David Zerbato at dzerbato@michaelpmorton.com or Nicole Faries at nfaries@michaelpmorton.com.