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The faculty has prepared a substantial reference work to accompany its presentation. This manual will serve as a valuable tool for future reference. You will receive the manual upon checking in at the seminar site. Its price is included in the registration fee.

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PROBLEM LOANS: Early Detection of Problem Loans; Strategic Considerations; Security Interests: Practice & Procedure; Real Estate Foreclosure Practice; and Effect of Bankruptcy

PRESENTERS: Yuliy Osipov with Osipov Bigelman, P.C.; Robert N. Bassel with Kemp Klein Law Firm; Neil R. Sherman with Peter M. Schneiderman & Associates, P.C.; Kimberly C. Redd with Redd & Rao PLC; and Seth P. Tompkins with Sullivan, Ward, Asher & Patton, P.C.

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FUNDAMENTALS OF CONSUMER BANKRUPTCY: Overview of Bankruptcy as a Remedy for Consumer Debtor; Chapter 13; Chapter 7; Selected Major Topics; Consumer Bankruptcy Case and Pre-Bankruptcy Planning; and Litigation in Bankruptcy Court

PRESENTERS: Ryan D. Heilman with Schafer and Weiner, PLLC; Matthew E. Thompson with Kupelian Ormond & Magy P.C.; Charles D. Bullock with Stevenson & Bullock, P.L.C.; and Kimberly A. Bedigian with Stevenson & Bullock, P.L.C.

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LANDLORD TENANT LAW: BEYOND THE BASICS: Problem Tenants; An Ounce of Prevention; Landlord Rights and Options When the Deal Goes Bad; When the Tenant or Landlords Files Bankruptcy; Ethics in Landlord-Tenant Law; and Options Involving Condominiums

PRESENTERS: Charles D. Bullock with Stevenson & Bullock, P.L.C.; Kevin A. Fanning with Clark Hill PLC; Ruth A. Rowley with Powers, Chapman, DeAgostino, Meyers & Milia, P.C.; and Robert M. Meisner with Meisner & Associates, P.C.

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Collection Techniques and the Law

Southfield – October 20, 2009

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Collection Techniques and the Law



**October 20, 2009
Southfield, MI**

Presented by:

- Jeffrey K. Bearss**
- Weltman, Weinberg & Reis Co., L.P.A.
 - David A. Wolfe**
- Weltman, Weinberg & Reis Co., L.P.A.
 - Jonathan F. Rosenthal**
- Weltman, Weinberg & Reis Co., L.P.A.
 - Yuliy Osipov**
- Osipov Bigelman, P.C.
 - Andrew M. Harris**
- Kitch Drutchas Wagner Valitutti & Sherbrook
- (See complete biographies inside)



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WHO SHOULD ATTEND

- Attorneys:
 - Collections
 - Debtor/Creditor
 - Bankruptcy
 - General Practice
- Bankers
- Lending Officers
- Credit Managers
- Secured & Unsecured Creditors
- Collection Managers
- Anyone involved in dealing with collections

MEET THE FACULTY

JEFFREY K. BEARSS, in the Detroit office of Weltman, Weinberg & Reis Co., L.P.A., practices in the area of legal action recovery. He is a member of the Michigan Bar Association, and he is licensed to practice law in the state courts of Michigan, the U.S. Court of Appeals, Sixth Circuit, the U.S. District Court, Eastern District of Michigan, and the U.S. Supreme Court. Mr. Bearss received his B.A. from Michigan State University and his J.D. from the University of Detroit Mercy School of Law.

DAVID A. WOLFE, in the Detroit office of Weltman, Weinberg & Reis Co., L.P.A., practices in the areas of bankruptcy and legal action recovery. Mr. Wolfe is a member of the Michigan, the Oregon, and the American Bar Associations, and he is admitted to practice in the state courts of Michigan and Oregon, and the U.S. District Court, Eastern and Western Districts of Michigan. Mr. Wolfe received his B.A. from Wayne State University and his J.D. from the University of Detroit Mercy School of Law.

JONATHAN F. ROSENTHAL, in the Detroit office of Weltman, Weinberg & Reis Co., L.P.A., focuses his practice primarily in the area of bankruptcy. Mr. Rosenthal is a member of the Michigan and American Bar Associations, and he is admitted to practice in the state courts of Michigan and the U.S. District Court, Eastern and Western Districts of Michigan. Mr. Rosenthal received his B.A. from the University of Michigan at Ann Arbor and his J.D. from the Case Western Reserve University School of Law.

