

A publication of Michigan Realtors®

MICHIGANREALTOR®

Title
Issues

Advertising

Legal answers
every Realtor®
should know

General
Licensing
Issues

Contingencies

PLUS

Capitol Report

2025 Leadership Team

President's Report

MICHIGAN REALTORS®

ACHIEVE

MotorCity Casino Hotel, Detroit • January 30-31, 2025
Engaging Realtors® • Building Leaders

As the premier leadership event of Michigan Realtors®, Achieve provides leaders of every level with the tools needed to be part of the change they want to see in their local associations, offices, and communities. The two-day conference gathers highly involved Association leaders and public policy advocates from across Michigan. All members are invited to attend Achieve.

REGISTER AT WWW.MIREALTORS.COM



Features

COVER STORY

- 07 **2025 Officers & Directors**
- 09 **Start the Year Strong:
A Legal Q&A to Kickoff 2025**
Some need-to-know info for Realtors®
by Rebecca Berke, Esq.

MICHIGANREALTOR®

Departments

- 02 **President's Report**
Parallels to strengthen our position
by Christopher M. Germain
- 04 **Capitol Report**
A timeline of activity heading toward the end of 2024
by Brad Ward, Esq.

01.25

{ JANUARY | TWO THOUSAND & TWENTY FIVE | VOLUME TWENTY FOUR | NUMBER ONE }



Focus Forward: The Overhaul Phase of Industry Change

The past year has been one of unprecedented change for our industry. The recent major lawsuit and subsequent settlement have dominated headlines, and the resulting practice changes have been a challenge, but we have adapted. With Judge Bough's final approval of the settlement, the initial chaos is behind us. We've been working within this "new normal" for months now, and while we have made significant progress, it's time to take the next step.

In my time as a volunteer fire captain (former), I learned valuable lessons about maintaining focus after the flames were extinguished. One of the most critical phases of firefighting is *overhaul*, and I believe this practice provides a fitting analogy for where we stand as an industry today.

What is Overhaul?

In firefighting, overhaul is the process of searching a fire scene to ensure that all fires are completely extinguished, to prevent rekindling and to preserve safety. This phase requires meticulous attention to detail and an intentional approach to search, assess, remove and document. It's not glamorous work, but it's the work that ensures a fire stays out.

Let's explore how these key steps of overhaul can guide us as we solidify our professional practices in this post-settlement environment:

1. **Search: Examine Every Corner of Your Business Practices**

Just as firefighters search a building for hidden fires, now is the time for all of us to critically examine our processes. Are we adhering to the new compensation disclosure practices? Are buyer agency agreements being used consistently and appropriately? Take a hard look at your forms, policies and client communications to ensure there are no "hot spots" waiting to reignite.

2. **Assessment: Confirm Full Compliance**

Once a fire is thought to be extinguished, firefighters assess every area to confirm there is no remaining smolder. As professionals, we must assess our operations to ensure full compliance with the new rules and standards. It's not enough to think we're "probably okay;" we need to know. Consult with your broker, legal counsel and professional resources from Michigan Realtors® to confirm your practices align with the new guidelines.

3. **Removal: Eliminate Outdated or Risky Practices**

In the fire service, damaged and dangerous materials are removed to eliminate the risk of rekindling. The same principle applies to our industry. If you're holding onto outdated practices or processes that no longer align with the new industry standards, now is the time to let them go. Whether it's old habits in compensation discussions or incomplete documentation, clean house and remove the risk.

4. **Documentation: Record, Learn and Improve**

Firefighters document every step of the overhaul process to ensure accountability and to uncover lessons that prevent future fires. As Realtors®, we must approach this phase with the same mindset. Document your new processes, learn from any challenges you've encountered, and continue improving your approach. Collaboration with colleagues and participation in ongoing education will help us collectively strengthen the integrity of our industry.

Moving Forward Together

Overhaul is not just about extinguishing the fire; it's about ensuring it doesn't reignite and also preserving the structure for the future. Our industry has faced the firestorm of litigation and change, but the most important work lies in what we do now. We've already proven that we can adapt and adjust. Now we must refine, improve and tighten up our practices to move forward stronger and more confident than ever.

