

A publication of the Michigan Association of REALTORS®

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MICHIGANREALTOR®

01.14

{ JANUARY | TWO THOUSAND & FOURTEEN | VOLUME THIRTEEN | NUMBER ONE }

Get Engaged in 2014

With over 23,000 REALTOR® members representing the Michigan Association of REALTORS®, one can feel the power by numbers alone. But what really distinguishes us as a powerful association? **Engaged members.** As the President of MAR, I encourage you to get engaged this year.

MAR has always been the organization with unique talents amongst its members; talents that keep our association growing to greatness. Our fellow colleagues are committed to working with others for a sense of purpose. Studies indicate that engagement in one's professional association and community infuses the leader with purpose-filled work that increases the chances of remaining happy, productive and loyal in all aspects of life. It is no coincidence that we are a profession that has the skill set and temperament that best exemplifies leadership. Our day-to-day interaction with the public commands us to respect different views, analyze problems and identify the best solutions.

Last spring, MAR conducted an informal survey of the number of REALTORS® that hold significant leadership roles in governing positions in addition to the time demands of their real estate practices. The survey results presented a vast number of REALTORS® that serve in State and Local Government roles, as Public Servants and members of Civic Boards. Although the numbers are as impressive as the leadership titles; summation of the survey clearly indicated that the level of engagement that REALTORS® hold in support of our industry and for the betterment of State and communities is astonishing. Clearly we are a strong force of engaged industry leaders.

The following represents a solid sampling of the depth of colleague leadership;

- REALTOR® Members Serving in State Government: 27
- REALTOR® Members Serving in Local Governments; 92 - inclusive of; City Council, Downtown Development, Planning Commission, County Commission, Road Commission, Board of Review, Zoning Board, Precinct Delegates and more.

It stands to reason that MAR's reputation as one of the strongest political action groups in Michigan derives from member involvement. Engagement is everything in meaningful organizations.

Those involved in State or Local Government; we applaud you for your dedication and commitment to make a difference. If you are looking for renewed appreciation and the importance of our industry and/or a channel to create a purpose-driven career...get engaged in 2014! If you are not engaged in your local Association, State and/or National Association...as NAR President Steve Brown would interject: **The Time Is Now.**

I look forward to our **engagement** and the wonderful opportunity to represent you as President of the Michigan Association of REALTORS®. Here's a T.O.A.S.T. (Tell Our Awesome Story Today) to 2014! **MAR**

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“It is no coincidence that we are a profession that has the skill set and temperament that best exemplifies leadership.”

by Carol S. Griffith

Livingston County Association Of REALTORS®

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COMING EVENTS

January 23-24, 2014

Achieve

The Henry, Dearborn

February 5-7, 2014

Professional Standards Training

Freeland, Kalamazoo, Marquette, Novi

April 23, 2014

Broker Summit

Ford Field, Detroit

October 1-3, 2014

Convention & Expo

Amway Grand Plaza Hotel & DeVos Place, Grand Rapids

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NAR REALTOR® Action Center App

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Go to www.realtoractioncenter.com/realtor-party for details, or scan the QR Code.



Growing Up Land Bank

You say I cannot get there from here

In 2003, The Michigan Association of REALTORS® (MAR) worked in conjunction with, at that time, the Department of Labor and Economic Growth (DLEG), towards a more innovative way to administer real estate licensing and education. Throughout the last decade, the MAR and the Department (under one of the many names it was known in that time) have worked closely to make real estate licensing and education more cutting-edge.

That same year, the MAR worked on legislation to move real estate licenses to a 3-year cycle, relieving the Department of a significant administrative burden. The association also supported the creation of the Real Estate Education and Real Estate Enforcement funds to provide licensees with better service and protect the industry from unlicensed activity. Additionally, the MAR made strides to eliminate real estate wall license requirements, allowing for faster transfers between brokers, moving the real estate pocket card in the direction of being the key piece of identification for tracking of licensees and their continuing education hours. However, sometimes bureaucracy doesn't evolve as quickly as the industry.

Despite the Department (now titled the Department of Licensing and Regulatory Affairs, or LARA) speeding up the approval time for continuing education courses and instructors, the standards determine what qualifies as continuing education can be rather rigid in the face of changing market demands. Most would agree that a few years back, knowing how to handle a short sale was relevant to the industry. Despite the growing prominence of short sales, the first few class submissions were denied. Similarly, the MAR and the NAR have been working to provide better information to our members on "Placemaking" (for the uninitiated, "Placemaking" is how we can invest in our communities to help attract and retain talent and investment). Again, an issue relevant to REALTORS® working in their communities and a tent pole of Governor Snyder's administration, but the Department denied the initial requests.

I'm stepping over

At the end of 2011, MAR President Claire Williams organized a Presidential Advisory Group (PAG) to look at both pre and post licensure education. The PAG's recommendations focused on increasing both the number of educational hours and the quality of the courses provided. The following year, the MAR Public Policy Committee began considering legislative proposals to implement the PAG's report. The committee quickly recognized that a push to increase the number of hours required to obtain and renew a license would not be met with the warmest welcome by a Governor and legislature that make reducing regulations on business a top priority. So the focus became improving the quality of the continuing education for REALTORS®.

The MAR public policy staff met with Senator Mike Kowall (R- White Lake), Chairman of the Senate Economic Development Committee and a legislator with extensive knowledge of the real estate industry, to introduce the continuing education reform bill. Senator Kowall worked with the MAR and the Department through a series of meetings to discuss the types of reforms that would provide REALTORS® with greater flexibility in continuing education. In the end, we settled on a model that opens up the criteria of "what constitutes continuing education" to reflect marketplace trends. Further, the new approach favors a larger role for the individual licensees, brokers, and the association, in the approval and tracking of continuing education.

Change, nothin' stays the same

Senator Kowall introduced Senate Bill 641 to expand continuing education options and to move to a self-reporting/audit style of continuing education tracking. The current bill is based on similar models used by other professions such as the medical field and Certified Public Accountants. The bill significantly reduces the administrative burden on the Department that currently approves every single instructor, every single course, and every single hour for every single licensee. Additionally, the bill will require licensees to submit a sworn affidavit at the time of renewal stating that they have completed their required continuing education

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CAPITOL REPORT | JANUARY 2014



by Brad Ward

Vice President of Public Policy and Legal Affairs

hours. The Department will audit a bulk of these licenses and enforce through the threat of license suspension and revocation.

The bill may allow for the association to provide a benefit to members by playing a larger role in tracking REALTOR® hours. These changes should fill in some of the gaps in the Department's current tracking system. The association will be able to provide REALTORS® with on-line information of the classes being offered, more efficiently report to brokers which agents in their office need continuing education hours, and provide agents with the necessary materials, should they be audited by the department.

“Throughout the last decade, the MAR and the Department (under one of the many names it was known in that time) have worked closely to make real estate licensing and education more cutting-edge.”

Yeah, ya hit the ground runnin'

The most exciting aspect about the bill is the increased opportunities REALTORS® will have to obtain their continuing education hours. Should the bill become law, REALTORS® will be able to be more self-directed in their continuing education choices; allowing the

membership to specialize or find their own niche. The expanded opportunities for continuing education should especially benefit commercial REALTORS® by providing options more specific to commercial sales and leasing.

Those REALTORS® pursuing designations like Certified Residential Specialist (CRS), Graduate REALTOR® Institute (GRI), and Certified Commercial Investment Member (CCIM) will now be able to count those classes towards their continuing education. Additionally, the REALTOR® Code of Ethics training, another class not approved under the current structure, will qualify for continuing education. As the market continues to change and grow, so will the educational opportunities for REALTORS®. As a result, continuing education will be more responsive to changes in the industry and the needs of the licensees.

One break, coming up

As I write this article it is mid-November and the legislature is enjoying its traditional hunting/Thanksgiving break. Just before heading back to their districts, the State Senate unanimously passed Senate Bill 641 by a vote of 38-0. The bill now continues on its legislative course, and is in the House awaiting consideration. While there is support from LARA and the legislature, the timing of the break and the proposed legislative calendar may push further action into the New Year.

