



condo queries

Robert M. Melsner

Q. I have placed an earnest money deposit on my offer to purchase a home with a broker but the seller has not signed the agreement. Must the broker put the money in a trust fund in the interim?

A. Yes, the broker must hold the funds in a separate custodial account and refund the money to you in the event the sale is not consummated upon your request. The terms of the offer, which presumably was in writing, should set forth the terms and conditions of that arrangement by the broker to hold the funds and return them to you. If there is any ambiguity in the offer, you should make sure it is clarified.

Q. What responsibility do I have as a broker to inspect the premises which I am listing? I have heard that brokers are being sued for damages because of their failure to disclose material facts. How can I avoid this liability?

A. It is my general recommendation to brokers seeking advice that they require that the seller obtain an inspection of the premises which

should not only protect the seller but the broker in regard to misrepresentations and/or omissions of material fact.

Regarding the physical condition of the premises, the broker should also ensure that there is an "as is" purchase provision in the purchase agreement concerning the premises but there is, of course, no guarantee that that will relieve the seller and/or the broker of liability.

Also insist, if possible, that the purchaser obtain an independent inspection so as to eliminate any possibility that the purchaser did not have an opportunity to review inspection reports and/or the physical premises prior to the purchase agreement being operative.

Robert M. Melsner is a Birmingham attorney specializing in condominiums, real estate and corporate law. Questions should be directed to him at 30200 Telegraph Road, Suite 467, Birmingham 45010. This column provides general information and should not be construed as legal opinion.

exhibitions

JOY EMERY GALLERY

Thursday, Feb. 25 — "Midwest Landscape Landscape — Part I" continues through April 2. Artists represented are Tom Utech, Douglas Bulka, Ann Mikolowski, James Butler, Betty Brownlee and Janet Carkeek. Reception is 5-8 p.m. Thursday. Hours are 11 a.m. to 6 p.m. Tuesday-Saturday, until 8 p.m. Thursday. 121 Kercheval, Grosse Pointe Farms.

HALSTED GALLERY

Friday, Feb. 26 — Photographs by Larry Snider are on display through April 23. Reception 5-8 p.m. Friday. Gallery hours are by appointment only. 560 N. Woodward, Birmingham.

PARK WEST GALLERY

Thursday, Feb. 25 — Exhibition of lithographs, black and white and color, by Joan Miro, "Homage to Joan Prats," continues through March. Hours are 10 a.m. to 6 p.m. Monday-Wednesday, until 9 p.m. Thursday and Friday and 11 a.m. to 6 p.m. Saturday and Sunday, 29469 Northwestern, Southfield.

NAWARA GALLERY

Saturday, Feb. 27 — Contemporary textiles and gouche paintings by Deborah Frazee Carlson and handmade paper constructions by John Hubbard continue on display through April 2. Reception 4-7 p.m. Saturday. Hours are 1-5 p.m. Tuesday-Friday and 11 a.m. to 5 p.m. Saturday, 1160 Welch Road, Walled Lake.

JEWISH COMMUNITY CENTER

Saturday, Feb. 27 — International Jewish Art Expo and Sale features works by artists from four countries. Continues through March 9. Special reception with the artists is at 7 p.m. Saturday. Exhibition is open to the public free of charge during regular center hours, 6600 W. Maple, West Bloomfield.

ROBERT KIDD GALLERY

SATURDAY, FEB. 27 — Paint-

ings by Mary Vitelli Bertl, sculpture by Chris Bertl and glass sculpture by Paul Webster are on display through March 22. Reception to meet the artists 3-6 p.m. Saturday, March 6. Regular hours are 10:30 a.m. to 5:30 p.m. Tuesday-Saturday, 107 Townsend, Birmingham.

HILL GALLERY

"Drawing, Painting by Sculptors" includes works by some of the outstanding sculptors working today. Continues through March 24, 165 Townsend, Birmingham.

PORTIA'S FRAMING GALLERY

New gallery which shows works by local artists also has a custom framing service. In addition to art by the owner, Portia Mahoney, there are watercolors by Rick Burger of Rochester on display March 9-26 and watercolors by Joan Lasher of Rochester slated for April. Hours are 10 a.m. to 5 p.m. Tuesday-Saturday, 725 S. Adams, Birmingham.

