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WAYNE COUNTY

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24 hr info line: 313-347-1401
Fax: 313-386-7600

MAILING: **P.O. Box 5341**
Dearborn, Michigan 48128

Volume 29

January 2014

Number 12

NEXT MEETING

TUESDAY JANUARY 7, 2014
NETWORKING & DINNER
RED LOBSTER

13999 Eureka Rd • SOUTHGATE
Next to 7-11, near Trenton Rd.

6:00 - 7:15 Dinner and Networking
7:30 Meeting

SPEAKER/TOPIC

Jeffry A. Campeau, CPA/ABV
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Jeffry will be talking on "Current
Income Tax and Accounting Issues for
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He will do an outstanding job of
bringing everyone up to date.

For Any Questions Please Call:
Wayde Koehler, President 313-819-0919

Welcome

New Member
Mark Jefferson

& New Directors!

Mike Brandau
John O'Neil
Roberta Nied-Broderick



YOU ARE INVITED TO THE
MONTHLY INVESTOR
GET-TOGETHER!
Hosted by our Vice President
Bill Beddoes

3RD TUESDAY MEETING
JANUARY 21, 2014

WHEN 3rd Tuesday of the month
Join us for a casual evening with
like-minded individuals to share
your stories, discuss your issues and
learn more about our investing
community!

No admittance fee, just make sure
you pay for your food. :)

We hope to see many of you there,
and feel free to bring a friend or two.

Membership Application

New Member () Renewal ()

ANNUAL DUES Family — \$125.00 - (One Address — 2 People)

Single meeting fee for non-members is \$20.00 per person, which will be applied to the annual dues if you join the next month.

(we hope this will encourage people to join)

Fill Out Form and Mail or Fax to: R.E.I.A. • P.O. Box 5341 • Dearborn, Michigan 48128

Make Check Payable to: REIA — (313) 347-1401 Fax: (313) 386-7600

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How did you hear about us??: _____ Referred by a member?? Their Name _____

Business Name(if applicable) _____

EMAIL ADDRESS _____ **Can you volunteer some time, talent or information??**

Tell us the companies you use and see if we can advertise for them.

FOR RENEWING MEMBERS: Any questions/comments on how to better our organization??

NEXT MEETINGS

MONTHLY MEETING

- Tuesday January 7, 2014
- Tuesday February 4, 2014

INVESTOR GET-TOGETHER — JAN 21ST

BOARD OF DIRECTORS

- Tuesday January 14, 2014
- Tuesday February 11, 2014

Real Estate Investors Association of Wayne County

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HOW GOVERNMENT VIOLATES THE FOURTH AMENDMENT RIGHTS OF RENTERS

by Dan Wang

A case of constitutional abuse from Rochester, New York. Florine and Walter Nelson are grandparents who have lived in Rochester for over 30 years. For nearly a third of that time, they have resisted the efforts of city officials to inspect their home on the basis that they are renters rather than buyers.

Since 2005, the city has steadily escalated its efforts to enter their house, by charging them with contempt and attempting to use “administrative” search warrants to conduct “suspicionless” searches.

The Nelsons and other renters claim that the city is violating their constitutional rights, and last year petitioned the Supreme Court to review the city’s actions. They and other renters argue that the city is violating their Fourth Amendment right to be secure from unreasonable searches.

They challenge city-issued warrants that authorize officials to inspect their home not because they are under suspicion for committing a crime, but because officials want to make routine code inspections. **And they claim that the renter and owner distinction is based on a discriminatory economic classification which violates their rights under the Equal Protection Clause of the 14th Amendment.**

Rochester has targeted rental homes for inspection since 1997, when it required anyone who wished to rent out a home to obtain a Certificate of Occupancy (CO). CO’s are granted only after a code inspection, and must be renewed every six years, which entails another inspection. Those who refuse to be inspected face prosecution.

The city’s policies have in effect given greater Fourth Amendment protections to suspected criminals and to people who own homes than to people who rent. “It makes me feel like a second-class citizen,” says Jill Cermak, another renter who refused to be inspected. She points out that someone who owns rather than rents is not subject to these routine inspections, nor does she have to renew a license that permits her to live in her home.