The fire service taught me that successful overhaul requires discipline, teamwork and a commitment to doing things the right way, even when no one is watching. The same holds true for us as Realtors®. Together, we can reinforce public trust, support each other, and demonstrate our unwavering dedication to professionalism.

Realtor® to Realtor®, I want us all to succeed. Let's focus forward, complete the overhaul and lead by example in this new chapter. ●



REGISTER FOR **ACHIEVE**

(A Michigan Realtors® Event)

January 30-31, 2025

MotorCity Casino Hotel

PRESIDENT

Christopher M. Germain
ABR, PSA, SRS
UPAR

PRESIDENT-ELECT

Mark Oegema
WMLAR

TREASURER

Al Block
ABR, GRI, SRES, CRS, AHWD, C2EX
GMAR

CHIEF EXECUTIVE OFFICER

Robert Campau, Esq.
RCE, CAE
rcampau@mirealtors.com

EDITOR/ADVERTISING

Joe Kras
MBA, SAG-AFTRA
jkras@mirealtors.com

CHANGE OF ADDRESS/UNSUBSCRIBE

Kaetana Beech
kbeech@mirealtors.com

2025 Michigan Realtors® Board of Directors: District 1 Roger Kopernik, (Water Wonderland Board of Realtors®); District 2 Richard Adgate, (West Central Association of Realtors®); District 3 Mike VanderWoude, (Greater Regional Alliance of Realtors®); District 4 Suzzette Deaux, (Greater Kalamazoo Association of Realtors®); District 5 Kim Kurtz, (Jackson Area Association of Realtors®); District 6 Jodie Franklin, (Greater Metropolitan Association of Realtors®); District 7 Aaron Fox, (Greater Lansing Association of Realtors®); District 8 Michele Papatheodore, (East Central Association of Realtors®); District 9 Chelsea Cain, (Greater Metropolitan Association of Realtors®); District 10 Ann Peterson, (Greater Metropolitan Association of Realtors®); District 11 Karen Greenwood, (Greater Metropolitan Association of Realtors®); District 12 Hassan Ahmad, (Greater Metropolitan Association of Realtors®); District 13 Deanna Coleman, (Southeastern Border Association of Realtors®); Past President E'toile Libbett (Greater Metropolitan Association of Realtors®); Large Office Camille Peterek, (North Oakland County Board of Realtors®); Large Office Michael Rundhaug, (Greater Regional Alliance of Realtors®); Charlie Hoats (CAR Representative); Terry Bixler (CBOR Representative); Local Association Rep. Amanda Lanker (Battle Creek Area Association of Realtors®)

Michigan REALTOR® provides information about the real estate profession and news of Michigan Realtors® and its members. Opinions expressed in signed feature articles are those of the author and do not necessarily reflect the viewpoint of Michigan Realtors®. Advertising of property, services or products herein does not imply endorsement by Michigan Realtors®.

Michigan REALTOR® (ISSN 1053-4598, USPS 942-280) is published four times per year (January, March, August, November) by the Michigan Realtors®, 720 N. Washington Ave., Lansing, MI 48906.

Address letters, address changes and inquiries to: Michigan REALTOR®, 720 N. Washington Ave., Lansing, MI 48906: 800.454.7842: Fax 517.334.5568. www.mirealtors.com: e-mail contact@mirealtors.com. Subscription rates: \$8 per year (included in dues) for members, \$25/year nonmembers. Periodicals postage-paid in Lansing, Michigan 48924 and additional mailing offices. POSTMASTER: Send address changes to the Michigan REALTOR®, 720 N. Washington Ave., Lansing, MI 48906.

