



When Is A Duplex Not A Duplex?

Dear Dave: We saw a duplex for sale on a street nearby and then found out only half of it was for sale, and it was a condominium! How can you tell a duplex when you see one?

Answer: I am chuckling here - It's easy to be confused by real estate words. What matters with all real estate is (1) How is the building constructed? and (2) How is the property legally established?

Many real estate terms can describe the kind of structure you are looking at. A building with 2 separate living quarters may be correctly described as a duplex, whether they be one on top of the other (up and down) or side by side.

A 'Townhome' or 'Townhouse' describes a structure where nobody lives above or below you. Townhomes may also appear to be a 'duplex' if two units are constructed side by side. An 'Apartment' is generally a single living unit in a block of similar units with those living quarters stacked one over another and side by side. Yes, you were looking at a duplex structure but it was not legally a duplex for real estate purposes.

The legal status of structures is an entirely different question. A con-

dominium is a residential (or commercial) unit established under the Uniform Common Interest Ownership Act where each unit owner may control his individual space but is an owner-in-common, together with every other unit owner, of the land and buildings that comprise the total. The 'duplex' you are looking at is a common interest property that may also include other adjacent 'duplexes', though not necessarily. I actually sold a condominium in Eagle River a couple of years ago where there was just the one 'duplex' looking building but each owner was in common interest ownership of both units with the land and buildings. One owner was the president and the other owner was the secretary!

A 'Zero Lot-Line' home will also appear to be a duplex. A 'zero lot-line' is a single family residence on an individual lot but is built right up to the neighboring structure with a 'zero' setback from the property line under a special city zoning which allows building without a setback (normally 5 feet from the property line for a single family home). These properties are less expensive to build because they have a common wall, foundation and roof line and more of them can be built in a subdivision that is developed with smaller lots, so making them more affordable.

So, to be clear, any development

comprising multiple units, be it a string of detached homes, a duplex, or a block of apartments, or any combination thereof, may be 'Condominiums' if a common interest community exists where individual unit owners share common ownership of land and buildings.

Confused? What words mean is the science of 'Hermeneutics'. What a word means in one culture or belief system is not the same as what it means in another. Always ask your Realtor to define the real estate you are interested in, or looking at. Alternatively, consult Muni records for the address concerned since zoning determines the use of all land, and the legal status of the structure will be described in the Tax Records.

Dave Windsor

