

Basic Real Estate Rule of Thumb: Courts Taking Appropriate Action

by Isaac Benmergui, Esq on September 9, 2014



A state court can put its foot down, obviously, for good reason upon analysis of the evidence. It's very simple: debtor failed in making payments, a default notice was issued, and an automatic stay was imposed. However, *during* that automatic stay, the court can obligate the debtor to pay all past due rents, and even ongoing rent payments, to the court registries, and to make it even more interesting....

If the debtor's late in making those payments by even *one day*, it could result in a default judgment for possession, issuing a writ. The court could even order a debtor to vacate the premises completely. This holds more water than even a landlord taking authority and demanding that a tenant leave. Not only would law enforcement be involved, but the courts would be involved. There's more authority in that order, hence why it's always a good idea for a landlord to involve the judicial system in this case.

This could be construed as a victory for the landlord, for obvious reasons. It served the landlord's purpose perfectly. Even after a debtor could even file for a request to reconsider with the court, there would be no recourse of action, especially if the court, as promptly described, would "put its foot down" and make a judicial order in writing.

Even then, a debtor could take this one step further, sadly enough. This will blow your mind – but this is to the extent of just what real estate law can offer for both parties in a fair and equitable manner. Read on....

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