



P.O. Box 2901, Augusta, ME 04338-2901 * (207) 512-2180



December 2013
Newsletter

CAPITOL AREA HOUSING ASSOCIATION

“LANDLORDS WORKING TOGETHER”

Officers

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Ratna Don

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Secretary

Barbara Eckhardt

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Treasurer

Emmy Swanton

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Board of Directors

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Ratna Don

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Ramona Venskus

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Royce Watson

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Harrison Wolfington

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President's Message

Dear Members,

Another heating season is upon us. I hope that you're all using one of our preferred vendors, J&S Oil, Inc. or Fielding's Oil & Propane Co. for your energy needs.

We are getting close to the beginning of the New Year. Elections for board members and officers will be held at the annual banquet on Tuesday, February 11, 2014 at the Elk's Club. Anyone interested in becoming a board member or officer, please notify a current board member of your intention to run via telephone or email.



Ask the Lawyer - Page 3

Slate of Candidates for the 2014-2015

CAHA Board of Directors:

Ratna Don

Barbara Eckhardt

Royce Watson

***We are looking for more candidates for the
2014-2015 CAHA Board of Directors!***

**No regular member meeting on
Tuesday December 10th, 2013**

President's Message
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Annual membership dues are due by January 1, 2014, with a thirty-day grace period. Those who do not submit their dues by February 1, 2014 will be subjected to a reinstatement fee of \$15.00. We will mail out pre-filled membership renewal forms for the convenience of our existing members. Please do not send checks without the renewal forms. If there are any inaccuracies on your pre-filled renewal form, please make the necessary corrections. We want to make sure our database has the correct information. In order to save money on postage expenses, we are sending a banquet invitation with the renewal form. Please do not forget to fill out and mail both forms.

I wish you Happy Holidays!

Ratna Don
CAHA President

Minutes of Board Meeting
Capital Area Housing Association (CAHA)
Held at Lucky Gardens Restaurant, Hallowell
October 15, 2013

President Ratna Don opened the meeting at 6:00 p.m. with the following present:

Secretary & Board Member Barbara A. Eckhardt
Board Member Charles Anderson
Board Member John McNaughton

Board Member Ramona Venskus
Board Member Royce Watson
Board Member Harrison Wolfington

Business: Motion was made by John, and seconded by Charlie, to approve the October 13, 2013 Treasurer's report as written. Motion passed unanimously.

Two Board meetings were held in September:

Motion was made by Charlie, and seconded by Ramona, to approve the September 10, 2013 Board meeting minutes. Motion passed unanimously.

Motion was made by Charlie, and seconded by Ramona, to approve the special CAHA Board meeting to interview representatives from Maine Natural Gas. Motion passed unanimously.

Code Enforcement in the City of Augusta: Brian Winchester, Esq., represented CAHA at the September 26, 2013 City Council meeting. An informational City Council meeting will be held on Thursday, October 24, 2013. Brian advised the landlords to come prepared to speak at this meeting. The consensus of the Board was to hold a strategy meeting with Brian on Tuesday, October 22, 2013, at 6:00 p.m., at the Kennebec Valley Credit Union in Augusta.

Legislative Committee – Radon Testing: The Department of Health and Human Services (DHHS) was to provide landlords with a written procedure on the steps to take to self-test for radon by the end of September. Thus far, CAHA has not heard from them. It was the consensus of the Board for Charlie to contact DHHS concerning this issue.

Year-End Membership Renewal: Ramona informed the Board that she had a contact person who would be willing to work on CAHA's year-end membership renewal. It was the consensus of the Board for Ramona to set up an Access database contract with this person.

Treasurer: Ratna plans to step down in February 2014 as CAHA's President. If the Board wants, Ratna will serve as a Treasurer next year.

CAHA's Annual Banquet: The banquet buffet was finalized. It was the consensus of the Board to choose menu #10, consisting of baked haddock and meat lasagna, at \$14.95 a plate; plus, basically mix and match the choices of potatoes, hot vegetable, and salads. Pricing for the members at \$5, one guest at \$10, and third person or more \$25 each.

CAHA Facebook Page: The page is published and can be edited by Harrison, Ramona, Ratna, and Charlie.

November Newsletter: It was the consensus of the Board to publish a November newsletter.