The MAR staff is holding out a little bit of hope that the bill will see the Governor's desk before the holidays. Unfortunately, the House Regulatory Reform Committee only has one meeting left for the year, a meeting in which the committee is scheduled to wrestle with some age-old liquor regulations. Chairman Hugh Crawford (R- Novi) knows that this bill is a priority for us and has pledged to take it up at his earliest convenience. For right now, that opportunity is looking more and more like January than December. Regardless, the current legislature seems very clear on the importance of continuing education improvements in our industry. The MAR is looking forward to facilitating continuing education that matters to its membership, and is preparing for exciting and innovative changes as we ring in 2014. **MAR**

2014 Officers and Directors



Officers



President: Carol Griffith, Livingston County

Carol S. Griffith, President of Michigan Association of REALTORS®; is a 3rd generation REALTOR®. Carol and her brother Scott Griffith (past MAR President) have owned and operated ERA Griffith Realty in Brighton since 1981. As a lifelong resident of Livingston County, Carol has been a consummate volunteer and advocate for her profession and community. Carol's involvement with the Livingston County Association of REALTORS® includes holding nearly every leadership role over the past 30+ years. She has been named three times Livingston County REALTOR®-of-the-Year. Carol has served two terms as MAR Director before being elected Treasurer and President Elect of the Board. She is a past Chair of the Public Policy Committee and has served on numerous committees including RPAC Trustee and Finance. In 2011, Carol received the prestigious award of: REALTOR® Active in Politics. Carol serves as a Director for the National Association of REALTORS® and in addition REALTOR® Party Trustee. Giving back to the community is a priority of ERA Griffith Realty and Carol continues to serve numerous leadership positions and affiliations: Howell Rotary, Brighton and Howell Chamber of Commerce, Cleary University Helen's Circle and more. Additionally, Carol is an elected official: Livingston County Board of Commissioners since 2009. Commissioner Griffith currently serves as Chairwoman of the Board of Commissioners.



President-Elect: Gene Szpeinski, Commercial Alliance, Commercial Board, Grand Rapids

Gene has been a REALTOR® since 1976 and has served on nearly all Grand Rapids Association of REALTORS® committees and task forces including a term as Director from 2003-05 and on the MLS Exchange Board of Directors 2004-2006 serving as its President in 2006. He was awarded GRAR's REALTOR® of the Year in 2001. He is also a member of Commercial Alliance of REALTORS® where he has been a member of the Political Affairs Committee 2008-14. Gene has served on the Board of Directors for the Commercial Board of REALTORS® since 2012. He served on the MAR RPAC Trustees from 2002-07, the MAR Public Policy Committee in 2012-13, the MAR Finance Committee 2012-13, the MAR Convention Task Force in 2013 as well as the MAR Board of Directors from 2008 to 2011. He was elected in 2012 as the MAR's Treasurer for 2013. Gene is a member of the NAR Land Use, Property Rights and Environment Committee from 2004-14 and has been appointed to the Commercial Committee for 2014. Gene has extensive experience working with local and state officials and has developed 12 home/condo neighborhoods in Kent County.



Treasurer: Gary J. Reggish, Greater Metropolitan

Gary J. Reggish, CRS, SFR, Luxury Home Marketing, Class of 2012 NAR Leadership Academy, Broker/Owner of Remerica United Realty, Novi, MI. Gary has been a REALTOR® since September 1999. President of WWOCAR 2009-2010, Board of Directors for the National Association of REALTORS® 2009-2013, Vice Chair NAR Major Investor Council 2013, Chair NAR Major Investor Council 2014, State and Local Issues Committee for the National Association of REALTORS® 2007- 2011. Federal Housing Policy Committee for the National Association of REALTORS® 2012, Major Investor Council Member representing Michigan for the National Association of REALTORS® 2012-2013, Board of Director for the Michigan Association of REALTORS® (MAR) 2013, Treasurer-Elect for the Michigan Association of REALTORS® 2013, Chair of the RPAC (REALTORS® Political Action Committee) Trustees for the Michigan Association of REALTORS® 2012, RPAC Trustee for the Michigan Association of REALTORS® 2010-2013, Chair of 2012 Broker Summit (MAR), Convention Committee (MAR) 2009-2010, Served 3 years on the Grievance Committee (WWOCAR) and 2 years on the Professional Standards Appeals panel. 2 years on the Risk Reduction Committee for the WWOCAR. 2007 and 2010 REALTOR® of the Year (WWOCAR), 2012 REALTOR® Active in Politics (MAR). Gary was elected to the MAR Board of Directors for the 2013-2014 term.

Board of Directors

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MAR's 2014 board of directors is made up of 14 district directors (see next page) and six other representatives, which are listed below. District directors are elected during MAR's One REALTOR®, One Vote online election, which takes place every fall.

Two-Year Terms and Appointing Bodies:



Beth Foley
WMLAR
Past President



Kelly Sweeney
GMAR
Large Office



Tom Paarlberg
GRAR
Large Office



Rod Alderink
CAR
MiCAR



Sandy Covaleski
CBOR
MiCAR



Melissa Tee
Jackson
MRAEC Rep



2014 District Representatives

District representatives serve as liaisons between MAR and the local associations in their region.



Jason Copeman
District 1
Expires in 2014



Gordon Naumoff
District 2
Expires in 2015



Lola Audu
District 3
Expires in 2015



Rick Loose
District 4
Expires in 2014



Art Yeotis
District 5
Expires in 2015



Carl Kaminski
District 6
Expires in 2014



Vance Shutes
District 7
Expires in 2015



Ron Zupko
District 8
Expires in 2015



Allan Daniels
District 9
Expires in 2014



Tom Kotzian
District 10
Expires in 2015



Sara Storch-Lipnitz
District 11
Expires in 2014



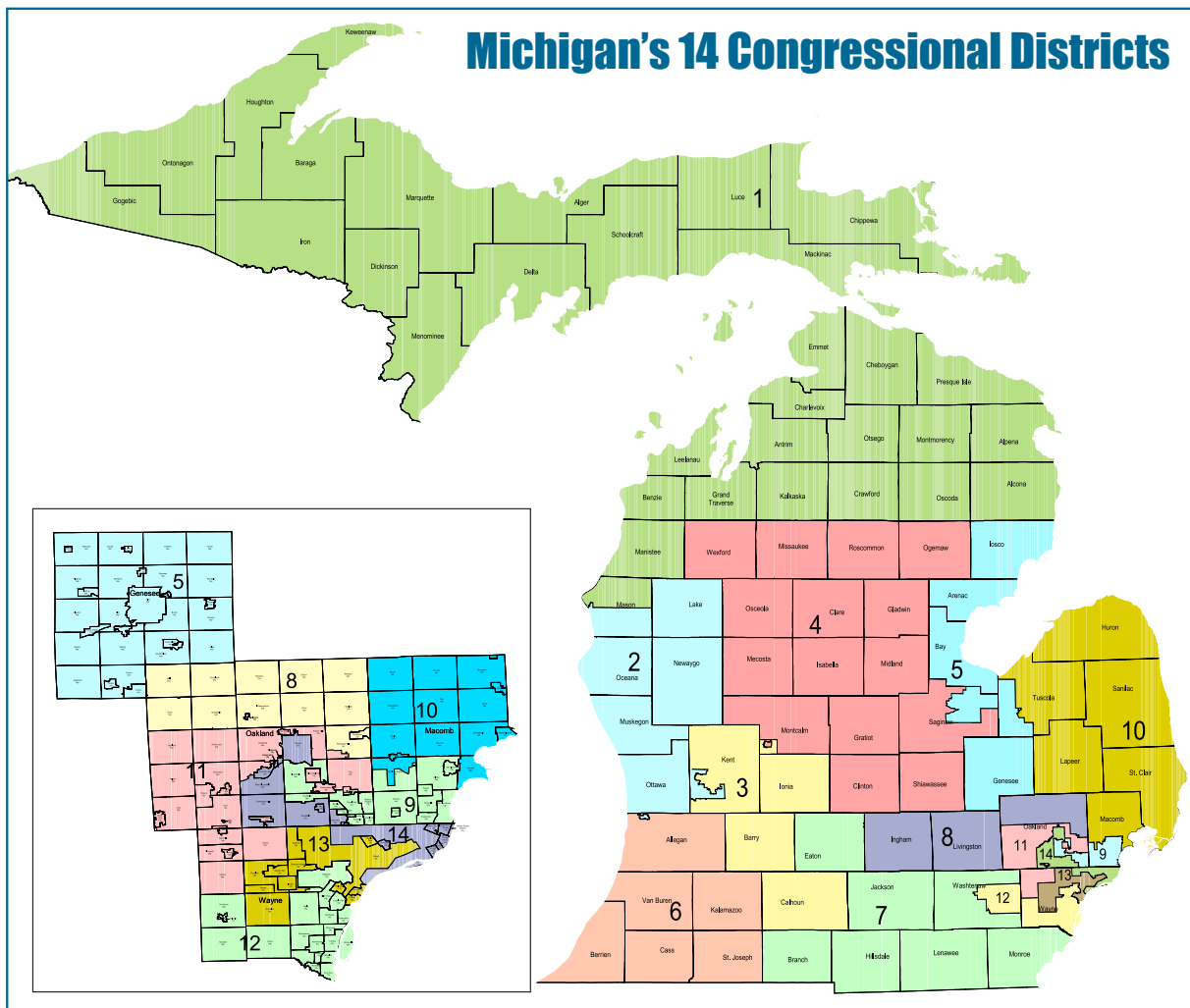
Alex Milshteyn
District 12
Expires in 2015