After the Nelsons refused to consent to an inspection, the city charged them with “contempt,” for which the punishment is imprisonment and/or a fine. When the City Court denied that motion, the city passed a law which directly authorizes the issuance of “administrative search warrants” to conduct inspections. Refusal to consent to a search has effectively become sufficient probable cause to merit a search.

These warrants are generated without suspicion of a crime and do not specify things to be searched. They remain valid for 45-days, permit multiple entries by code officers, and allow officers to film their inspections, which are later publicly available. The whole neighborhood is able to see the letters on a coffee table and the contents of a medicine cabinet. Inspectors are permitted to look through every aspect of a house, wherever there may be violations of “federal, state, county, or city law, ordinance, rule or regulation relating to the construction, alteration, maintenance, repair, operation, use, condition or occupancy of a premises.” Inspectors may look inside “interior surfaces” of closets and drawers to determine if they are “clean and sanitary.

(Continued next page - My Clients)

(Continued from Violates 4th Amendment Rights)

“My clients are stunned that they have to fight for their right to privacy,” says Michael Burger, who represents the Nelson family, Jill Cermak, and another renter. “The government has made it so that a whole class of people have no way to prevent a search of their home.”

In 2010, a judge at the New York Supreme Court upheld the constitutionality of these warrants. The renters then filed a petition at the U.S. Supreme Court, but were denied a hearing. They continue their litigation and continue to resist inspections.

Ilya Shapiro of the Cato Institute warns that the ruling encourages other jurisdictions in the state to create similar laws. It provides a precedent should New York City wish to allow its code inspectors to search the considerable number of rental apartments in the city.

“If these administrative warrants are held more generally,” says Shapiro, “it would mean that renters have fewer rights than owners. It would mean that your property and your privacy is not sacrosanct that the government under the pretext of looking for code violations can go and see how you live your life, from awkward things to intimate details all the way to criminal liability in these searches.” Shapiro filed an amicus brief for Cato on behalf of the renters, who have also received supporting briefs from the Reason Foundation (the nonprofit that publishes this website), the Institute for Justice, and the New York State Coalition of Property Owners and Businesses.

Gary Kirkmire, the city’s Director of Inspections, insists that there is a public safety component to these searches, highlighting that inspectors look for concerns like firesafety, lead hazard, electrical, and squalor. When asked why rental homes and not owner-occupied homes are targets for routine inspections, he responds: “Generally

speaking, owner-occupants take better care of their property. That’s a well known fact. It’s not rocket science. You can see a drastic difference in the upkeep and maintenance of properties.” Kirkmire also points out that few warrants are needed because renters usually consent to a search; the city sought no warrants for CO inspections in 2012.

But, David Ahl, a board member of the New York State Coalition of Property Owners and Businesses, alleges that the city is engaging in punitive action meant to chill the exercise of the right to deny consent. Through Freedom of Information Law requests he has discovered that city has filed 50 administrative search warrants since 2003, every single one of which target properties owned and managed by members of his organization. When asked about Ahl’s claim, Kirkmire referred the question to the city’s legal department and emphasized again that few warrants are ever sought.

Based on a Supreme Court ruling in 1967, cities across the country are increasingly using these kinds of warrants to search rental homes. “These are the 21st century’s Writs of Assistance,” says Michael Burger, referring to colonial warrants which allowed British officials to conduct blanket searches. “And the city is using them against the poor and disenfranchised, not against those who are wealthy enough to own their own homes.” His clients plan to continue to resist this kind of search.

Submitted By Robert F. Tulloch and reprinted from the JALA News



Why Single Family Rentals are Here to Stay

By Chris Cloth

There's only one reason why the housing crash wasn't any worse than it was on the nation's homeowners, mortgage lenders and local communities-and it wasn't the federal government. Private investors have accounted for 15 to 25 percent of home sales since 2008-most of them foreclosures that are poisonous to local home values. In market after market, investors stepped in to stop real estate markets that were in a death spiral and created a price bottom that made recovery possible.