January 29, 2025

Professional Standards Workshop
MotorCity Casino Hotel
Detroit

January 30-31, 2025

Achieve
MotorCity Casino Hotel
Detroit

April 8-9, 2025

Broker Summit x Fair Housing Summit
The Lansing Center
Lansing

October 8-10, 2025

The Convention
Amway Grand Plaza Hotel & DeVos Place
Grand Rapids

SCAN THE QR CODE
TO GO DIRECTLY
TO MICHIGAN
REALTORS® WEBSITE
FOR UP-TO-DATE
EDUCATION
& EVENTS



Find Michigan Realtors® on your favorite social networking sites:





Last Days of Lame Duck

Wednesday, December 18, 2024

09:00

The Michigan Democrats, having lost control of the House of Representatives in the November election are working to pass priority legislation before this legislative session ends and they turn over the gavel to their Republican counterparts in January. However, there is dissension in the ranks.

Negotiations between the Governor, House and Senate on big picture items like economic development, road funding, minimum wage and paid sick leave have broken down. The House has held their members well into the night Wednesday, Thursday and Friday of last week in an attempt to salvage member priorities. The House Republicans all walked out on Friday's session when negotiations ended. House Democrats voted on any bill where they had 56 "for" votes before session ended abruptly with one caucus member leaving because of disagreements on the way things were proceeding, a health issue and lack of movement on the policies that they wanted. This state rep later stated that they would not show up for session today.

10:00

Michigan Realtors® has legislation we are supporting up for votes in the Senate this morning. These include House Bills 5384-5386 to clarify and promote the use of post-closing occupancy agreements when a buyer agrees to let a seller to stay in the property after closing. They also include House Bills 5030-5032 which increase the purchase price eligibility for MSHDA loans and improve their bonding authority.

There are no votes scheduled on any of our priorities in the Michigan House, today. The late-night hours staff put in last week resulted in defeating several pieces of legislation that we oppose. Those bills that we held off include burdensome regulation and taxes on short-term rentals, opening Realtors® up to the Michigan Consumer Protection Act, rent control, elimination of independent contractor status, changes to the property tax appeals process, virtual elimination of criminal background checks on renters, Right to Counsel and Right to Repair.

We are still hopeful the House will vote on two bills that we support, Senate Bill 480 that increase the number of splits allowed under the Land Division Act from four to ten, and SB 299-300 to establish a statewide septic code that includes uniform regulation, statewide

approval of alternative systems and specifies that local point of sale ordinances cannot encumber the closing.

10:15

One Democratic senator and one Democratic representative have refused to attend today's session, leaving their caucuses without the necessary votes to pass any legislation. In addition, they are engaging in a social media tiff with the Governor and Speaker of the House.

14:16

Still no voting in either chamber. There are now rumors about the potential of an early motion to Sine Die (the vote the ends a legislative session).

15:02

The House has adjourned for the day failing to reach a quorum. They will reconvene tomorrow. It is unclear whether anything changes between now and then to get the required attendance.

The Senate is still at ease. No voting has occurred.

17:05

Senate adjourns for the evening never securing the 20 votes needed to pass bills. The Michigan Realtors® supported Post-closing Occupancy bills did move through General Orders, meaning that the Senate can vote on them when they return to full strength.

Word is leadership has worked with both holdout legislators to add bills to tomorrow's agenda. This will hopefully get them back to Lansing to pass the remaining items before the end of session.

Thursday, December 19, 2024

08:19

Still a lot of uncertainty surrounding the attendance of the two holdout members. We are exchanging language with the bill sponsor's office on Statewide Septic Code. Yesterday's meeting with the Department of Energy Great Lakes and the Environment was productive on final language changes. The Michigan Realtors® Public Committee is trending toward support with these changes. The new draft gets rid of the 10-year inspection requirement on all systems and focuses on required inspections of high-risk systems (non-permitted, systems over 30 years old, change in use, those near water, wetlands and dunes). Language will be added to make sure

To get REALTOR®
PARTY MOBILE ALERTS,
text "Realtor" to 30644.

that if local health departments have a point-of-sale ordinance, they cannot condition the closing based upon the results of the inspection and the parties and still transfer the property, this would include ending burdensome local escrow requirements.