SIDE STREET GALLERY

"Wearable Art," jewelry and fibers continues through April 2. Also on display are works in glass, ceramics, wood and paintings, 812 S. Woodward, Suite 100, Birmingham.

DETROIT INSTITUTE OF ARTS

"American Prospects: Photographs by Joel Sternfeld" continues through April 24 in the Albert and Peggy de Salle Gallery of Photography. "Fields of Fire," a mixed media exhibit, the second in the museum's Ongoing Michigan Artists Program, features site-specific installations by Carol Jacobsen, Rolf Wojciechowski and Jay Yager. It also continues through April 24, 9:30 a.m. to 5:30 p.m. Tuesday-Sunday, 5200 Woodward, Detroit.

TOUCH OF LIGHT

Winter lighting show featuring the work of John Fitzpatrick continues through March 5. Hours are 11 a.m. to 5:30 p.m. Tuesday-Saturday, until 9 p.m. Thursday, 23426 Woodward, Ferndale.

DETROIT FOCUS

"Present Tense/Photography" in-

cludes work by area photographers in any photographic medium, with or without a camera. Juror was Peter Galassi, curator of photography, New York City's Museum of Modern Art. Hours are noon to 6 p.m. Wednesday-Saturday, 743 Beaubien, Detroit.

MICHIGAN GALLERY

Four shows are running at the same time — Ronald Quentin Hyde and Robert Quentin Hyde, sculpture, drawing and painting; "Tribal Art," African sculpture from the collection of Donald Sellers; "Masters of the Heart," and painting and mixed media works by Jim Puntigam. 2661 Michigan Ave., Detroit.

DONALD MORRIS GALLERY

Collage/monotypes by Matt Phillips continue on display through March 12, 105 Townsend, Birmingham.

MCA GALLERY

The third of four exhibitions featuring works by 1987 Creative Artist Program recipients continues through May 13. Gallery is on the 11th floor of the State Office Building, Sixth and Howard, Detroit.

SOMERSET MALL

Sculptors Guild of Michigan is holding its biannual exhibition at the mall through Feb. 28. This is a mixed-media show that runs from realistic to abstract. The mall is at Coolidge and Big Beaver in Troy. Show is open to the public free of charge.

CANTOR LEMBERG GALLERY

The continually changing exhibition of the gallery will include works by D.K. Semivan, Aris Koutroullis, Todd Erickson, James Rutkowski, Eric Fischel, David Salle and Julian Schnabel on display through March 5. Hours are 11 a.m. to 5:30 p.m. Tuesday-Saturday, 538 N. Woodward, Birmingham.

ARIANA GALLERY

Paintings by Ohio artist Kay Weprin and Michigan artists Melgen

Powell and Lloyd Thomas plus glass by Correla are on display through March 10, 386 E. Maple, Birmingham.

GALERIE NORGRAPHIC

Zoo art by eight area artists is on display through March 8. Hours are 9 a.m. to 6 p.m. Monday-Friday and 10 a.m. to 4 p.m. Saturday, 29555 Northwestern, Southfield.

DONNA JACOBS GALLERY

"The Art of Ancient Greece" continues through March 5. Sometimes you can find out more about the daily life of rich and poor from the paintings on the side of some of these magnificent vases than you can from a book, old or new. Hours are 11 a.m. to 5:30 p.m. Tuesday-Saturday, 574 N. Woodward, Birmingham.

PRESTON BURKE GALLERIES

"Recent Sculpture by John Pappas" will be on display through March 5. He studied at Wayne State and is a member of the Eastern Michigan University art faculty. His sculptures can be seen in many locations in Michigan. Hours are 9 a.m. to 5 p.m. Monday-Friday, 240 E. Grand River, Detroit.

U-M KELSEY MUSEUM

Egyptian mummies are the focus of an exhibit at this museum of archeology. Included will be the work of Dr. James Harris, famous for pioneering X-ray analyses of the mummies of the New Kingdom Pharaohs. Hours are 9 a.m. to 4 p.m. weekdays and 1-4 p.m. Saturday and Sunday. Continues through Aug. 14, 434 S. State, Ann Arbor.

BIRMINGHAM BLOOMFIELD ART ASSOCIATION

Detroit Society of Women Painters and Sculptors will have a juried exhibit of work by 40 of its members through Feb. 27. Hours are 9:30 a.m. to 4:30 p.m. Monday-Saturday, 1518 S. Cranbrook, Birmingham.

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