Most investors focused on turning these properties into single family rentals, often to house foreclosure victims.

Today, some 52 percent of all rental units in the U.S. are single family homes, housing 27 percent of all renters. Most, 3.6 million, were originally built for owner occupancy but passed into the ranks of rentals when their owners lost them through foreclosure.

With 1.2 million more foreclosures in the processing pipeline and well-funded hedge funds and REITs now spending billions to buy and manage single family rentals, many wonder whether there will be a market for so many rented houses, which have experienced extraordinary growth. From the peak of the housing boom in 2005 to 2010, single family rentals grew at a rate of 21 percent versus just a 4 percent increase in total housing units.

Is the single family rental boom just another real estate bubble? Or are we witnessing the expansion of a new housing option, one that has existed for centuries that's perfect for a generation burned by the housing bust and wanting the space, privacy, security and sense of community for their children that they grew up with? A good place to find the answer is to listen to the expectations and dreams of families already living in single family rentals.

We contracted with ORC International, Opinion Research Corporation, one of the most respected Caravan survey companies in the world, to look at both apartment dwellers and single family renters to learn more about them. What transpired was eventually published as the National Survey of Renters.

Some of the findings were expected. Single-family renters tend to place a higher value on safety, cleanliness and friendliness of the area and schools than on access to parks, recreation and community centers. They also tend to be more affluent than multi-family renters and are more apt to have children. In addition, the data showed that single family home renters tend to be a little older. There were also some surprises:

Some 52 percent of all renters, and 60 percent of single family renters, plan on becoming homeowners in the next five years. Clearly, single family rentals are serving as incubators and stepping stones to homeownership for potential buyers who need time to put their finances together and build their credit.

However, 26 percent of single family renters have no plans to move at all. For them, a single family rental is the ideal destination; the amenities of single home living without the risk, cost or obligations.

Finally, 84 percent of single family renters gave their property management company or landlord good to exceptional ratings, significantly higher than apartment dwellers. Only five (5) percent rated their property management as poor.

There was one final surprise. We asked those renters who did not plan to buy a home in the next five years if access to financing was a reason, and only 29 percent said it was due to difficulties obtaining a loan. More mentioned that they just didn't want to become owners or that they enjoyed renting.

The housing economy is just beginning to recover from a multi-year nightmare that would have been much worse if the single family rentals that are filled with tenants today were still on the market as foreclosures, infecting home values for blocks. The investors who took a gamble, bought them, spent an average of \$11,000 on rehabbing them, and now provide housing for others, have reinvented a traditional housing option and adapted it to the needs of a young generation seeking an alternative to apartment living and owner-occupancy. If it works, as our research suggests it will, the closing chapter on the foreclosure crisis will be a happy one.

Chris Clothier is an active real estate investor and entrepreneur with executive positions in Memphis Invest, GP, Dallas Invest, GP and Premier Property Management Group.

Reprinted from AOA News and Buyers Guide & Taken from R.P.O.A. - MICHIGAN LANDLORD

26 percent of single family renters have no plans to move at all. For them, a single family rental is the ideal destination; the amenities of single home living without the risk, cost or obligations.

OUR WEBSITE!!!
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Landlord's Quarters — A Place for Landlords

Landlords should know the risks of liability associated with tenant smoking and understand how they can limit that liability

As one of the cases in this bulletin highlighted, landlords may face the complicated issue of tenant grievances associated with second hand smoke from other tenants. Smoking related conflicts that continue unresolved may expose landlords to legal liability.

THE "RISKS" ASSOCIATED WITH TENANTS' SMOKING

According to a 2010 notice from the United States Department of Housing and Urban Development, secondhand smoke, also referred to as environmental tobacco smoke, can migrate between units in multifamily housing, causing or worsening certain health effects in neighboring tenants, including respiratory illness, asthma, heart disease, and cancer. According to the Centers for Disease Control, secondhand smoke causes almost 50,000 deaths in adult nonsmokers in the United States each year, including approximately 3,400 from lung cancer and another 22,000 to 69,000 from heart disease. According to the United States Environmental Protection Agency, secondhand smoke exposure causes disease and premature death in children and adults who do not smoke.

