

Real estate sales can hinge on inspector's report

Our contract for the sale of our house was contingent upon a professional inspection of it.

The contract stated that should the inspector discover major structural problems or defects of a substantial nature, then the contract could be terminated by the purchaser. The sellers of the house have contested our right to cancel the transaction based on these findings.

They basically have taken the position that we breached the contract because there were no major structural problems and that the necessary repairs, though expensive, were not substantial as would have been necessary to terminate the contract. They apparently have an expert witness to substantiate that fact.

What do you think the court's decision will be if we have to litigate?

might incur as a result of recent environmental laws, particularly at the federal level.

Can you give me an insight?

Lawyers currently are witnessing growth in the area of civil liability for clients involved in commercial lending, business acquisitions and mergers.

This liability, which can result in substantial financial exposure to clients, was brought about by enactment of the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986.

These statutes represent a congressional response to public concern over the effects of environmental contamination by imposing civil liability on buyers, sellers and lending institutions involved in mergers, acquisitions and real estate transfers.

It is clear, therefore, that prior to such transaction, careful inquiry into the potential impact of CERCLA as well as the other state and federal environmental laws, should be undertaken, even where a particular business and/or property site does not have a history of an involvement in the manufacturing and/or disposition of hazardous substances.

While I appreciate this question does not have anything directly to do with real estate, I do work for a real estate company that has apparently unilaterally changed its written employment policy from one of "just cause" to one "at will."

I am sure as a lawyer you know what I mean, but can he get away with that?

Yes. An employer may unilaterally change a written "just cause" discharge policy to an "at will" policy, despite failing to reserve the right to do so, provided that it give reasonable notice to affected employees.

However, there must be adequate

notice to those affected in order to avoid arbitrary and unfair termination.

Robert M. Meisner is a Birmingham attorney specializing in condominiums, real estate and corporate law. You are invited to

submit topics you would like to see discussed in this column 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.



condo queries

Robert M. Meisner

BASM now nation's 5th largest building group

By Gerald Frawley
staff writer

The Builders Association of Southeast Michigan (BASM) leapfrogged from being the 11th to the fifth largest organization in the country, gaining national recognition for the highest membership percentage increase.

Association membership chairman Bernard Glibberman said the association recruited 532 new members during 1989, bringing BASM's total membership to approximately 1,700 professional builders, developers and associates.

The National Association of Home Builders (NAHB) honored the southeast Michigan chapter with a Grand Prize award for the highest percentage membership increase in the country and a Honor Award for the second highest numerical increase in its size category.

Kelly Hayes, NAHB membership program administrator, said the grand prize and honor awards are two of the most prestigious awards presented at its annual convention. There are over 600 local associations ranging from 50 to 2,600 members.

"A 62 percent increase (in membership)

bership) is an extremely impressive effort," Hayes said. "I don't know what the highest percentage increase we've ever had was, but (62 percent) is something to be proud of."

BASM moved from the 11th largest local builders association to the 5th largest builders association.

"We represent — this is a guess — about 50 percent of the production (in southeast Michigan)," Glibberman said. "That's not the number of builders — some builders construct few homes — but the amount of building."

Hayes of the NAHB said increasing membership is always important because without it, the local and national organization cannot continue to better the future of building.

Lobbying efforts and education — both for the builder and the general public — is the main thrust of both the local, state and national associations, Hayes said.

Increase membership is also important because it helps the association promote responsible development, Glibberman said.

"This isn't just about builders — it's very important that development survives," Glibberman said. "Building involves a lot of commerce — every home that is built provides \$10,000 in taxes."

Because of building's wide impact, BASM also recruits members from commercial businesses and the building trades, Glibberman said.

Glibberman said BASM — which was established in 1926, making it one of the oldest associations in the country — has always been one of the largest associations, but it wasn't until the mid 1980s that membership took off.

"Southeast Michigan is probably the 15th to 18th largest region in housing construction starts, but we're the fifth largest local association — those are fantastic numbers."

Retention efforts are just as important as aggressive recruiting, Glibberman said. "We have 95.6 percent retention — I don't know too many organizations that can say that."

By comparison, the NAHB retention rate is 91.2 percent.

Glibberman said BASM membership costs depend on the number of homes a builder constructs. "The limit is \$2,000 — the average member

ber pays between \$500 and \$800 a year."