Suzanne O'Brien
District 13
Expires in 2015



David Botsford
District 14
Expires in 2014



2013 RPAC Tribute



INVESTORS AS OF 12.3.13

The REALTORS® Political Action Committee (RPAC) is the best way a REALTOR® can protect their business. RPAC is the only grassroots and issues mobilizing force that exists to promote the tradition of home ownership and real estate investment. By investing in RPAC, you are supporting REALTOR®-friendly candidates for public office that believe in your industry who will fight for private property rights, sound tax reform and less burdensome regulation of your business. With RPAC, REALTORS® become active in the nation's most powerful and effective lobbying machine. By becoming part of RPAC, you'll not only have the power to make a change in the way you do business, but you'll also become part of a statewide network—more than 23,000 members strong—that will link you with like-minded REALTORS® who share your concerns and issues.

RPAC HALL OF FAME



Mark Baker Lenawee County
Pat Vredevogd Combs Grand Rapids
Dan Elsea Greater Metropolitan
Stuart Elsea Greater Metropolitan
Beth Foley West Michigan Lakeshore
Carol Jones Greater Metropolitan



Bill Martin Michigan Association
Nanci Rands Greater Metropolitan
Teri Spiro Greater Metropolitan
Bob Taylor Greater Metropolitan
Furhad Waquad Greater Metropolitan

GOLDEN R



Paula Arndt Central Michigan
Mark Baker Lenawee County
David Botsford North Oakland County
Pat Vredevogd Combs Grand Rapids
Chris Courtney Greater Metropolitan
Andrew Daily Greater Metropolitan
Ted Edginton Greater Metropolitan
Dan Elsea Greater Metropolitan
Stuart Elsea Greater Metropolitan



Beth Foley West Michigan Lakeshore
Jay Goscinski Greater Metropolitan
Denise Love Central Michigan
Bill Martin Michigan Association
John McArdle Greater Metropolitan
Gordon McCann Greater Metropolitan
Michel Metzner Grand Rapids
Patti Mullen Greater Metropolitan
Nanci Rands Greater Metropolitan



Gary J. Reggish Greater Metropolitan
Ken Schmidt Traverse Area
Teri Spiro Greater Metropolitan
Bob Taylor Greater Metropolitan
Furhad Waquad Greater Metropolitan



CRYSTAL R



Brenda Brosnan
Greater Metropolitan



Dan Coffey
Southwestern Michigan



Andrea Crossman
West Michigan Lakeshore



Heather Davis
West Michigan Lakeshore



Jay DeBruyn
Southwestern Michigan



Debra Gould
Ann Arbor



Tammy Kerr
West Michigan Lakeshore



Bill Milliken
Commercial Board



Kim Pontius
Traverse Area



Michael Samborn
Bay County



Loretta Spinrad
Greater Lansing



Johnna Struck
Greater Metropolitan



Todd Taliaferro
Greater Metropolitan



Brent Warner
Greater Lansing

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Greater Metropolitan

Vice-Chair



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Flint Area

Mark Baker
Lenawee County

Laurie Bush
Bay County

Ken Carlson
Paul Bunyan

Dan Coffey
Southwestern Michigan

Matt Davis
Battle Creek Area

Stuart Elsea
Greater Metropolitan

Jim Fase
Grand Rapids

John Francis
Commercial Alliance

Jay Goscinski
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Fred Hetherwick
Jackson Area

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Northeastern Michigan

Terry Westbrook
Grand Rapids

Chris Wretschko Dean
Greater Lansing

Dale Zahn
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David Botsford
North Oakland County

Brenda Brosnan
Greater Metropolitan

Sheila Cain
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Chris Courtney
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Andrew Daily
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Chris Wretschko Dean
Greater Lansing

Ron Zupko
Livingston County

Gold, Silver and Century Circle Investors can be viewed by visiting Mirealtors.com

To get involved with RPAC, visit the RPAC web site: www.mirealtors.com/content/RPAC1.htm

This tribute is intended for viewing only by members. This is not a public solicitation.

STERLING R



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North Oakland County



Toni Aloe
Greater Metropolitan



Tim Anders
Grand Rapids



Ryan Arnt
Southwestern Michigan



Jon Aucutt
Greater Metropolitan



Lola Audu
Grand Rapids



Christopher Ayers
Greater Metropolitan



Michael Balsitis
Grand Rapids



Debbie Barnett
Greater Lansing



Nicole Bartolomucci
Livingston County



Sam Baydoun
Dearborn



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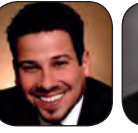
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Brandon Kekich
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David Kief
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David Klaff
Grosse Pointe



Brian Klingel
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Laurie Koelling
Greater Lansing



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Grosse Pointe



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Jack Lane
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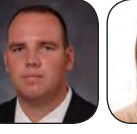
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West Michigan Lakeshore



Sara Lipnitz
Greater Metropolitan



Tom Long
Down River



Meagan Luce
Traverse Area



John Macleod
Livingston County



Dave Martin
Grand Rapids



Chris Marzke
Southwestern Michigan



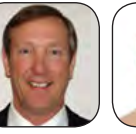
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Grand Rapids



Bernie Merkle
West Michigan Lakeshore



John Meyer
Grand Rapids



Greg Morris
Northeastern Michigan



Lynne Moon
Traverse Area



Joe Mullaney
Greater Lansing



Margaret Murphy
Central Michigan



Debbie Lee Nation
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Suzanne O'Brien
Dearborn



Ryan Ogle
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Adam Paarlberg
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Tom Paarlberg
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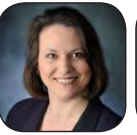
Randall Patterson
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Dennis Pearsall
Traverse Area



Jean Paul Pilot
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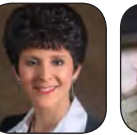
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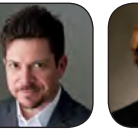
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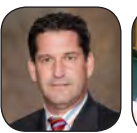
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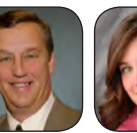
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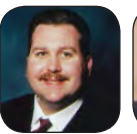
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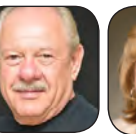
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Is Your Marketing Copy

SINKING

Your Business?

BY KASEY HASS

There is a reason that the gorgeous home, in the best neighborhood, with the good school district, and the spectacular amenities hasn't sold yet... your marketing. You're too busy to write good copy, so instead you list the features of the home, basically copying your spec sheet so that you can move on to more important matters. The only problem is, your marketing copy is one of the most important factors to your success, and you are wasting countless opportunities by taking a laissez faire view of it.

Today's homebuyers aren't just looking for a house that meets their specifications; they want a home that wins their hearts. By simply listing features of the home rather than the benefits of the home, you fail to create an experience for your potential clients. You are saying quite stridently that you do not have time for the details, or that you're just too busy to be bothered. That could be the end of your relationship with an otherwise healthy prospect.