Smoking can also be a source of fires and fire-related deaths and injuries. Based on data from the U.S. Fire Administration of the Department of Homeland Security, there were an estimated 18,700 smoking-material fires in homes in 2006. Those fires caused 700 civilian deaths, and 1,320 civilian injuries, and \$496 million in direct property damage. In multifamily buildings, smoking is the leading cause of fire deaths. For this reason, some insurance companies may provide a discount when there is a smoke-free policy at the residential rental property.

Also, smoking increases maintenance costs of rental units, particularly when preparing a unit for a change in tenancy.

POSSIBLE RELATED LANDLORD LIABILITY

Legal claims that may be brought against a landlord by a tenant claiming substantial harm from a neighboring tenant's drifting second hand smoke include:

- nuisance;
- negligence;
- harassment;
- constructive eviction;
- violation of the implied covenant of quiet enjoyment;
- violation of the implied warranty of habitability.

Note: Some cities, including several in California, specifically prohibit smoking in multiunit housing and/or specifically declare secondhand smoke to be a nuisance.

Of course, whether any such claims brought by a tenant against a landlord would be successful depend on various factors, including: whether the tenant actually suffered significant harm (e.g., frequent respiratory complaints; missed work due to illness caused by the smoke; absence from the rental unit because of neighbor's smoke; or other inability to open windows or use a heater in an attempt to prevent smoke from entering the unit).

Note: Tenants who have' disabilities with conditions made worse by secondhand smoke may be eligible for special legal protections.

If such a suit brought by a tenant is successful, possible awarded damages may include:

- money damages-such as for medical bills, moving costs, or lost pay;
- an injunction might forcing the landlord to designate certain units smoke-free or provide the complaining tenant with a different unit, or take remedial action to inhibit the drifting of smoke-such as installation of exhaust fans or sealing of units.

(continued next page - Potential Solutions)

(continued from Possible Damages - Landlord Quarters)

POTENTIAL SOLUTIONS FOR SMOKE-RELATED COMPLAINTS

Tenants do not have a “right to smoke” in their residential rental units. Smokers do not have a constitutional right to smoke, nor are they a protected class under fair housing laws. Moreover, an addiction to tobacco, nicotine, or smoking is not considered to be a disability under the Fair Housing Act or the Americans with Disabilities Act. Accordingly, as a landlord, if you desire, you have various options for limiting your potential liability associated with tenant smoking:

Prohibit Smoking. In lease agreements, landlords may include covenants, conditions, or terms that prohibit residential tenants from smoking in units, as well as in all common areas, including outdoors.

Note: State law may already prohibit smoking in indoor common areas if the facility has employees, such as property managers or others, who work on site.

If, as a landlord, you do not currently have a “smoke-free” policy for your residential building, such a policy can be phased in gradually with new leases containing clauses that prohibit smoking.

Note: If an existing lease agreement does not prohibit smoking, then you cannot change its terms until the lease expires without tenant consent. In any case, if changing the building rules on smoking, be sure to follow landlord-tenant law by giving notice, having existing tenants sign agreements with the rule change, and applying the rule equally.

Importantly, lease language that prohibits smoking should: make clear the purpose of the policy; define proscribed activities (e.g., define “smoking” to not solely mean smoking of “tobacco products”; particularly in states where the use of marijuana is legal, you may wish to also proscribe the smoking of marijuana); spell out landlord and tenant responsibilities; and limit landlord liability for violations of the policy when the landlord takes all reasonable steps to enforce the policy. The lease should not create an express or implied warranty that a property’s smoking policy will increase safety, enhance habitability, or improve air quality. The lease should clearly define what constitutes a tenant breach of the smoking policy and the consequences of a breach.

Separate Units. If you own or operate a multi-building complex, you may consider separating the units of smokers and nonsmokers and designating some buildings as “smoke-free.”

