

## Creative Living



(O)E

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## condo queries

Robert M. Meisner

Q. I am having a house built. The developer wants to give me title to the property so I can obtain financing but wants to take a deed back in escrow in the event that I default. Is that a good idea for me?

A. Not really. The developer will, no doubt, want to try to enforce the provisions of a quit claim deed. If you hire a good lawyer, he will probably say that the deed is really a disguised mortgage and that the developer should have to foreclose on it; however, that involves extensive litigation. You are better off, of course, if the developer is given a mortgage or other lien to secure his interest as opposed to a quit claim deed or other conveyance of your interest in the property back to him. You should thoroughly examine these aspects before entering into a building agreement of any type.

Q. I am a real estate broker and have represented a friend in regard to selling his house. He promised he would pay me a five percent commission. I have no agreement with him since I have been friends with him for years. I found a purchaser, closed on the house, am now asking

payment, and he is balking. What can I do?

A. All of us have learned that man is one of the best ways to lose clients. Unfortunately, your "friend" was really not a friend and you were naive in not having a binding listing agreement with him. Chances are you are out of luck in collecting your commission from him since, as you know, the law requires that a listing agreement be in writing in order for it to be enforceable. If you have any other basis by which you can claim fees from him for services rendered besides that of being a broker, you may seek to pursue that claim. Good luck!

Robert M. Meisner is a Birmingham attorney specializing in condominiums, real estate and corporate law. You are invited to submit topics which you would like to see discussed in this column, including questions about condominiums, by writing Robert M. Meisner, 30200 Telegraph Road, Suite 407, Birmingham 48010. This column provides general information and should not be construed as legal opinion.

organizing  
Dorothy Lehmkuhl

Q. An acquaintance of mine is nice but she takes a lot of my time talking on the phone. She complains about not having time to get her work done, but when I try to conclude our conversations, she won't take the hint and then starts out on another topic.

A. I will direct the first part of my answer to the people who don't know when to quit.

Some people don't seem to know how to say good-bye, either on the phone or to conclude personal visits. I wonder if they think they should close conversations by saying something nice. If they feel uncomfortable conveying warm feelings, then they may delay their discomfort by continuing to discuss other things. These people might fall into the same category as those who put off sending greeting cards or thank-you notes — they may find expressing sentimental feelings uncomfortable and therefore avoid them.

These Chatty Cathys may also use talking as an avoidance technique, clinging to friendly conversations rather than facing being alone or doing what they need to do. Despite their intelligence, they fail to understand how they sabotage their lives (and those around them) by wasting valuable time.

Here is my recommendation to

people who chat away their life and then complain they don't have enough time. If saying good-bye is difficult, they should tune in to why they prolong conversations and become aware of their stalling techniques. By observing how others close conversations, they could then privately practice some closing statements of their own. It's all right to conclude conversations quickly without extended niceties.

One trick you might use is to phone your friend at times you know she will be busy, such as dinner time or just before bed, so she won't be inclined to talk so long.

Better yet, have a heart-to-heart chat with your caller. Tell her you have been studying the management, found you are spending too much time on the phone and that you must limit the length of all your calls. Set a loud timer the next time she calls, and when the time is up, don't turn the buzzer off until the conversation ends. This is quite effective.

It is important to take time to talk to shut-ins and others who need your company but you must decide between legitimate needs and someone taking advantage of you. Don't be afraid to firmly inform advantage takers that you must control your own life.

## Chestnut trees make a comeback

WHEN I was a child — a long time ago! — chestnuts were a regular feature of our Thanksgiving dinner. Street vendors selling hot roasted American chestnuts were a common sight.

Chestnuts still are available in food markets, but most are of a Chinese variety. A blight early in this century killed most of the American chestnut trees, once a major source of hardwood lumber from forests in the Eastern United States. The nuts were also an important food for early settlers and their livestock, and for wild animals.

My grandfather often took me into the woods at his farm in North Wilbraham, Mass., to show me the tall, gray, ghostly dead chestnut trees. He had often sent us bags of chestnuts before the fungus disease ruined the trees.

The disease was accidentally introduced into the East Coast of the country from the Orient in 1904. It spread at the rate of about 20 miles a year, killing an estimated 3.5 bil-

## weeder's guide

lion chestnut trees in half a century.

MANY YEARS OF research have gone into efforts to develop an immune tree. Chestnut trees grow in many areas now, but they are a species known as the Chinese chestnut, which is resistant to the blight.

The trees grow quite rapidly and may begin producing nuts two or three years after planting. Two or more trees of different varieties are needed for nut production. A researcher at Missouri University said cross-pollination is reduced if the trees are more than 200 feet apart.

Chestnut trees should be planted

in well-drained sandy loam soil. They prefer a moderately acid soil with pH near 6.0. I'm told they won't survive in low areas with poorly drained soil.

Several new chestnut varieties have been developed in this country. One is the revival chestnut, which R. D. Wallace, president of Chestnut Hill Nursery in Alachua, Fla., says was the first chestnut to receive a U. S. plant patent. Revival has been bred from the Dunstan Hybrid Chestnut line.

WALLACE SAID IT "offers the best possible combination of characteristics found in American and Chinese chestnuts."

He added: "It bears extremely large, sweet, easy-to-peel nuts, as a straight-beaked, upright growth habit, and beautiful lustrous green foliage. It has the same blight resistance that is found in varieties of Dunstan hybrid chestnut offers the opportunity

to bring back the heritage of the great American chestnut."

"The revival chestnut makes possible the reintroduction of the chestnut into American's forest and orchards."

He described the loss of the chestnut as "probably the greatest botanical disaster in Western history."

Mature revival chestnuts, Wallace related, can annually produce from one to two tons of nuts per acre, and begin to bear at second to fourth leaf. He says the trees will grow and bear in many U. S. climates.

Chestnuts are nutritious; they are high in protein and carbohydrates, and low in fat. Chestnut Hill describes the nuts as "a grain that grows on a tree."

Eari Aronson is a gardening writer for Associated Press.

## Tree farmers gearing up for Christmas

AP — Christmas tree farmers in the community of Kinglet are busy harvesting a crop that experts say will yield a wide selection of pines and spruces for consumers during the holiday season.

Michigan, which led the nation in Christmas tree production last year with 5.5 million trees, should be at or above that level this year, officials said.

Consumers will have a large, high-quality selection of trees to choose from because there are three times as many trees in the ground nationwide as there are buyers, said Russell Kidd, a forestry agent for the Michigan State University Extension Service.

"There are a lot of trees that we don't know if they will find a home at Christmas time," Kidd said. "A higher percentage of trees have been left over on lots after Christmas season and there is a stabilization of prices. It is beginning to turn into a buyers' market. People can be more fussy about the trees they get."

THIS YEAR, MOST consumers can expect to pay about \$25 for a Scotch pine, says Grand Traverse County Cooperative Extension Service Agent Steve Fouch.

Late last week, Ty Johnson, a Christmas tree farmer for the last 30 years, was busy buying the first of the 6,000 Scotch pines and blue spruces he'll sell this year from his tree farm in Kinglet.

Johnson is one of the estimated 1,200 Christmas tree farmers in the state. Like 80 percent of the state's Christmas trees, most of Johnson's trees will be sold in southern states like Florida.

Earlier this year, the state's drought threatened to cause severe damage to Michigan's Christmas tree crop, but rains came just in time in most regions of the state.

Still, millions of seedlings did not survive. As a result, experts say the wide selection will dry up in eight to 12 years — the time it takes a seedling to grow to Christmas tree size.

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