Take for instance, the following example. The first description is a style I've been seeing in all corners of the Internet:

"Large 4 bed/3 bath home in Bloomfield Hills. Wood floors, new windows, updated kitchen, high ceilings, gas fireplace. Nice yard. Move in ready."

Sure you've communicated that the home has rooms and floors and windows, which tells me that the house is in fact, a house. However, I don't feel any passion about the house, any sincere call to action, and obviously neither do you. Depending on the pictures that go with this listing, I may or may not be interested in learning more, setting up a viewing, etc. After reading this, I feel, unimpressed, maybe even bored.

-OR-

A second description of the same home, this time focusing on the benefits rather than just the features:

"Seize the chance to own this incredible home in one of the most beautiful areas of Bloomfield Hills. Featuring four gorgeous bedrooms and three well-appointed bathrooms, your new home offers over 4,000 feet of luxurious living space. You will truly appreciate the attention to detail this home offers as your eyes wander from the spectacular nine foot high, coved ceilings, to the sumptuous Brazilian hardwood floors, the immense skylights and exceptional, newly installed windows throughout. Your stately kitchen boasts top-of-the-line cabinetry, premium finishes, lavish granite countertops and exquisite stainless steel appliances

that are sure to impress. As the day winds down, why not treat yourself to a stroll through your spectacularly landscaped half-acre grounds or perhaps a warm cup of cocoa next to your custom-designed fieldstone fireplace? Tour this home today and discover what graceful elegance truly is!"

This home sounds great! As the reader, I'm excited and I can picture myself in this home, spreading out in the 4,000 square feet, walking around my lawn or pouring myself a cup of coffee in my new kitchen. I can see it all as if it were taking place right before my eyes. I want to call this realtor. I want to make this home my own. Why? Because you, as the realtor, took the time to highlight everything that is great about this home and communicate the ways in which purchasing this home will benefit me. You showed me how the features of this home were going to provide me with everything for which I could have hoped. You, realtor-extraordinaire, showed me the way to my perfect home.

Let's cut to the chase: gone are the days when buyers were satisfied with a few lines in the Sunday newspaper. Today, buyers want more information, more illustration and more excitement. So how do you give your property the chance to impress? Simple; focus on



the *benefits* of the home, rather than stopping at the *features*. It's a time-less marketing technique that is used throughout every industry to capitalize on a consumer's desire to benefit from their purchase – whether it's the ability to have more free time, or to be healthier, or to have a more luxurious lifestyle, people want benefits.

Writing benefit-rich copy for your homes doesn't have to be a massive proposition. Here are some tips:

- **Use adjectives.** The property doesn't just have a 'nice lawn' it has a 'lush, professionally landscaped yard boasting the privacy and serenity your family deserves'. It doesn't have a 'large master bedroom' it has an 'awe-inspiring master suite complete with towering ceilings and a luxury, spa bathroom.' Invest in a thesaurus if need be, but there is always a perfect word to use to describe those beautiful hardwoods; find it and you'll turn them to gold.
- **Make the client feel like they're there.** Walk them through the home as best you can.

What do you see when you enter the kitchen? How does the home feel (i.e. light and airy, warm and inviting)? What features would draw your client's eye as they enter the family room? Everyone loves to use their imagination, so give your potential buyers the chance.

- **Paint them a picture of their life in their new home.** Where will they be able to spend their time? Relaxing by the pool? Soaking in their Jacuzzi bathtub? Cozying up to the fireplace? Tell them more than just what sort of amenities they would be purchasing, tell them the life they would be buying.
- **Always assume the sale** – i.e. write your descriptions as if the reader has purchased the home. It's *their* stately kitchen, it's *their* exceptional walk-in-closet, it's *their* attached two car garage. Let them know that this property can be *their* incredible home.
- **Never lie; but never commit yourself to the dreary, every day details.** If the home you're selling doesn't have granite, obviously don't say that it does. If there is only one bathroom, don't try to convince me otherwise in your description.

However, a home lacking these things is not a home lacking in salability. I can guarantee that every single home has features worth high-

lighting, even if you have to employ a bit more creativity. For example, maybe the home has ugly carpeting, which is not something you'd want to highlight. However, maybe underneath that carpeting is some great original hardwoods that just need to be refinished – that's something worth highlighting! If your house doesn't have a lot of obvious features to boast about, why not emphasize the potential? Whatever it is, that which makes that home unique and worthwhile deserves a highlight.

Remember, all of these tips are designed to help you increase not just your property conversion rate, but to show the general public that you understand their needs, that you appreciate the details, and that you want to sell more than houses – you sell places they can call home. You are quite literally selling them a new life. Don't ever doubt the importance of your copy in doing that.

In the end you wouldn't show up to a client meeting in sweatpants and expect them to buy a million dollar property from you, no matter what excuse you gave them about 'lack of time' or that the 'property sells itself.' You are part of your property now, and your image is reflected in the way your efforts are perceived. So, take some time, write some new copy focusing on the benefits of what you're selling, not just the dreary spec sheet. Give your homes the chance they deserve, and you will be repaid in more ways than one! **MAR**

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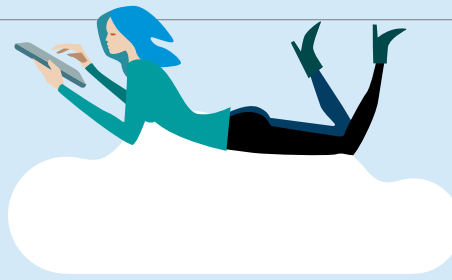


* *Kasey Hass is a Freelance Writer & Editor who specializes in crafting business communications including real estate marketing materials, brochures, and newsletters. Find her at www.KaseyHass.com or (810) 545-7002 to discuss your next project.*



NEVER MIND





WHAT'S NEXT, TRY WHAT'S NOW.

BY NOBU HATA, DIRECTOR OF DIGITAL ENGAGEMENT,
NATIONAL ASSOCIATION OF REALTORS®

I get a lot of questions from REALTORS®, brokers and associations across the country about what they should be focusing on next. What's the next social media platform? What's the next toy in which I should be investing? What should I be doing next? I don't know if the questions are because what's working now hasn't turned out or folks read media reports like this that cite Facebook as a "growing teenage wasteland" and get freaked out that their future clients won't be where they'll think they'll be.

Everyone is in such a dang hurry to move on because what they're doing now hasn't reaped rewards yet, but take heart! What you're seeing now are mini-evolutions of existing platforms, and it's these mini-evolutions of products of which you should be taking note. Stick with what you're doing, and be patient. Watch as the evolutions take place.

MOBILE

Almost all new media marketing efforts (see: ads), functionality and core operating procedures are shifting to the smartphone. With more devices active than there are people alive on Earth, one can see why. Your website better look and operate really well on a smartphone so that it can be operated by my fat fingers. If I can't read what you've written on your site, you've written too much. Think short, quick bursts of information or eschew it all for an info-graphic and/or video approach. Prep your clients for a mobile world by onboarding them at orientation, and practicing with e-signature platform apps like *DocuSign*.

In an offline world where multiple offers are the norm, getting your offer in first from a coffee shop after your second showing might be the difference between you and the other agent. Have your sell-



ers turn on their smartphone and view their home through the camera screen for a hands-down best approach to staging. “If your home looks cluttered through your phone, imagine what it looks like on the buyer’s phone!”

On apps: do something other real estate apps aren’t. I can write a contract for lease on *UrbanCompass.com*’s app. Can I do that on yours? Realogy’s *Innovation Summit* at NAR’s Annual Convention birthed at least three new viable mobile companies over two days in San Francisco, including the *Uber* of real estate, where I can locate the closest possible agent to show me a home I’m standing in front of, press a button and summon that agent. That sounds like a killer app for a brokerage wanting to take “floor duty” to the next level. In the mobile space, innovation will often mean deriving and refining previous ideas swiftly. It’s worth noting the developers built the aforementioned app in 36 hours.

Long story short: Mobile will be the single driver of change going forward in real estate. Prepare now.