09:14

The Senate is at full strength today. The House is scheduled to come in at noon, however chatter has started that the House Democratic Representative will not be returning. This could potentially force the Sine Die resolution. This would end the House's legislative session. If the House were to go Sine Die they would not be able to approve any Senate changes to their bills. The senate would only be able to pass House Bills that do not require changes. This puts into question our Post-closing Occupancy bill package since a substitute was required for HB 5385 to make sure the wording does not conflict with a bill that passed earlier this year.

11:45

Senate begins voting. The first few votes on the board include two Michigan Realtors®-supported bills dealing with MSHDA funding. Those bills pass, unfortunately, they do not pass the third MSHDA bill that would increase the eligible purchase price for a MSHDA loan. Senate returns to caucus.

12:00

Attendance is being taken in House. Everyone waiting to see if the Democrats will have all 56 of their members. The Republicans are not showing up until all 56 are present attempting to deny a quorum for the second day in a row. It sounds like the hold out House member from yesterday is on the way to Lansing.

12:52

The rumors prove true. The holdout Democratic caucus member enters the Capitol, but not the House Chamber. They instead head to the House Republican Leader's office to negotiate their attendance for the day with the Majority Floor Leader.

13:10

In a move to try and secure a quorum to conduct business in the House, Speaker Joe Tate (D- Detroit) issues a rare Call of the House. This is a procedural move to compel attendance by all members. A Call of the House can deputize the State Police to locate and escort members of back to legislative session. House Republicans are scattered throughout the state this morning holding press conferences at local restaurants on minimum and tipped wages. One member is in the hospital. Republican Leader Matt Hall (R- Kalamazoo) is downstairs in his office with the 56th Democratic member.

continued on page 06...



You're not just
building a home;
*you're building
a legacy.*

It's not just the home you're building, it's all the memories and traditions that will be made there. GreenStone can help you see it through with a personalized home construction loan to help you build for generations to come.

With locations across Michigan and northeast Wisconsin, we're here when you're ready to talk.

800-444-3276



GreenStone®
FARM CREDIT SERVICES

www.greenstonefcs.com

...continued from page 05

13:30

House Republican staff have been ordered to leave the House floor. If the Representatives aren't there, House Dem leadership doesn't believe that their staff should be there. A House Sergeant enters the office of Republican Leader Hall to notify him that a Call of the House has been issued.

14:17

Over an hour has passed and the Call of The House has not resulted in any additional Representatives showing up on the House floor. No State Police have been sent to retrieve members.

The House adjourns until 1:30 pm on December 31st!

While not an official end to session like a Sine Die resolution, it is believed that this adjournment effectively ends the 2024-2025 House legislative session.

14:52

Senate Democrats issue a caucus call on the floor of the Senate to discuss their options now that their House counterparts have seemingly packed it in for the year.

NEGOTIATIONS between the Governor, House and Senate on big picture items . . . HAVE BROKEN DOWN.

15:44

Senate Republicans issue a caucus call to begin strategizing.

16:30

The Senate is gavelled back into session. They are going to vote on the House bills in their chamber that have the support of all 20 members of the Democratic majority. Any bills that pass will not be changed by the Senate. Changes would require a vote of the House to concur in the amendments. The unchanged House bills can still be enrolled and presented to the Governor without a House quorum.

The first vote up, HB 5032 to increase the purchase price limit on MSHDA loans. This is important legislation for homebuyers as prices have continued to increase. The bill passes with bipartisan support by a vote of 23-15.

Friday, December 20, 2024

06:00

The Senate is still in session. Taking a brief break at midnight and resuming voting at 00:30. They have forged through the night passing several House bills. The few items left on our Senate scorecard have not moved. Republicans are not making it easy for the Democrats. They are offering amendments, engaging in floor debate, and even requesting that bills be read in line by line.

11:00

The Senate has now crossed the 25-hour mark in their marathon session. Without the House returning to session to concur in the Senate changes, we do not anticipate that Post-Closing Occupancy Agreements will pass the Senate. These bills will have to be reintroduced next year. I would like to continue to fill you - but this article has a deadline.