YULIY OSIPOV, a partner in Osipov Bigelman, P.C., has extensive bankruptcy experience including the representation of debtors, creditors, and Chapter 7 trustees. Mr. Osipov is actively involved in the local bankruptcy bar, and he was a member of the subcommittee responsible for drafting revisions to local bankruptcy rules. Mr. Osipov is on the board of directors for the Consumer Bankruptcy Association, and he is Board Certified in Consumer Bankruptcy Law by the American Board of Certification. Mr. Osipov is a frequent speaker at national and local professional education programs. He is a member of the State Bar of Michigan and the Federal Bar Association. Mr. Osipov received his B.A. from the University of Michigan and his J.D. from the University of Detroit Mercy School of Law.

ANDREW M. HARRIS, with Kitch Drutchas Wagner Valitutti & Sherbrook, practices in the areas of real estate, commercial litigation, collection matters, and federal and state tax issues, and he defends professional negligence claims involving insurance agents, lawyers, and accountants. His expertise also includes advising clients on all aspects of commercial, industrial, and residential landlord-tenant matters. He was named a "Rising Star" by *Superlawyers Magazine* in 2008. Mr. Harris is an elected member of the library board for the city of Birmingham and the attorney liaison to the Building Owners Management Association's Government Affairs Committee which consults with state legislators regarding Michigan commercial property tax reform. He is admitted to practice in Michigan, the U.S. District Court, Eastern District of Michigan, and the U.S. Tax Court. Mr. Harris received his B.A. from the University of Michigan, his J.D. from Wayne State University, where he was a member of the Moot Court Team, and he is currently completing his coursework at Wayne State University Law School's Tax L.L.M. program.

COLLECTION TECHNIQUES & THE LAW

Southfield - October 20, 2009

Location: Embassy Suites Hotel - 28100 Franklin Road - Southfield

Registration: 8:00 a.m. **Presentations:** 8:30 a.m. - 4:30 p.m.

Lunch: (on your own) 12:00 - 1:00 p.m.

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Please remember to bring your license number, ID or other necessary information to the seminar to ensure proper reporting of continuing education credit.

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Collection Techniques & The Law

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Southfield - October 20, 2009

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SEMINAR AGENDA

I. An Ounce of Prevention: Pre-Litigation Efforts

- A. Monitor payments to catch deficiencies early
- B. Informal collection programs
- C. Self-help repossession: overview of the process; notice of repossession and right to cure; pre-filing demand for payment

II. Evaluating the Collection Claim

- A. Gathering information and documents
 - 1. Is there a debt?
 - 2. Who is liable for the debt?
 - 3. Payment demands
- B. Statutes of limitations
- C. Jurisdiction/venue considerations
- D. Is the debt collectable, even if you win in court?
- E. Fraudulent conveyances

III. Going to Court: Obtaining a Judgment

- A. Filing the summons and complaint
- B. Obtaining service
- C. Avoiding counterclaims
- D. Default judgments
- E. Recovery of attorney fees and costs
- F. Summary judgments
- G. Discovery techniques
- H. The trial

IV. Fair Debt Collection Practices Act

- A. Background and history of the Act
- B. Parties affected by the Act
- C. Definitions of consumer, debt collector, and debt
- D. Communications permitted or restricted by the Act
- E. Actions permitted or restricted by the Act
- F. Actions required by the debt collector
- G. Legal actions by debt collector
- H. False or misleading representations
- I. Liability for violations
- J. Defenses to a FDCPA claim

V. Collecting a Judgment

- A. The judgment lien – creation, enforcement and renewal
- B. Execution liens; writs of execution; personal property levies; bills in equity
- C. Garnishments and conditional judgments on garnishees
- D. Exemptions – claiming exemptions and challenges to exemptions
- E. Tenancy by the entirety property and rights of survivorship
- F. Corporate judgment debtors and piercing the corporate veil
- G. Skip tracing techniques

VI. Collection Issues in Bankruptcy

- A. Bankruptcy preference claims; defenses; avoiding preference claims
- B. State law preference claims and the U.S. Bankruptcy code
- C. The debtor's exemptions and challenges
- D. Filing proofs of claims; administrative expenses; post-bankruptcy transactions with the debtor
- E. Relief from the automatic stay

Sterling Education Services may alter the agenda due to circumstances beyond our control.