



The Law Office of
Rob W. Trickler, PLLC

March 18, 2020

Hello,

This letter is to acknowledge and inform on some of the matters related to the Covid-19 situation.

The attorney and staff of All County Evictions and the Law office of Rob W. Trickler PLLC wanted to let everyone know that the office will still remain open for morning business. Our office is still taking precautions needed with to maintain a healthy, clean, and safe environment for not only staff but clients as well but we are asking that you consider working with us by phone, email and fax rather than walk-in's.

That being said many of the courts are going to phone in hearings only. That may require that we have you present in my office for the hearing or make yourself available for a conference call. Honestly it would be far harder to have a private conversation with you during a hearing by conference call. This is obviously a new approach and it will require the bugs getting worked out.

Some municipalities are beginning to attempt moratoriums on evictions and now there may be some action on the federal level regarding HUD. First, I do not believe the cities have the right to do this but until they are challenged then I would offer this advice. Any appropriate unlawful detainer should still go forward. It is the case than not all evictions are based on non-payment of rent to begin with. If the landlord wishes to work out a payment plan to accommodate the issues brought on by this emergency then I strongly recommend it be done in a stipulated agreement that comes after the service of an unfiled unlawful detainer. The reasons are as follows. If you just sign some agreement on your own then it will be considered a promissory note. If that agreement is violated then you will have to sue in a standard civil action. That can take many months and even years and can NOT ever result in an eviction or you getting your property back. On the other hand if you start the unlawful detainer without filing the case then settle it in a stipulated agreement you can put a payment plan that can be enforced by the court immediately with no hearing or argument. It can result in a judgment and a writ ordering the eviction. It's a far better and safer way to accommodate your tenants.

Getting the court order and judgement may also help the landlord because that is the key piece that opens up resources such as the landlord mitigation fund and a number of grants that can result in the landlord getting paid back rents and costs. Even if the eviction is not allowed the lawsuit may result in getting the landlord paid. Clearly in my opinion a far better approach.

Now getting the sheriff to execute the writs may become complicated. Some are saying they simply won't do so. This is clearly not their option in a strictly legal sense but forcing them to do so may require a lawsuit against them for a writ of mandamus. Hopefully we can get the courts to require them to do so at least in the event of evictions not based on non-payment. The officers after all do not do the moving and thus not add additional exposure with surfaces. That being said I can anticipate a situation where the deputies may require you invoke the storage and store personal property in place. They don't have any authority to do so under the law but I have seen many do this even before this situation so I would not be surprised to see that increase and it is probably well advised not to argue the point. That being the case it makes sense to prepare for that contingency.

That's what we know in this rapidly evolving situation at this time. We will do our best to keep you all informed.

Our phone number is (425)-303-8000 or send as an email at reception@tricklerlaw.com

Sincerely,

Rob W. Trickler
Attorney and Counselor at Law
President WLA