Source: “Legal Options for Tenants Suffering from Drifting Tobacco Smoke”; changelabsolutions.org

Source: National Multi Housing Council, Property Management Update (February 1, 2008), “No Smoking Policies in Apartments.”

Source: U.S. Department of Housing and Urban Development, Office of Public and Indian Housing Office of Healthy Homes and Lead Hazard Control, SPECIAL ATTENTION OF: NOTICE: PIH-2009-21 (HA) (July 17, 2009), “Subject: NonSmoking Policies in Public Housing”

Source: www.cdc.gov/tobacco/data-statistics/sgr/index.htm.

Source: www.epa.gov/smokefree/healtheffects.html

Source: www.usfa.dhs.gov/downloads/pdf/publications/Residential-Structure-and-Building-Fires.

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See page 18 for details

A PUBLICATION OF THE RENTAL PROPERTY OWNERS ASSOCIATION

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Boost for job training

Colleges and universities across Michigan are sharing more than \$26 million in federal money to expand job-training programs. The grants announced Wednesday come from the Labor Department and are part of \$475 million going to schools across the nation. The largest state grants are going to Baker College in Flint and Macomb Community College in Warren. MCC is getting about \$9 million as the lead college in a consortium of eight schools in Michigan. Other schools receiving money are-, in Escanaba, Grand Rapids, Battle Creek, Benton Harbor, Lansing and Livonia.

Associated Press and reprinted from the Detroit Free Press and submitted by Wayde Koehler, Pres, REIA

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Offer to prepare corporate records is license to steal

Everyday consumers aren't the only ones targeted by scam artists running fake foreign lotteries, sending scam e-mails about a so-called approved loan or making phony pitches for supposedly free trial offers.

Small business owners and corporations are now getting hit by solicitations for preparing so-called required corporate records. The fake fee is \$125 or more for preparing the documents. A return envelope is often included. The paperwork looks legitimate and resembles something that might come from a state office.

It's nothing but hokey. Don't pay the fee.

"They make it very easy for someone to part with their \$125," warned Barbara Dobb, a certified public accountant at Dobb & Sager CPAs in Commerce Township.

Michigan does not require businesses to file corporate records, only annual reports or annual statements, which can be done online directly to the State of Michigan, said Steve Arwood, director of the Michigan Department of Licensing and Regulatory Affairs.

In a written statement, Arwood warns businesses to disregard the deceptive notices. Some notices could appear to be issued by the Michigan Department of Licensing and Regulatory Affairs - Corporations, Securities & Commercial Licensing Bureau.

Some accountants worry that a small business owner could wrongly believe that the business might be shut down by the government if the business doesn't comply.

Dobb said her own firm even received one of the solicitations in early August. We've heard reports of church leaders and even sorority sisters getting similar forms, too. So if you received something in the mail because of

*(continued next page -
Corporate Affiliations)*

WHAT IF YOUR BUSINESS RECEIVES A SOLICITATION TO PREPARE CORPORATE RECORDS?

- In Michigan, you can contact the Licensing and Regulatory Affairs bureau at 517-241-6470, 8 a.m.-5 p.m. weekdays.
- You can file-complaints online with the Michigan Attorney General's office at www.michigan.gov/ag.
- If you have questions about your corporation, limited liability company or limited partnership, use the Business Entity Search at www.michigan.gov/entitysearch to check your status.
- If an annual report or statement needs to be filed, you can file online using www.michigan.gov/fileonline.

Source: Detroit Free Press research

BOARD MEMBERS INFORMATION

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Mike Brandau	734.231.0400	
John O'Neil	603.848.8689	

(continued from - License to Steal)

some corporate affiliation, read it very, very carefully before sending any money.

Regulators say similar solicitations are hitting small business owners in California, Colorado, Florida, Georgia, Indiana, Illinois, Massachusetts and Texas, among others.

The concern is that a small business owner who is busy juggling many duties could be tricked into thinking that some state government agency is requiring yet another form and another fee.

One solicitation in Michigan lists a Lansing address on West Saginaw Highway. The woman who answered the phone said she could not answer media questions or give a company statement.