As the dust settles on this legislative session. We look back fondly on all that we accomplished as an organization: expanding access to Housing by protecting sexual orientation and gender identity from discrimination, increasing fair housing continuing education, protecting homeowners from predatory "right to list" schemes, securing familial wealth through the Uniform Partition of Heirs Property Act, protecting the public from deed fraud and providing private developers and local governments with funding and tools to increase housing supply and affordability.

We also celebrate our success in holding off legislation that increased housing costs, discouraged development and investment in commercial property and opened our members to costly lawsuits under the Michigan Consumer Protection Act. Issues we defeated also included increasing the real estate transfer tax, new taxes and regulations on short-term rentals, eliminating independent contractor status, expansion of the Michigan Consumer Protection Act, rain taxes, property tax appeal reform, rent control, restricting criminal background checks, right to counsel, right to repair, eliminating credit checks for renters and eliminating the annexation process.

The abrupt ending to the legislative session also left several of our issues hanging without the remaining vote in the process. These issues will have to start the legislative process over again next year. Issues like local zoning reform, increasing Land Division Act splits, statewide septic code and post-closing occupancy agreements. All of these issues will return next year and all have an opportunity to cross the finish line under the new legislative make-up. ●

2025 Officers



President: Christopher M. Germain, Upper Peninsula

Christopher M. Germain is a lifelong resident of Michigan's Upper Peninsula. In 2004, he attended Holloway Institute to then go on and receive his real estate license. Since then, he has taken an active role in the real estate community. He is a past director on the Delta County MLS Committee, past president of the Upper Peninsula Realtors®, and has served on various PAGs. In addition, he was selected to take part in the Inaugural Leadership Academy class for the Michigan Realtors® and then went on to facilitate the academy for the following two years. He serves on the Michigan Board of Real Estate Brokers and Salespersons. He occasionally speaks on real estate and various business topics around the country. He was the Captain of the Ford River Township Volunteer Fire Department for nine years, serving 16 years total. He is a past president of the Delta County Jaycees, Past Master of Delta Lodge 195 of Free and Accepted Masons, past secretary of the Delta County Fire Chiefs Association, past director of the Delta County Fire Training Council, and a past committee member of Delta County Relay for Life.



President-Elect: Mark Oegema, West Michigan Lakeshore

Mark Oegema has been a licensed Realtor® since 2004. He has a deep passion to educate himself deeper, grow in leadership, be a voice of advocacy for Real Estate & most importantly learn from others. He is a Broker-Part owner of Home Realty. Oegema currently sits on the Board for Michigan Realtors® and will serve as President-Elect in 2025. National Association of Realtors® selected Mark to serve on the 2025 Multiple Listing Issues and Policies Committee. Oegema is an RPAC Major Investor (Golden R, President's Circle, Hall of Fame). His prior involvements include Michigan Realtors® Public Policy Committee, Graduate of Michigan Realtors® Leadership Academy, Co-Chair of Convention Task Force, Finance Committee Chair, Chair of Public Relations for WMLAR, Past Board Member for WMLAR (2012-2015), Past President for WMLAR (2016) & WMLAR Realtor® of the Year Recipient (2021). Mark is a graduate of Grand Valley State University's Seidman School of Business with a BBA in Marketing. Oegema enjoys volunteering with Habitat for Humanity and has taken 5 Global Village Trips along with serving locally. Outside of Real Estate Mark and his wife Kristen stay busy with their two kids Harper (6) and Hayden (5).