FRACTURE

If it feels as if you, your kid, your friends, your clients and your fellow REALTORS® are everywhere online, well – they are. To be frank, this is the one concept REALTORS® should be most comfortable with, considering our fractured online natures. It’s also the biggest purveyor of this “what’s next?” trend the last couple years. Bottom line; the online web and social space is filled with noise, so much so that many are looking towards solutions in order to get away from it all to see what they want to see, whenever they want to see it and engage on their terms.

Path, *Snapchat*, *Instagram*, *NextDoor* – all these platforms allow for a unique experience that I, the user, can customize to my tastes and engage how I see fit. In the real estate context, the rise of *NextDoor* is something to note. It’s



a private social network for those residing in a single neighborhood – imagine Facebook for your neighborhood with only the inhabitants of said neighborhood allowed in, and you’ve got *NextDoor*.

Personally speaking, I’m a Chicago transplant and member of my neighborhood’s *NextDoor* profile, and I learned almost everything I wanted (and didn’t want) to know about my new neighborhood directly from my neighbors; everything from restaurant and bar hotspots, classified ads, neighborhood watch alerts and neighborhood news, all free of spam, ads and nonsense. On more than one occasion has a real estate question and offering of a home for sale or rent come up, which makes sense given the lack of inventory in Chicago. Why not try and sell your home, or buy a home with people you trust?

The trick for REALTORS® with these types of networks is to get someone to inject your content into the ecosystem, get others to evangelize your brand within the system. Listings are old-hat in this arena – all I need to do is look across the street to see a For Sale sign – so it’ll be those with an online content strategy that fills in the gaps of the buy/sell experience of that home across the street that’ll reap the rewards of these closed off systems.

GOOGLE

If you asked me about *GooglePlus* a year ago I’d tell you it was a waste of time. A social network without an identity, a solution to a problem no one has; but how *GPlus* has evolved is astonishing. It’s just one part of *Google*’s suite of services that flow from *GSearch* to *Gmail* to *GPlus* to *GHangouts* to *GHelpouts* that now make up the lifecycle of search to shared social experiences to solutions based on the totality of use of the myriad of these products by a user.

The future? Predictive search, recommended solutions and suggested

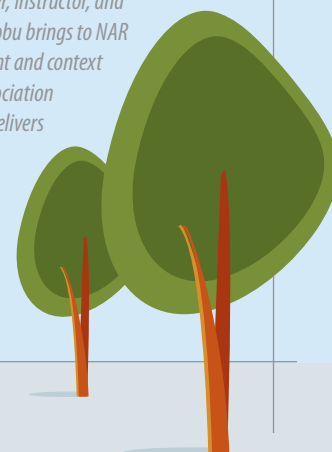
actions via online and mobile (even in your car) seamlessly. It’s creepy and fascinating all at the same time. In the real estate context, only *Zillow* is talking directly to *Google* at this point, piping real estate data into their system making the future look something like this: I’m a prospective buyer that’s been *Google*’ing “3 bedrooms, 2 bath Ann Arbor homes for sale” the last four months. As I’m driving to the grocery store, *Google*, knowing all this because they’ve been tracking my searches, monitoring the emails I receive from *Zillow* and other real estate entities in my *gmail* account, and noting all the cool houses I share with friends in my *GooglePlus* account, suggests to me that there is a house nearby that matches my search criteria and recommends I contact one of the three agents listed who can help me buy it.

This isn’t a pipe dream. All this technology exists now, so take advantage of it! If you have a content strategy, make sure it’s talking to *GooglePlus* through a business page, ensure that everything you do online has a *G+* button, amping up the social business element, which will help your brand be found when searched. Consider signing up for *Helpouts* (helpouts.google.com) where you could engage with a prospect via video *Hangouts* once they find you for a topnotch way of building rapport and relationships.

So what’s next is essentially what’s now. Evolution IS innovation. When it comes to the REALTORS® place amid all this, take these concepts to heart and run with them! Refining what you’re doing now may just be as innovative as innovation itself. **MAR**



Nobu Hata is the National Association of REALTORS® Director of Digital Engagement. A former REALTOR®, accidental speaker, instructor, and volunteer member leader, Nobu brings to NAR a skill set that includes insight and context of agent, brokerage and association issues up the pipeline, and delivers value-added information down, both in-person and through the digital domain. Connect with him here: about.me/nobuhata



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Graduates list as of November 21, 2013

Communication and Recipe for Overcoming

BY MARCUS WALLY

All businesses are plagued with the ability for things to go wrong. For that matter, life itself is challenged with the possibility that our plans will not go smoothly. So how do we overcome this? How do we make sure that our lives and our businesses succeed despite the fact the “*Murphy*” is sometimes around the corner?

Murphy’s Law of course is the adage or epigram that is typically stated as:

“Anything that can go wrong, will go wrong”.

So this month, let’s tackle the reality that we must always have a *pitfall plan*. We must be so in-tune with each of our transactions that we are able to foresee and plan ahead for those 11th hour challenges. And, I believe that our success, first and foremost, begins with our attitude and how we address our business and our triumphs.

Let’s begin with attitude. I’ve always said, “*your attitude sets your altitude.*” Meaning that how you look at life determines the

level (or height) of success you will have.

So set your airplane altimeter to the level of success you wish to achieve, and go for it!

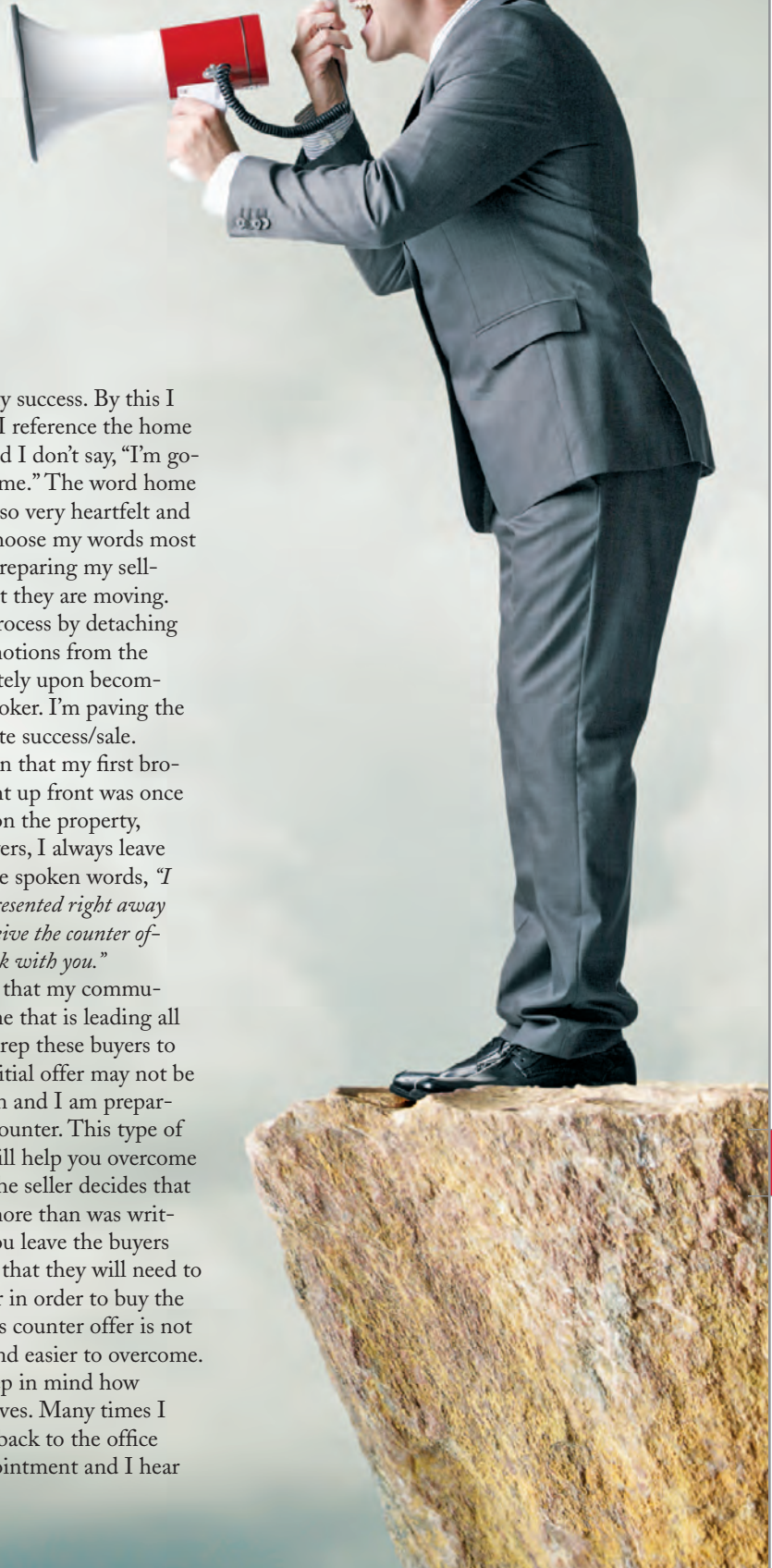
Notice here that in tackling the subject of 11th hour challenges, I never refer to them as problems. When you label a situation as a negative (problem), you are auto-programming your brain to think and act like there is a situation that is problematic and is sometimes not recoverable. However, if you label a situation as a “challenge,” you are speaking out loud that you know and believe that this stumbling block can definitely be rectified and resolved. You are giving yourself the power to fix a challenge more easily than a problem. *So act and speak in a manner in which you are most positive and confident in your abilities.*