Speakers for November Meeting: No November or December meetings unless it is necessary.

New Business: It was the consensus of the Board to change Board meetings from Tuesday nights to Thursday nights to accommodate the Secretary's evening schedule.

The Board took a 50-minute dinner break.

Motion was made by Ramona, and seconded by Charlie, to adjourn the meeting at 8:14 p.m.

Respectfully submitted,

Barbara A. Eckhardt

ASK THE LAWYER

Q. I own some apartments under my own name, and others through a Limited Liability Company. Can I prosecute my own evictions in Court without an attorney?

A. Pro se Evictions for a Limited Liability Company: Title 4 M.R.S. §807(3)(R).

Ask the Lawyer

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Yes, if the apartments are owned in your individual name, or through certain types of a Limited Liability Company (LLC).

While sometimes not prudent to do so, the law permits any person to bring an action to Court in their own name, and to defend an action brought against that person, without an attorney. A person owning apartments in their own name can prosecute evictions for those apartments without an attorney. However, the issue becomes thornier when a non-lawyer seeks to represent not only their own interests, but those of a partner, or their LLC or Corporation in Court.

A Partnership, an LLC, a Corporation and a Trust are examples of legal entities that are separate and apart from the persons that own, manage or benefit from these entities. In general, the law prohibits a person from representing a legal entity in Court unless that person is an attorney. A person that does so in violation of Title 4 §807 is guilty of the “unauthorized practice of law” which is a Class E crime, and is subject to potential penalties of up to a \$1,000 fine and/or 6 months imprisonment.

However, there are some exceptions, and the law was recently relaxed for certain Limited Liability Companies. Effective October 9, 2013, a person who is a sole member of an LLC, or a member of an LLC owned by a married couple or registered domestic partners, may now appear in Court on behalf of the LLC in actions for Forcible Entry and Detainer (eviction).

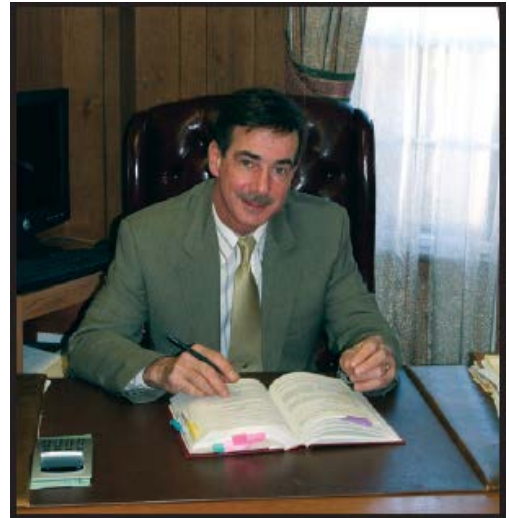
This particular exception which permits certain non-lawyer members of an LLC to appear in Court remains very limited. The exception does not apply:

- a. if the LLC owners are neither married nor registered domestic partners;
- b. if the LLC is owned by more than two persons; or
- c. for any other matter beyond an eviction action.

The exception also does not permit an authorized employee, nor a manager of an otherwise qualified LLC to appear in Court on behalf of the company. Only a qualified member can appear in Court. Moreover, the exception is temporary. The new law is automatically repealed on September 1, 2016, unless before then, this sunset provision is removed or extended. Also, the exception still has not been expanded to apply to Partnerships, Corporations or Trusts. These entities still must engage an attorney for representation in Court on eviction matters.

Separately, other exceptions under §807 permit a manager, member or an employee of an LLC, or an officer or designated employee of a Corporation to appear in Court to bring or defend against other types of actions, such as Small Claim matters or traffic offenses. Corporate officers can also defend the Corporation in other civil actions so long as there are less than five shareholders in the Corporation, although curiously, this exception has not been extended to include even small Limited Liability Companies or Partnerships.

In short, a non-lawyer who is the sole member of an LLC, or is one of two members who are married or registered domestic partners can appear in Court on eviction matters for the LLC, but generally not otherwise. The best



course of action for a non-lawyer seeking to represent the interests of an entity in Court is to consult with an attorney to determine whether they should, and whether they can appear in the action. A person improperly appearing in Court not only risks losing their cause, but may risk criminal penalties in the process.

Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2013 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.



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your family
the very happiest
of
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