Treasurer: Al Block, Greater Metropolitan

Alfred Block brings a unique skill set to the table, shaped by a diverse background. He is a Co-Owner/ Associate Broker of RE/MAX First, which has 8 offices in Metro Detroit, a Licensed Appraiser, and an Owner/Landlord of a real estate portfolio. Born in Detroit and raised in Hamtramck by immigrant parents, Al attended Divine Word Seminary in Ohio before shifting to Wayne State University to study Corporate Finance. His father was a U.S. Army veteran, and his mother a professional pianist and seamstress. Both passed away when Al was a teenager. Al began his real estate career at 19 in 1989. His eldest son, Haden, joined him in 2014, and together they have made significant strides in the industry. Al's dedication to real estate earned him the 2020 Realtor®-of-the-Year award from the Greater Metropolitan Association of Realtors® and Michigan Realtors®. Al has served extensively in Realtor® governance/volunteering with the Greater Metropolitan Association of Realtors® and several Multiple Listing Service entities; proudly a Past-President of GMAR. Similarly serving with Michigan Realtors®, including as RPAC Trustee, District 10 Director, and on several committees. He was elected 2025 Treasurer and has been a National Association of Realtors® Director (2019-2022), serving on several committees and a Federal Political Coordinator. Outside of work, Al has contributed to charities such as Habitat for Humanity, Grace Centers of Hope, Children's Miracle Network, and Children's Hospital of Michigan. His hobbies include bourbon, which he shares with his 3 sons (31, 29, 26) and renovating houses. He is the founder of the Detroit Bourbon Club. Al enjoys spending time visiting his extensive family in Germany and his long-time girlfriend, Lisa, a registered nurse at Henry Ford Hospital.

2025 Board of Directors

The Michigan Realtors® board of directors is made up of district directors and other representatives, which are listed below. District representatives serve as liaisons between the Michigan Realtors® and local associations in their region.



Roger Kopernik
District 1
Water Wonderland



Michele Papatheodore
District 8
East Central



Camille Peterek
Large Office Rep.
North Oakland County



Rich Adgate
District 2
West Central



Chelsea Cain
District 9
Greater Metropolitan



Michael Rundhaug
Large Office Rep.
Greater Regional Alliance



Mike VanderWoude
District 3
Greater Regional Alliance



Ann Peterson
District 10
North Oakland County



Terry Bixler
CBOR Rep.
Commercial Board



Suzette Deaux
District 4
Greater Kalamazoo



Karen Greenwood
District 11
Greater Metropolitan



Charlie Hoats
CAR Rep.
Commercial Alliance



Kimberly Kurtz
District 5
Jackson Area



Hassan Ahmad
District 12
Greater Metropolitan



Amanda Lankerd
Local AE Rep.
Battle Creek Area



Jodie Franklin
District 6
Greater Metropolitan



Deanna Coleman
District 13
Southeastern Border



Aaron Fox
District 7
Greater Lansing



E'toile Libbett
Past President Rep.
Greater Metropolitan



Start The Year Strong

a Legal Q&A to Kickoff 2025

Stepping into the new year is the perfect time for Realtors® to refresh their knowledge on key legal considerations that impact their business. In this first article of 2025, we're diving into some important and timeless legal topics that every Realtor® should know. From navigating advertising requirements to understanding contract contingencies, this legal Q&A will provide you with expert insights to help you safeguard your business and protect your clients from common legal pitfalls. Whether you're a seasoned agent or just starting out, the information shared will serve as a valuable resource throughout the year.

Advertising

I am a licensed salesperson. I own a commercial building that I would like to advertise for sale. Do I need to include my broker's name in my advertisements?

YES. Licensed salespersons can only advertise to sell their personal residence in their own name. Licensed associate brokers, on the other hand, may advertise to sell any property they own in their own name. (Both salespersons and associate brokers can advertise to lease any property they own in their own name.)

NO. Presumably, the photographs of the home were taken with the permission of then-owner of the home – that is, the seller. The MLS obtained the right to publish these photos from the listing broker/agent. The buyers acquired no rights to limit the use of these photographs through the purchase of the property shown in the photographs.

My buyers, who closed on the purchase of their home last week, are demanding that the MLS remove all photos of the interior of the home they have purchased. Must the MLS honor my buyers' request?

Can we use a team name that does not include any of our team members' individual names – for example, "Best in the West Team?" Each advertisement also will contain a particular team member's individual name (and, of course, the broker's name).

YES, but only if it has an assumed name on file with the Corporations Bureau and with the Department of Licensing and Regulatory Affairs (LARA).

Can a broker advertise in a name other than the one in which its license is issued?

YES. The Occupational Code does not prohibit this. However, there may be liability issues if the team name/advertisement suggests that the team name is a legal entity apart from the brokerage firm. Your broker's corporate shield and insurance coverage does not protect you if you are not viewed as doing business in the broker's name. You and your broker will want to discuss this matter with your broker's insurance agent (and an attorney).