The form that I saw included "Instructions for Completing the Annual Corporate Records Form." Dig further into the form and the print does say, "Corporate Records Service is not a government agency and does not have or contract with any government agency to provide this service."

CPAs across Michigan are sending e-mail blasts to warn clients who might not read that form carefully. Sometimes the fee is \$125, \$150, \$175 or \$239 for completing and submitting those so-called annual corporate records.

Some CPAs compare this latest round of solicitations to those fake e-mail alerts from the IRS around tax season. Don't open those, either.

The Michigan Department of Licensing and Regulatory Affairs is warning about solicitations from an entity called the "Corporate Records Service." The fake solicitation can include a form called "2013 - Annual Corporate Records Form."

One woman -who runs a nursery and gardening center in Warren called her CPA concerned about the official-looking document.

Joseph DeGennaro, tax director for Doeren Mayhew in Troy, said his client told him: "I've never paid this before in my life. What is this?"

What's unsettling is that the letters could arrive at a time, maybe in the late summer or fall, when many small business owners would not be meeting with their accountants and might send the money before questioning the fee,

"There's zero requirement to fill that out and pay that money," said Stella Moulton, CPA and tax manager for Gordon Advisors in Troy.

"Ignore it. Shred it," she said.

**Reprinted from the Detroit Free Press & Submitted by
Wayde Koehler, Pres. R.E.I.A. of Wayne County**





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Tell everyone what Professional Service or skilled trade you offer; specifically for the Real Estate Investor.

(Bring your flyers and business cards)

NEED HELP?

Come on up and introduce yourself.

Ask for a little help on your project.

(This may be why we are all here????)

The Right Place at the Right Time!!

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SPEAKERS COMMITTEE

Wayde Koehler

313-819-0919

If you have any suggestions for speakers, drop us a line at: www.reiawaynecounty.org

**Wayne County REIA of Michigan
LOOK FOR US ON FACEBOOK!**



Section 8 Questions???
Call Jane Scarlett

Wayne Metropolitan Community Action Agency
Housing Agent for the Michigan State Housing
Development Authority

734-284-6999

jscarlett@waynemetrometro.org

Wayne Metropolitan
Community Action Agency

05/14

— WEB SITE CORNER —

This new column of useful website addresses is a new addition to our newsletter format. If you wish to have a website featured in this column please email reianews@aol.com

www.reiafoakland.com REIA of Oakland.
www.nationalreia.com National Headquarters
www.irs.gov IRS web site
www.bendover.com Govt. Red Tape Help
www.taxsites.com Tax and Accounting
www.unclefed.com Online Tax Resource
www.courts.michigan.gov/ Michigan Courts
<http://www.michigan.gov/taxtrib> Tax Appeals
<http://www.ask-the-rehabber.com>

State Criminal Records:

www.state.mi.us/mdoc/asp/otis2.html Offender Tracking System (OTIS)
<http://apps.michigan.gov/ichat/home.aspx> Criminal History Check (ICHAT)
<http://www.oakgov.com/crtsOO04/main> Oakland County District Court Case Search
www.mipsor.state.mi.us/ Michigan Sex Offender: (PSOR)

Are You Looking For Houses To Buy???

www.realtor.com
www.buyowner.com
www.fsbo.com
www.hud.org
www.historicproperties.com

Are you looking for comps?

www.homeradar.com
www.realestate.yahoo.com/realestate/homevalues

Need to find someone?

www.555-1212.com
www.anysho.com

Lead Base Paint Pamphlets?

www.hud.gov.lea



Need to E-mail any questions or articles or anything for us?? Our web address is ApPrint1@aol.com Send us your email for meeting reminders and to get your newsletter sent to you. Or fax your email address to us at 313-386-7600 or call and leave it on the 24hr Real Estate Investor Line at 313-347-1401

— **MEETING AGENDA** —
RED LOBSTER ON EUREKA • SOUTHGATE
Next to 7-11, near Trenton Rd.
6:00 - 7:15 ... Dinner and Networking
7:30 - Meeting — (\$20.⁰⁰ FOR GUESTS)