

Real Estate Industry Needs You **November 2, 2014**

There seems to be an addiction to mediocrity in our society. There are some intellectuals who would argue that this is a long-term cycle that occurs in Empires that become great, then affluent, then self-indulgent. What do you think?

As an aid to improving the services of our Real Estate industry I am asking you to submit thoughtful insights into how the services of Realtors to you, the general public, could be improved. These submissions might be editorial in style that I can publish, or in the form of a question which I can answer.

Ultimately, the quality of any retail service can only be seriously jarred in a positive direction by the customers. In any relationship you have with a Real Estate Licensee, that is what you are - the customer! Insist on being respected, having your inquiries answered promptly and thoroughly, and you will be helping us. Thank-you.

Dear Dave: I am wondering what has changed with the "normal wear and tear" acceptance by buyers of existing, prior owned homes? Only new homes can be new, but buyers seem to expect old homes to be new. Several sales I know of this summer fell apart because buyers wanted things like new paint, new roofs, and a list of "fixits" done before closing. Is this happening because of the Home Inspectors' lists? Aren't those types of things already taken into consideration in the seller's asking price?

Answer: Excellent question - Habits and traditions evolve. It used to be that you never wore a baseball hat into a restaurant, but that is a long gone social norm.

Real estate has also evolved. The old-time handshake and 'as-is' purchase has been replaced by a minimum 9 pages of written terms and conditions in the "Purchase and Sale Agreement" that reflects the distrust folks have of another man's word, and their unwillingness to accept life's uncertainties and live with them.

This is not necessarily a bad thing, so long as you know the rules by which you are playing the game. All kinds of "caveats" are written into the MLS contract and, in particular, a whole page is devoted to Paragraph 9 about Property Condition, longer than any other paragraph in the contract.

Just as the Tortoises on different islands of the Galapagos developed different physical postures to feed, according to their habitat, it became necessary to cover all the bases regarding property condition because people were getting hurt.

The current draft contract provides for homebuyers to thoroughly inspect all aspects of a property after they have made the deal on price and terms and, if any issues whatsoever arise, they can, basically, reverse course and take their earnest money with them - unless a mutually agreeable remedy is found.

The most recent version of this constantly evolving paperwork now includes not only the physical status of the buildings but such things as "applicable school boundaries", "square footage", "erosion", and evidence of a pre-existing "meth lab".

The "normal wear and tear" concept is as extinct as being free to drive without a seatbelt. In today's fearsome world, others have taken it upon themselves to protect you, even from yourself.

The Home Inspectors, School Boundary Inspectors, Square Footage Measurers, or even the Meth Lab Investigators are not at fault. They are simply offering a service that the homebuyer may need to complete his dangerous journey. If they give the homebuyer a written report, then the buyer can walk away from the deal for the next 72 hours. Seller cannot prevent this under the contractual wording as it stands.

The unfortunate consequence of these professional reports is that mountains can grow out of molehills. Just watch the media. It is much easier to accelerate fear than to boost confidence and hope. Raise a red flag and it sends urgent messages to the brain.

If an inspection reveals the square footage to be less than that published in the marketing materials, maybe the homebuyer does have an argument to re-negotiate, but the right to walk away? If the back step is wobbly, maybe it is fair to expect the seller to fix it, not the homebuyer, but why should the buyer put a seller 'back on the market' for a wobbly step? Something isn't right here.

Bureaucracy rarely shrinks, it tends to grow, so you may as well get used to it, and survive, like the Tortoises on Galapagos. Darwin thought so.

NOTE: There is no legal imperative for any Homebuyer, or Seller, to adopt the wording proposed by the MLS Forms Committee. However, you should seek independent legal advice if you wish to substantially modify that standard document presented by your Realtor.

Dear Dave: I was wondering if you know how many acres are in a Zygocephalum?

Answer: As a matter fact, I can help you there. A "Zygsesphalum" is an ancient term for how much land can be plowed by an ox in one day. Since oxen can vary from place to place, I would put the answer between 3 and 4 acres.

Now, here is a puzzle for you. If there are 43,560 square feet in an acre, how many acres are there in a square foot? Answers please to windsor@alaska.net. Decimal preferred, but fraction also acceptable, though difficult to print in the newspaper. First correct answer will receive acknowledgement in next column November 16, and the overwhelming admiration of all my readers.