I represent a buyer who entered into a purchase agreement with a 15-day inspection contingency. During the inspection, the buyer discovered numerous defects with the property. My client still wants to purchase the property but only if the seller remedies the defects. Can my buyer force the seller to do this?

PROBABLY NOT. While inspection contingency clauses vary, typically an inspection contingency clause gives the buyer the option of moving forward with the purchase agreement as written or terminating the purchase agreement. A buyer can request that a seller make repairs, but typically cannot require the seller to do so.

Contingencies

My buyers' lender will not be ready to close by the closing deadline. This delay is not my buyer-clients' fault, and we can show that the buyers responded to all lender inquiries/requests in a timely manner. Are my clients entitled to an extension?

Unless the purchase agreement provides for a grace period in the case of a lender caused delay, sellers are not obligated to extend the closing deadline in order to accommodate the buyers' lender. And this is true even if it can be shown that the buyers did everything they could to try to get their loan approved on time.

My seller client has entered into a purchase agreement. After the inspection, the buyers presented my client with a proposed addendum which provides that the seller will make certain repairs. Can my seller terminate the purchase agreement?

The effect of the buyers' request that the seller make certain repairs depends on the wording of the inspection contingency. Some inspection contingency clauses provide that if the seller does not agree to make the requested repairs, the buyers have the option of either terminating the purchase contract or waiving their objections and closing on the purchase. Other inspection contingency clauses give the seller the right to terminate in the event the buyer requests concessions.

The buyer's lender will not be ready to close until 3 days after the deadline in the purchase agreement. My seller-clients have a better offer and want to terminate the first transaction on the basis of the buyer's inability to close on time. Can they do this?

Your sellers should talk to an attorney before proceeding. Michigan courts have not consistently enforced time deadlines in purchase contracts. The fact that the sellers will be further delaying closing in order to get a better price will not be a point in their favor.

YES. By waiving the mortgage contingency, the buyer has simply waived the right to terminate the contract if the mortgage is denied. That does not mean that the buyer is prohibited from applying for a mortgage. (Although if they are denied, they will need to find another way to come up with the money or be in breach of contract.)

The buyer waived the mortgage contingency in the purchase agreement. I just found out that the buyer is applying for a mortgage. Can they do that?

After the inspection, the buyer terminated the purchase agreement based upon the condition of the roof. If my seller agrees to replace the roof, is the buyer required to buy the home?

NOT TYPICALLY. The answer will depend on the language in the inspection clause, but typically the buyer has the right to simply terminate the contract. (The difficulty with a provision that would allow the seller to "fix" a problem would be getting the parties to agree on the appropriate "fix.")

My buyer was denied for a mortgage. The purchase agreement had a mortgage contingency; however, the seller has objected to the release of the earnest money deposit. What good is a mortgage contingency if it isn't enforced?

Even with a mortgage contingency, it is possible that the buyer is not entitled to the earnest money deposit if they did not actually make a reasonable effort to obtain a mortgage. For instance, a buyer cannot purposefully not comply with the lender's policies in an effort to get denied and then rely on the mortgage contingency to get out of the contract. Remember that, even if the seller is being totally unreasonable, in the event of a dispute, it is up to the courts to make the decision as to who is entitled to the earnest money deposit.

continued on page 12...

Title Issues

A listing agreement or buyer's agency agreement signed by only the husband or wife is binding on that party even if his/her spouse does not sign the agreement. In the event of sale, the spouse that signed the listing agreement would be legally bound to pay a commission. The same is not true for the seller on a purchase agreement. In order to be valid, a purchase agreement must have the signatures of all of the owners of the property. A husband or a wife can make a binding contract to buy property without the signature of his/her spouse.

What if only one spouse of a married couple signs a listing agreement? Is the result the same where only one spouse signs the purchase agreement?

I was contacted by a prospective seller who wants to sell her deceased father's home. She believes she should be able to sell it without going through probate because she has her father's power of attorney. Is she correct?

