

REAL ESTATE LEASING COMMITTEE

DATE: Thursday, July 27, 2017, from 2:00-3:00 pm at The Breakers, Palm Beach, FL, Room: Gulfstream 1

CALL-IN INFORMATION: The call-in information is as follows:

Access Dial In: 1-888-376-5050 Conference Code: 5521424575#

MEETING AGENDA:

1. WELCOME AND INTRODUCTIONS:

Rick Eckhard, Chair
Brenda Ezell, Vice Chair
Christopher A. Sajdera, Vice Chair

2. APPROVAL OF PRIOR MINUTES

3. CHAIR'S REPORT

4. FOLLOW-UP DISCUSSION OF MEDICAL MARIJUANA CLE

5. FOLLOW-UP DISCUSSION ON CLE TOPICS, SPEAKERS, AND DATES

6. DISCUSSION OF LEGISLATIVE INITIATIVES—Arlene Udick, Legislative Liaison

7. DISCUSSION OF THE CASE LAW UPDATE- Brenda Ezell, Vice Chair and Christopher A. Sajdera, Vice Chair

8. CURRENT BUSINESS

9. FUTURE MEETING: December 7-10, 2017 at The Ritz-Carlton, Naples, FL

10. ADJOURN

REAL ESTATE LEASING COMMITTEE
The Florida Bar – Real Property, Probate and Trust law Section
Meeting Minutes – June 1, 2017

TO: All Real Estate Leasing Committee Members

FROM: Rick Eckard, Chair

RE: Minutes From Thursday, June 1, 2017, from 3:30-5:00

LOCATION: Captiva Room at Hyatt Regency Coconut Point Resort and Spa
Bonita Springs, FL

1. WELCOME AND INTRODUCTIONS:

Vice-Chair, Brenda Ezell convened the meeting at 3:33pm and welcomed the Committee members. Chair, Rick Eckhard, appearing by phone, also welcomed the members to another year of the Real Estate Leasing Committee.

2. APPROVAL OF PRIOR MINUTES:

Vice Chair, Christopher Sajdera moved to approve the minutes and was seconded by Lloyd Granet. The Motion passed unanimously.

3. CHAIR'S REPORT:

Chair Eckhard discussed the general focus of the Section, and identified the need to plan for the year in discussing possible CLE topic and speakers.

4. DISCUSSION OF CLE TOPICS AND SPEAKERS FOR THE NEXT YEAR

Vice-Chair Ezell led a brainstorming session about speakers and CLE Topics. Salome Zikakis suggested a Medical Marijuana Seminar focusing on Commercial Leases. Salome Zikakis expressed that it would have bar-wide interest. David Wiseman volunteered to

take the lead on the subject. David Weisman discussed that some issues could be flushed out based on a webinar he attended in Colorado. Chip Waller expressed interest in having the seminar also include residential issues.

Brenda discussed a list of topics (some from an email survey sent out): CAM charges, pop-up leasing, indemnification and waiver of subrogation. Bob Swaine discussed coordinating with the surety committee on the CLE topics of indemnification and waiver of subrogation.

Chip Waller expressed his interest in a live CLE to discuss the anatomy of the landlord/tenant residential leasing issues, eviction, unlawful detainer and ejectment. A discussion was had about how to remove a co-tenant. Lloyd Granet was volunteered to speak and lead the discussion. There was a general discussion that the CLE can focus on self-help and exercising similar rights. Chair Eckhard moved to hold the CLE Topic in 2018 after the proposed unlawful detainer and ejectment legislation will most likely be passed into law.

The Committee decided to proceed forward with the Medical Marijuana CLE on both Commercial and Residential leases, and to have speakers discuss the topics identified during the committee meetings this year.

5. DISCUSSION OF LEGISLATIVE INITIATIVES

Vice Chair Ezell tabled this topic.

6. APPOINTMENT OF LIAISONS

Chair Eckhard explained the expectations of Rob Freedman. Thereafter, Vice-Chair Ezell volunteered to be the technology and CLE liaison; Arlene Udick was named to continue as legislative liaison; and Vice-Chair Sajdera volunteered to be the publications liaison.

7. DISCUSSION OF THE RECENT CASE: *GRAND PROSPECT PARTNERS, L.P. v. ROSS DRESS FOR LESS, INC. et al.*, 232 Cal.App.4th 1332 (CAL. 5th DCA 2015)

Chair Eckhard led a discussion on the case. Vice-Chair Ezell inquired if the lease specified liquidated damages, and how the court construed the liquidated damages. It was discussed how Ross was not allowed to be shielded behind the structure of a condition.

8. CURRENT BUSINESS

Vice-Chair proposed a case law update for the July meeting.

9. FUTURE MEETING: July 27-30, 2017 at The Breakers, Palm Beach, FL

10. ADJOURN

The meeting adjourned at 4:37pm.