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Alaska REAL ESTATE

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WHAT'S "REAL" ABOUT REAL ESTATE?

What is real? What is 'Real' Estate?

Following several considerations of Ken Wilber's classic, 'Spectrum of Consciousness' - a discussion on the nature of reality, it occurred to me to ask why real estate is called 'real'. Is there 'unreal' estate? Is there a kind of estate that you think you have, but you don't? What is it about the house and land which you desperately search for, and cling to, in exchange for hard earned dollars that qualifies it as 'real' as opposed to 'not real'?

Indeed, when we reduce your home purchase to a piece of paper to symbolize in words a description of your agreement with some other person relinquishing his rights over that real property to you, we find it necessary to use a separate Bill of Sale, or separate contract, to cover 'Personal Property' (Refrigerators, Furniture, Tractors and the like) in order to keep it all legal. This so-called 'personal' property is apparently so violently different from the 'real' property that it constitutes,

for the purpose of law enforcement, an entirely separate transaction.

By now, you may be wondering if Windsor is entirely out of his mind, and that's okay. I want to accomplish two objectives here - first, to provide a little education about your property transaction and, secondly, to stimulate your mind.

Real Estate, by definition in our common English language, and by the symbolic, linear method of talking, is said to be, according to all American texts, 'land and the improvements made to the land, and the rights to use them'.

When you come to my office to formalize the purchase or sale of your home, we will be committing to writing an agreement concerning this real estate. You may think of land as just the surface of the earth but it is much more than that. Land starts at the center of the Earth (even though no-one has ever seen it) and extends in a sort of 3-dimensional pie all the way to the four corner points of the lot in question. When you buy your home, or any real estate, you acquire subsur-

face rights as well as the surface itself.

Now this may blow your mind but you also acquire the air and space rights, so far as you can enforce them, to that same pie extending indefinitely into space. One could argue, though my school teachers never enjoyed this, that satellites, aircraft and indeed, planetary communities in space should be paying you 'Rent' to pass through your real estate! In fact, this does happen in the immediate hundred feet or so above ground where Companies have been known to pay rent to a Railroad Corporation to build a shopping center above the railroad tracks at a station.

Other governmental agencies have automatic rights. For example, on your Title Report you will see an exception for the 'U.S. Patent'. This law allows your Federal Government to penetrate your subsurface real estate to extract Uranium in the event of a Nuclear conflict. By the same token, rights to pene-

trate your air-space are legislated for F22 Raptors at Elmendorf.

That which is apparently 'Real' about Real Estate also includes the 'Improvements', that is, anything intended to be permanent. Thus, housing, schools, factories, barns, fences, roads, pipelines, sheds, planted crops and landscaping are real estate.

The opposite of real estate is a type of property that belongs to someone, likely the same owner, but is not attached. This type of 'stuff' is designated 'Personal Property'. It includes motor vehicles, furniture and appliances, clothing, jewelry and anything else not 'fixed'. A workbench or shelf is not part of the real estate deal unless it is 'fixed' to the land or its structural improvements. We may, if you're not bored already, entertain thoughts of what 'fixed' means so, at the risk of getting a bad report from teacher, here we go:-

Any item, even if it was once 'personal property', becomes 'real estate' by virtue of morphing into a fixture when imbedded into the land by means of cement, bolts, posts or pilings. Asphalt for your driveway is not real estate while it remains on the delivery truck but, once imbedded in the ground, it becomes real estate by virtue of becoming a 'Fixture'.

Similarly, lumbar, wiring, pipes, doors, toilets, sinks, heaters, light fixtures, carpet, appliances and shelves become real estate once they are nailed, bolted or glued to the building which has a permanent foundation in the land. I am not totally convinced as to why a

range and dishwasher are regarded as fixtures while the refrigerator, washer and dryer are not, but it is said that the former was 'built in' while the latter are merely rolled in like a television or chair.

As an aside, you will agree and understand that a Mobile Home is not real estate because it has no permanent foundation in soil. A mobile home is 'personal property', just like your automobile.

Since the Legislation that governs behavior in our society requires certain written documents to legally reflect transactions between humans, I am required to keep these two types of property separate in my mind. If I didn't, you could be in trouble. This is why we write two contracts for you when you buy a home. Usually, sellers agree to 'throw in' appliances and, sometimes, other 'stuff'. I write up these personal property items on a Bill of Sale, which is itself a contract, to protect you. If we were to simply add this list of 'stuff', apparently not 'real' enough for our legal system, to your real estate agreement, your transaction would run into trouble at the bank because while they might, for example, be willing to lend 80% of the appraised value of the 'real estate', they absolutely will not lend anything for the 'personal property'.

So much for the dirty documentation to keep everyone happy. Have you watched the movie 'Winged Migration'? It's among one of my favorites, together with 'March of the Penguins'. Next time you observe chevrons of geese cruising, rent free, through your air space ask yourself if you wouldn't prefer to be a bird.

In the pursuit of securing our future, we in so-called civilized society have created a huge complexity of laws to ensure that our 'rights' are protected. Wouldn't it be wonderful to fly like a bird some time, blissfully unaware of any laws, and soaring on the breeze through everyone's real estate?

I'm not even sure what's 'real' about real estate. As Summer Solstice approaches, I urge you to contemplate what is real for yourself. Thoroughly drink in the pleasure of a running creek, fully embrace the joy of family and friends, taste every sensation of the immediate moment. What really is real is that which you experience now. It defies category, it defies scientific analysis, it requires no laws to interpret. Consciousness in the present moment itself is the supreme joy.

In actual fact, what I love about my job is the interaction with folks like you on your journey. We meet, and interact for awhile, and we move on, hopefully better and deeper for the experience. We call it a real estate event but, just as the Emperor Penguins migrate to Antarctica for procreation and North again for survival, we are all just visitors on this magnificent planet. Do we ever really own it? I think not.

Dave

Wilson