When I think about my 20+ years of real estate transactions and how I have overcome all of the challenges that have presented themselves over the years, I do believe that there are two solid areas that keep our trans-



Relationships

Challenges!



actions moving forward to closing. Those two critical areas are: COMMUNICATION and RELATIONSHIPS.

Communication is the most critical element in life. We've always heard that good, solid communication is the answer to all our challenges, and this is especially true for the real estate business. First of all, we hear that the number one complaint that consumers have about real estate professionals is that once they autograph the listing paperwork and the sign is placed in the yard, the agent disappears and the owners/sellers rarely hear from that person again. Of course, this holds true until the listing is about ready to expire and then the listing agent re-appears hoping to get an extension. It is utterly amazing to me, being in a business where communication is so important to our long-term success, that agents are not constantly in touch with their customers/clients. So, my rule is that we speak to our listers/sellers at least once a week whether or not we think we have anything to say. I make it my practice to call each Tuesday and give a few minutes of update to each listing I have. I like to call the sellers personal home telephone number where I can leave a long winded, very detailed message without any interruptions. If the week has been slow, I state just that, but I always end with a positive, upbeat remark like *"I'm not giving up until I sell the property"*.

Please note that even as I speak I am using my practiced communication skills (my script) to carefully set the

groundwork for my success. By this I mean, notice that I reference the home as the property, and I don't say, "I'm going to sell your home." The word home is so personal and so very heartfelt and warm. I need to choose my words most carefully as I am preparing my sellers for the fact that they are moving. And, I start this process by detaching them and their emotions from the property immediately upon becoming their listing broker. I'm paving the way for my ultimate success/sale.

A valuable lesson that my first broker taught me right up front was once I receive an offer on the property, written by the buyers, I always leave the buyers with the spoken words, *"I will get this offer presented right away and as soon as I receive the counter offer, I'll get right back with you."*

Once again, see that my communication style is one that is leading all parties success. I prep these buyers to know that their initial offer may not be accepted as written and I am preparing them for the counter. This type of communication will help you overcome the hurdle when the seller decides that they want \$25K more than was written in the offer. You leave the buyers with the thoughts that they will need to increase their offer in order to buy the property. Now, this counter offer is not a shock to them and easier to overcome.

We must all keep in mind how we speak to ourselves. Many times I hear agents come back to the office after a listing appointment and I hear

them say, "Gosh, I lost the listing!"

I think to myself, how could they "lose the listing" when they never had it to begin. They just went on an interview... they had a listing appointment. Remember garbage in, garbage out. Don't speak/communicate negatively about yourself or your abilities.

And, always have your resume/bio clean and updated (including your photo if you use one), as this is a major form of communication today. I always present my resume when I'm on a listing appointment, just as you would on any job interview. Your bio/resume loudly communicates your credentials and success track.

One of my biggest secrets in communication leading to grand success is my commitment to writing personal notes every day. In today's world of emails, texts and twittering, we rarely receive and hand written personal note. You know, the small note card type of personal notes. Since our time is our most valuable asset, when we take the time to stop and hand write a personal note, there is terrific power in this form of communication. No labels, no large envelopes, just a small, handwritten few sentences.

I am also a big believer in calling the seller(s) on their birthday, anniversary or other special occasions. Since I'm not aiming to be on THE VOICE or AMERICAN IDOL, I

just sing from my heart and leave my thoughts on their home answering machine as well. I wish I could share with you the amount of appreciation and value I get when they call me up to say, "We came home for a very hard day at work and found your voice mail greeting/song on our home answering machine... and it made our day!"

The delivery of disappointing news in a timely manner, with a positive tagged on to help overcome the negative of the moment, is required to be a good communicator.

My mantra is that you must "pull yourself up by your boot straps and keep marching."

This will help you turn the situation around quickly. I always say to myself SWSWSWN: (Some {transactions} Will {work out}, Some {transactions} Won't {work out}, So What. Next?)

Practice making sure that you end all communications (phone, email, texts, etc.) with the phrase, "Thank you for your loyalty." By saying this you are informing and reminding your customers how important they and that their referrals are important to your overall success. You need them in order to grow and prosper.

Having a solid email signature perhaps with a favorite quote is also good communication. Just remember, you can never touch base or let customers/clients hear your voice too often.

The real estate business is based on referrals, and referrals are cultivated through years of good, solid communication and developed relationships. Wearing your name badge, smiling and greeting people you don't know and prospecting are all ways to communicate and develop long term relationships. And always give two business cards out when meeting prospects; one for them to keep and one for them to share!

Long-term success is gained by following up and fertilizing/developing these relationships/bonds.

Finally, ask for the business - ask for referrals.... don't rest on your laurels or assume that folks know you are in the business of LOYALTY! Many times when we become successful, our friends and even neighbors may assume that we are too busy and don't need any additional business. Keep in communication and nurture all relationships for long-term happiness and success! **MAR**



Marcus is the founder and broker of New World Realty, which also manages coaching and facilitation of education classes around the world. Marcus earned his MBA from the University of North Florida in Jacksonville. Marcus can be reached at +1-904-669-1081 or by email at marcus@newworldrealty.com. For more information, visit www.newworldrealty.com.



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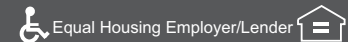
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SAFETY IS THE MOST IMPORTANT PART OF THE REAL ESTATE PROFESSION

BY MICHEAL R. LOHMEIER, FASA, MAI, SRA, MMAO(4)



I was recently reading posts on Facebook and a friend of mine posted an article from his local newspaper (i.e., October 2013). The article was titled “Female Student Sexually Assaulted in [XYZ] College Stairwell.” The subject and background of the article didn’t shock me. It was about a young girl who was walking alone after a class one early evening and was grabbed by a man who attempted to “fondle” her.

The subject of the article doesn’t shock me anymore because I read those articles just about every day. Unfortunately, every single day there are countless “reported” physical assaults in “assumed to be safe” locations, such as schools, grocery store parking lots, and in office buildings all around our country. And, there are unfortunately more assaults that occur every day that go “unreported.”

The circumstances surrounding this particular assault didn’t surprise me either. The girl attacked was young, about 4-foot-nothing and less than 100 pounds. She left class one night (still early in the evening), carrying a bag full of books and probably focused on either what she just learned in her class or on where she was heading. The description of the attacker didn’t surprise me either. He was older, much larger (around 5-foot-ten and heavier) and wearing a sweat jacket with cargo pants (i.e., clothing easy to get on and off).