Associate members pay between \$200 and \$300, he added.

Wall-to-wall carpeting isn't the only floor cover option

AP — Let your home reflect your needs by choosing floor coverings suited to your taste, lifestyle and budget.

If wall-to-wall carpeting in every room of the house isn't appealing, there are practical alternatives:

Wood Floors

Wood floors work well in living rooms and other formal areas. Wood flooring can be either hardwood or softwood.

Hardwood, primarily oak, is available in many finishes and in parquet squares as well as plank or strip flooring boards. Hardwood is warm and comfortable underfoot, has a natural look and ages well.

Oak is durable and, if properly sealed, water resistant. It is by far the most popular wood for new floors.

Softwood, which includes spruce, fir and pine is more easily dented or scratched than hardwood. But an existing softwood floor may be a good candidate for refinishing.

If you have an older home with wood floors, don't make any decisions about new flooring before considering a face lift for the old wood. The floors may only need polishing or, at the most, sanding down and sealing with polyurethane or tung oil for a band new look.

If your wood floors are in such poor condition that they can't be revived by sanding, staining or bleaching, they may still be rescued by paint, which can cover a multitude of pits and blemishes.

Tough, durable and washable deck paint gives a thick protective coating to heavy-traffic areas such as stairs and entryways. For longer wear, finish off a painted floor with a couple of coats of polyurethane.

To postpone repainting, apply a new coat of polyurethane every year or so.

Finally, to give extra character to a stained wood floor, try stenciling a border or paint a checkerboard pattern or an "area rug" on it.

Ceramic Tile

Ceramic tile comes in a variety of sizes, shapes, colors and patterns. Unglazed or mat-glazed tiles usually are used on floors (tiles with a glossy finish are more slippery).

If you choose unglazed tiles, coat them with a waterproof sealer.

Ceramic tile is durable and stain resistant, but susceptible to scratching. Even mat-glazed tiles can be slippery when wet, so consider placing a non-skid mat or rug on a tile floor that is near the kitchen sink, in the bathroom or in an entryway.

Resilient Flooring

Resilient flooring includes sheet vinyl, vinyl tile, vinyl-asphalt tile and cork tile. Resilient flooring is durable but keep in mind the material's thickness usually determines how long it will last.

It is water and stain resistant but may show scuffs and scratches. Vinyl tiles or sheets with a no-wax surface offer resistance to most household scratches and stains.

Resilient flooring is available with embossed, carved, textured and grained surfaces that offer good looks as well as the ability to hide wear, seams, floor irregularities and dents left by furniture.

Area Rugs

If you like carpeting but don't care for wall-to-wall, try an area rug. You save the cost of having the carpet installed, you can reposition the rug to distribute wear and you can take it with you if you move.

Unions work to shed negative image

Continued from Page 1

we don't know what's broken."

Communication between unions and management is imperative, he said. Miner said that attendance at the board meetings is good even though the group formed more than a year ago.

"Interest hasn't petered out so far and that's good — I wouldn't want to waste time with something that isn't supported."

There are many misconceptions about union work, but there is also a lot that owners and developers agree on, he said. The trick is to accentuate the positive aspects and to dispel the misconceptions.

"But to do that we have to find out what's causing the (bad) impression misconceptions is the first place," he said.

Miner said owners usually agree work completed by unionized laborers is satisfactory.

"WORKERS TEND to be more skilled, the availability of workers is good, and they complete work in a timely fashion." Those same owners also agree about the negative aspect about unionized labor, Miner said.

Ununionized labor, for example, still carries a stigma of being too costly, Miner said. "But that's not a universal impression," he added. "It's not unusual for union contractors to un-

derbid for a project. We hear it happens a lot, but there's still that impression."

Productivity, Miner said, is also an issue.

"Not just the loafer and poor effort issues, but other things that are part of productivity — having the right tools, scheduling, and having enough people," Miner said.

Unnecessary work stoppages and jurisdictional disputes between two unions also give a black mark to unionized labor, Miner said.

"We hope to come up with a jurisdictional dispute board too costly, solve these disputes without work stoppages which are a great concern to owners."



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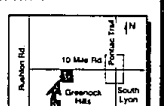
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