NO. The power of attorney expired upon the death of the father.

While it may not be advisable to close under these circumstances, the buyer cannot be prevented from closing. In circumstances such as this, you, as a buyer's agent, should give your client something in writing recommending that the closing not take place until the buyer consults with an attorney.

I am a buyer's agent. The title work shows the seller's deceased father as record title holder of record to a small portion of the land my client is purchasing. Seller has asked his father's estate attorney to take care of this matter. Buyer does not want to delay closing. Should I let my buyer close before this title problem is worked out?

General Licensing Issues

Some agents in my area are giving potential buyers the combination or code to the lock boxes on vacant properties. Is this permissible?

NO. Although this situation is not specifically addressed by the Occupational Code, it is extremely ill-advised to provide the code or lock box combinations to non-agents. Doing so could subject the agent (and the agent's firm) to any number of possible claims, including breach of fiduciary duty and negligence claims. This practice may also be deemed to violate the Code of Ethics. Standard of Practice 3-9 provides that "REALTORS® shall not provide access to listed property on terms other than established by the owner or the listing broker."

I am a licensed real estate agent. Whenever I host an open house, I have my unlicensed assistant accompany me to answer the door and ask prospective buyers to sign a register. Several agents have told me that unlicensed assistants cannot attend open houses. Is this correct?

NO. While a non-licensee cannot independently conduct an open house, an unlicensed assistant can accompany a licensee so long as he/she does not perform any licensed activities.

YES. You are required to disclose that you are a real estate licensee when you buy property, regardless of whether or not you will receive a commission.

I am a licensee buying a property. I am not taking a commission. Do I still have to disclose the fact that I am a real estate licensee?

YOUR CLIENTS WILL LOVE YOU FOR IT.

Tell them about down payment assistance loans up to \$10,000 with MI 10K DPA.* Combined with a Conventional, Rural Development, or FHA home loan, they can buy the home they've been eyeing. More at Michigan.gov/Homeownership or call 1.844.984.HOME

*Terms and conditions apply.

\$10,000 DOWN PAYMENT ASSISTANCE LOANS



Equal Housing Employer/Lender



MSHDA
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY



2 PAGE SPREAD



Full Bleed 17 1/4" x 11 1/4"
Trim Size 17 x 11

FULL PAGE



Full Bleed 8 3/4" x 11 1/4"
Trim Size 8 1/2" x 11

HALF PAGE



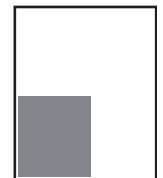
Horizontal 7 1/2" x 4 3/4"

HALF PAGE



Vertical 3 3/4" x 9 5/4"

QUARTER PAGE



Quarter 3 3/4" x 4 3/4"

How Will You Reach your target audience more than 35,000 Realtors®!

Reserve your 2025 ad space in Michigan Realtors® Magazine!

To place an ad, contact Joe Kras

Phone: 800.454.7842

E-mail: jkras@mirealtors.com

	1x	3x	6x
2 page	\$4,250	\$4,080	\$3,927
full page	\$2,500	\$2,400	\$2,310
half page	\$1,345	\$1,245	\$1,155
quarter page	\$1,060	\$960	\$870

Business card sized ads also available starting at \$250. *Magazine is printed in full color and ad prices reflect per insertion cost.

The Perfect Platform for Those On-The-Go



Realcomp is now offering Paragon Connect, the latest in MLS technology, providing a powerful, mobile-optimized platform for accessing property data and collaborating with clients. Use it from your favorite device—from phone to tablet—whether in the office or on-the-road. Enjoy unmatched flexibility and efficiency, anywhere, anytime and with anyone.

Interested in trying Realcomp's Paragon Connect system, as well as our many other products and services? Contact Ms. Tami Fite, our New Account Specialist, at (248) 410-2489.

Real Data. Real Time. Real People.



Phone: 866.553.3003

Realcomp.MoveInMichigan.com | www.MoveInMichigan.com

www.facebook.com/realcompimls | twitter.com/realcompmls