But fortunately, this article had a good ending. It reported that the victim “fought back” and chased him away. So I messaged my friend back and thanked him for the article and glad it worked out for her and said it was a good article to share with our other friends. He messaged me immediately back. He said “Micheal, that’s ‘so-and-so’ from our club. She hit the guy with her bag using Numbers 1, 3 and 4 combinations and kept beating on him even while he started to run away. The numbers he referred to are simply angles of attack in a particular Filipino martial arts style we both are dedicated to called SLD Eskrima1 (Number 1 being a hit to the left side of the attacker’s head and Numbers 3 and 4 being opposing sides of the opponent’s rib cage).

That particular story had a happier ending than most, because most other stories involve the attacker getting and maintaining the upper hand from the beginning of the assault through to the end. If you search the Internet you’ll find countless reports of similar assault stories and more and more of them involve real estate professionals. Assaults on real estate professionals have become a common statistic.

DON’T BECOME A STATISTIC

One of the least talked about areas in our profession, but easily most important, is maintaining our health and safety. We spend hundreds and hundreds of hours on educating ourselves on our particular areas of specialty, whether it’s real estate sales, lending, home inspection, appraisal, or assessing. We focus on providing the highest quality of services we can provide. And, we are continuously asked to be more efficient, quicker in delivering our services, and asked repeatedly to do more for less cost and in less time.

But we spend very little time, if any, in ensuring that we maintain our health and safety. If you’re going to make a single new year’s resolution in 2014 that is really meaningful to yourself and your family, then make your health and safety priority one. And, schedule time to start to be proactive in it.

Like the girl in my earlier story, we spend a lot of our day involved in activities that actually put us at increased levels of risk without ever thinking we are in danger. If you think about the routine week of a real estate professional, there are a lot of areas that we subject ourselves to increased chances of personal risk. This includes, but is not limited to:

- **Inspecting vacant properties.**
- **Inspecting properties occupied by people unfamiliar to us.**
- **Inspecting properties in areas familiar to us from a competency perspective but unfamiliar to us from a safety perspective.**
- **Working late, often forcing us to get eat late, as well as get gas, groceries, and conduct other personal errands at late evening/early morning hours.**

- **Meeting with unfamiliar prospective clients/customers and in unfamiliar locations.**
- **Attending meetings in unfamiliar and/or congested areas.**
- **Providing personal information to as a predisposition in gaining access to certain properties or obtaining certain information from subscription sources.**

SEEK OPPORTUNITIES TO MINIMIZE OR ELIMINATE MANAGEABLE RISK

When I speak of risk, I personally categorize it into two areas (1) manageable or foreseeable risk and (2) uncontrollable or unforeseeable risk. Manageable risk is the uncertainty that may be influenced by our behaviors, while uncontrollable risk is more of the type that we can’t effectively change. For example, if I’m at an intersection I can reduce manageable risk by waiting for the light for oncoming traffic to turn red, wait for an affirmative cross walk signal, look both ways before crossing the street and cross while continuing to maintain awareness of the vehicles around me. In this situation I’ve reduced manageable risk of being hit by a car.

In contrast, uncontrollable risk would be the driver who isn’t paying attention to stop signs, speed limits, people walking, or other cars. This happens a lot and we often see this type of situation where a driver runs a red light and hits a car that was just proceeding through a green signal at normal speeds. Uncontrollable risk is just something that happens that you couldn’t prevent.

You can’t control others actions and behavior. But, you can develop protocols to help minimize risks to yourself and enhance your own safety.

POLICIES FOR MINIMIZING MANAGEABLE RISKS

I encourage each real estate office to immediately implement safety procedures. Even single-person offices can establish similar safety precautions with family members. Ask your local Board to hold a meeting focused on best practices and learn from what other offices are doing. A few offices have excellent procedures

that they follow very closely, while many either don't have procedures and/or don't follow ones that they do have. Hold at least one meeting a year with the focus on procedures to help minimize any manageable risks. Some of the risks I identified above can be minimized easily, while others may require a team approach.

The following are some ideas of caveats that your office should consider. The first two major caveats include:

- Always trust your GUT instincts. Although you may not know why you feel uncomfortable about something, your gut instinct is telling you something is wrong. Go with that intuition.
- ALWAYS carry a fully charged cell phone and keep it handy with your office with an emergency number ready for dialing just in case you need to use it. Keep ICE phone numbers in your contact list. This stands for "in case of emergency" contact numbers in the event you are unable to speak during an emergency. This has been highly recommended by local police departments.

Due to space constraints of this article, the following is a brief listing of caveats listed for some of the different areas of risk identified earlier in this article.

CAVEATS FOR INSPECTIONS/ APPOINTMENTS

The following is a brief listing of caveats for reducing risks associated with inspections and appointments.

- Keep a record at your office of your inspections/ appointments including the time and place you are going to be, who you are meeting with, and check in after each appointment. Although this may seem a nuisance, it can be a very easy signal that something is wrong if you don't check in timely (you can give yourself a 15 minute grace period if appropriate).
- Keep schedule of who's in office and when.
- Consider a "buddy-system" for inspections/ appointments when you believe enough "signals" require you to do so.
- Maintain a fully charged cell phone and is in service wherever you go.
- Try to eliminate inspecting/showing properties that are vacant during non-daylight hours, or when the property has no electricity/lighting in certain areas.

- Be cautious of multi-tasking in public. Always Keep one hand free, do not have both hands preoccupied (many assaults occur in grocery store parking lots, office garages, and school parking areas because of this preoccupation and physical limitation.)
- When inspecting/showing basements or other desolate areas remain in an area of safe distance and keep others in front of you.
- When meeting prospective clients/ customers pick a well populated location that you are familiar with.
- Don't carry large amounts of cash or expensive jewelry. Be careful carrying any lethal devices, especially if untrained in using one, as it is often be used against you.

CAVEATS FOR VEHICLES

The following is a brief listing of some of the caveats for your vehicle. Many auto insurance companies, like home insurance companies, have more complete safety listings that you can obtain.

- Drive your own vehicle when going to inspections/showing properties. If driving together with potential customer maintain a copy of his/her drivers license at your office.
- Keep car above a quarter tank of gas.
- Keep cell phone charger handy and in vehicle at all times.
- Park in well lit areas, with car park so easy access to leave quickly.
- Keep large range flashlight in car with additional batteries.
- Keep pepper spray handy in car (and on person) and be trained in able to use it.
- Keep handheld loud horn device in care (and on person) and be comfortable with using it. Sometimes in situations screaming is not as easy to do as it sounds.
- Avoid distractions while driving, such as texting, talking on cell phones, eating, putting make up on. Although many ordinances prohibit it, if you look at the reasons why they are prohibited you may find that they were put in place for good reason. If you need to use your cell phone, etc. pull over in a safe, well lit, and populated area (keep your doors locked at all times). Even in these circumstances try to use hands-free devices.
- Keep a blanket in the car in case you have to wait on the side of the road for a tow truck in case of break downs.

CAVEATS TO KEEP ON YOUR PERSON

The following is a brief listing of caveats to keep on your person at all times.

- Full charged and working cell phone.
- Pepper spray, learn how to use it.
- Working hand-held horn/sounding device
- Shop during lighted hours and don't have your hands preoccupied with items. Always keep a hand free in case you need it.

CAVEATS FOR TRAVEL

Because real estate professionals often travel for conferences and meetings throughout the state, the following is a listing of brief caveats to consider when traveling.

- Keep minimum cash on you, use mostly credit cards and maintain credit card numbers and contacts.
- Maintain in advance all local emergency numbers and local emergency hospitals
- Use minimal physical use bags, such as suitcases and briefcases on rollers.

PERSONAL SAFETY

The following is a brief listing about minimizing risks to your person.

- At least once a year invite a specialist in to cover personal and identify safety precaution issues.
- Attend a least once a year a self-protection class (with either your office or family)
- Establish best practice marketing protocols, such as limiting personal information on marketing materials (e.g., avoid using home address information and personal information about your family).
- When using social media be conscientious of what to put on your messages. Many police departments that have Facebook and other websites have established protocols in place, ask them for a copy of theirs. For example, updating a site when you are not home, or going out of town is a invitation for break-ins.

TAKE A SELF-PROTECTION COURSE

As cited above, one of the activities I routinely and strongly encourage real estate appraisers, as well as other professionals and kids, is to



take a self-protection class. In just about every community there are community service programs and private martial arts schools that offer inexpensive, if not free, programs for professionals, women, and children.

These programs can last from a single evening session to an eight-week program. The time spent is just as important as time put into any continuing education credited program on appraisal. But, the amenities when needed are much more invaluable. In addition to physical application techniques, many of these programs provide information on the caveats I've provided above but in greater detail as well as establishing personal distress codes that can be used to notify your office when you are in a situation in need of immediate assistance.

The National Association of REALTORS has many articles on its website on this subject matter, and many local boards have great brochures as well. Again I would encourage your

office, local chapter, and/or local board to have a least one meeting, or event, each and every year focused on this area of great importance. Many local police departments and local martial art schools offer programs, some on-site, for free or at a nominal charge to professional groups including real estate professionals.

Have a wonderful and safe 2014!!!! **MAR**



Micheal R. Lohmeier, MMAO(4), FASA, MAI, SRA, is the City Assessor for the City of Auburn Hills. Although he is well known for his valuation and property taxation skills, he also has 30+ years of intensive training in martial arts. He has given courses, seminars and lectures on self-protection in areas of specific martial arts systems but also short-courses/seminars for specialty groups such as for real estate professionals, including the Michigan Association of REALTORS, Detroit Chapter American Society of Appraisers and various local municipalities. He is ranked as an instructor in several martial art systems but is most

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proud of his accomplishments as an instructor in SLD Eskrima. He can be reached for further comment at 248.370.9436, by email at mlohmeie@auburnhills.org, or through LinkedIn at www.linkedin.com



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Lenders' Addendums: Beware

We first delivered a white paper on the problems and issues with lender's addendums when buyers purchase a foreclosed property for the 2010 Legal Update. The problems and issues are particularly difficult when a REALTOR® is representing first-time homebuyers who are particularly keen to obtain the perceived economic benefits from buying a foreclosed property, but have no notion how such a transaction differs from the way they saw their parents purchase a home. Unfortunately, it would appear that some REALTORS® either did not get the message in 2010 or have simply forgotten it.

Typically, buyers who are pursuing the purchase of a foreclosed property take great care in preparing the terms of the offer which sets forth all of the terms upon which they wish to purchase the property. These buyers have no idea that they will receive a lengthy addendum or counter-proposal from the lender in response to any offer they make for the property. It is important for REALTORS® who represent these buyers to prepare them for the anticipated addendum or counter proposal (the "Lender's Addendum").

While there is no standard Lender's Addendum, there are many common terms that can substantially change the terms of the transaction. First, a Lender's Addendum may well establish new dates by which the buyers must take certain actions. For example, assume that in their original offer the buyers included an inspection contingency, which must be performed within ten days from the date of acceptance by the lender. In many instances, a Lender's Addendum will change both the date from which you start counting and the number of days in which to take action. This type of change can be extremely critical where buyers are purchasing a foreclosed property for cash and are required to make an earnest money deposit equal to 10% of the purchase price. If the buyers fail to note the change in the time for conducting an inspection and have it done within the timeframe specified in their offer, they may well find that by the time they receive the inspection results, they are already deemed to have accepted the property in its current condition. The lender will lawfully rely upon the inspection provisions in the Lender's Addendum and refuse to return the buyers' deposit.

Second, the Lender's Addendum typically requires the buyers to waive any right to maintain an action for specific performance should the

lender decide not to sell the property to them and prohibits the buyers from recording a lis pendens or affidavit of interest should the lender fail to close. With this provision, the buyers are in effect waiving any right to take any action to prevent the lender from selling the property to a third party. In other words, the buyers cannot be certain they will be able to purchase the property until a deed is actually delivered at closing.

Third, Lender's Addendums typically require the buyers to waive any right to rescission of the transaction should they purchase the property and find out there has been a mutual mistake of fact which renders the property unusable. The buyers are required to accept all defects and waive any right to reduce the purchase price or hold the lender responsible for any latent defect, apparent or non-apparent defect, discoverable or non-discoverable defect or other problem with the property. In other words, the buyers are required to accept the property in whatever condition it is in on the date of closing.

Fourth, under the terms of a typical Lender's Addendum, the buyers will be in the same position with respect to legal title to the property. The lender will specifically disclaim any responsibility for any defects in title. The buyers will be provided a deed at closing which simply warrants title from the date the lender obtained title to the property through the date of closing. The form of deed the buyers will receive is commonly known as a special warranty deed, a covenant deed or a "Deed C."

Fifth, the Lender's Addendum may contain a provision whereby the seller will pay for a buyers' policy of title insurance from a particular title insurer. The Lender's Addendum typically does not specify the type of title insurance that will be provided to the buyers. Thus, some buyers receive title commitments from lenders that are nothing more than a title search from the date of the foreclosure sale or a title commitment for title insurance subject to all encumbrances whether of record or not. In other words, the buyers will not receive title insurance that would provide them with any protection in the event a defect in title is later discovered. It is very important for buyers to make certain that they are receiving a title insurance policy from a national underwriter that truly insures their title.

The white paper which we prepared for the 2010 Legal Update is on MAR's website and sets forth numerous other provisions which might pose

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problems for unwary buyers (Legal Reference Library/Legal Update Archives/2010 Legal Update). REALTORS® working with buyers of foreclosed properties (particularly first-time homebuyers) need to keep two points in mind. First, they need to make sure their buyers are prepared to deal with the anticipated Lender's Addendum. Second, they need to make sure that their buyers thoroughly review and understand their legal position and risks prior to signing the Lender's Addendum.

any particular order or that a seller reject any specific offer prior to reviewing other offers.

Second, buyers may doubt that their buyers' agent has done his or her job when they do not receive a written acknowledgement from the seller demonstrating receipt of their offer, let alone a written "rejection" from the seller. As REALTORS® are aware, there is no legal requirement that a seller do anything with an offer from a buyer, and there is no means by which a buyers' agent can compel a seller to either provide a

written acknowledgement of receipt of an offer or a formal written rejection of an offer. Further, most buyers do not understand that their agent is generally prohibited from contacting any seller directly if that seller is represented by another REALTOR®.

Finally, perhaps the most common complaint from buyers against their buyers' agents occurs in a situation

where the listing REALTOR® requests that all interested buyers present their "highest and best" offers from their clients. While the term "highest and best" has no legal meaning, it apparently leads many buyers to believe that they are in an auction situation. These buyers believe that in a fairly conducted auction, the seller must accept the highest offer submitted. This is simply not true. Even if cooperating REALTORS® are advised that the seller requests their clients' "highest and best" offers, there is no requirement that the seller actually accept the highest offer. For any number of lawful reasons, a seller may choose to accept an offer in which the purchase price is less than a competing offer. In fact, a seller who has received multiple offers after requesting everyone's "highest and best" offer is not required to accept any of the offers.

The Primer on Multiple Offers available from MAR addresses these and other points which buyers need to understand when they are in a multiple offer situation. Hopefully, REALTORS® will avoid future complaints by better educating their buyers before they submit their offer. **MAR**

"While there is no standard Lender's Addendum, there are many common terms that can substantially change the terms of the transaction."

Multiple Offers: False Expectations

Based upon information received over the MAR Legal Hotline and complaints filed against REALTORS® with both state and local associations, it is apparent that buyers simply do not understand the rules (or lack of rules) when they are involved with a property that is subject to multiple offers. In response to this problem, MAR has developed a "Primer on Multiple Offers" which is available on MAR's website for use by REALTORS® to help buyers deal with multiple offers. Unfortunately, when buyers lose out in a multiple offer situation, they often turn their anger toward the only person who was acting in their best interests in the transaction, i.e., their buyers' agent.

When they lose out in a multiple offer situation, there appear to be any number of perceived rules or laws which buyers falsely conclude may have been broken through the fault of their buyers' agent. First, some buyers believe that offers must be presented to a seller in the same order that they are received by the listing REALTOR®. Further, many buyers believe that the seller must fully consider and reject the first offer submitted prior to reviewing any of the other offers. Obviously, there is no rule or law requiring that offers be submitted to a seller in

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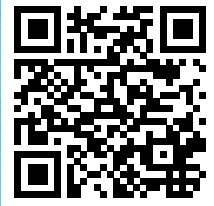
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