

This column highlights promotions, transfers, hirings, awards won and other key personnel moves within the suburban real estate community. Send a brief biographical summary including the towns of residence and employment and a black-and-white photo, if desired — to: Real Estate Stars, Observer & Eccentric Newspapers, 36251 Schoolcraft, Livonia 48150. Our fax number is (313) 591-7279.

Melsner Inducted



Robert Melsner
Robert M. Melsner, a Bingham Farms lawyer concentrating on property law, has been inducted into the College of Community Association Lawyers.

Melsner, a co-draftsperson of the Michigan Condominium Act of 1978, is a frequent lecturer, writer and columnist on the subject of community association law and governance.

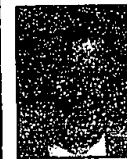
Joins Chamberlain



David Lockard

David A. Lockard, a Realtor with 20 years experience, has joined Chamberlain Realtors in Troy. Lockard has sold vacant lots to developers and builders as well as hundreds of new and existing houses in the tri-county area.

Builder selected



Dan MacLelish

Dan MacLelish, a Troy builder, has been selected as a Code Plus Builder and is listed as one of America's Best Builders in Better Homes and Gardens Custom House Plans magazine.

His houses may be seen in the Beach Forest Subdivision off Beach north of Long Lake Road in Troy.

Named adviser



Rick Bowling

Rick Bowling, owner of the Fly-mouth franchise for AmeriSpec Home Inspection Service, has been appointed to the company's President's Advisory Council.

He will represent the midwest region that stretches from Texas to Michigan.

"Rich has consistently been not only a top performer, but a technical and marketing resource to numerous franchisees around the country," said Tom Carroll, CEO for AmeriSpec.

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Garfield's vision: A house that traces back more than 160 years would be incorporated into the left end of a 3,000-square-foot upgrade proposed by a Livonia broker.

Historic home is stuck in time

By DORIS FURBER
Troy Writer

Real estate can be a topsy-turvy experience.

All William R. Garfield wanted to do was acquire the oldest existing house in Novi, restore it and use it as a magnet to build six other brand new houses featuring similar architecture in that community.

But it's been one problem after another for the Livonia broker since he bought the Sally Thornton House, erected in 1839, and moved the dilapidated structure to its current site of 11 Mile between Lannys and Taft several years ago.

The city of Novi bought land adjacent to his parcel that he thought would be available to him. Garfield said he had to spend more money than anticipated and a business partner backed out.

Garfield subsequently received permission to build two large single-family houses on a 2 1/2-acre parcel. He sold the vacant 1/4-acre parcel but still hasn't found a buyer for the Thornton House and its two acres.

Garfield's current asking price is \$189,000 for the land and house as is. If a purchaser follows through with Garfield's plan to incorporate the Thornton House into a home of 3,067 square feet with three bedrooms, two

Sometimes, the best of intentions and simplest of plans just don't work out. A broker's vision involving a bit of history remains stuck in dream mode.

full baths, two half baths, library, living room, family room, dining room, laundry room and three-car attached garage, the cost is \$395,000.

Few prospects, apparently, share his view of historical preservation when it comes to return on housing dollar. He's had no offers under either parameters.

"I've had it happen 30 times," Garfield said. "Someone will love the place, admire its old character, but two things will happen."

"They say, 'I don't have time to wait; I have to move in now.' Or, they don't want to spend \$400,000 to be near other houses less expensive."

Garfield has planted pine trees in an effort to create nearby properties. Greg Frealey, Garfield's architect, said half of his practice involves preservation and renovations.

"Preservation of resources extends to preservation of historic structures. Europeans do it. Why don't we? Replacing boards is not a big deal. It takes time and costs, but it's a labor

of love. I live in the historic district of Northville. A lot of buyers are like that," Frealey said.

Bonus prospects have been turned off by freeway noise, but Garfield hears good access to jobs, entertainment and shopping.

"There's not going to be another place that combines all these amenities — privacy, space, proximity to the good schools of Novi and proximity to Twelve Oaks Mall," he said.

Garfield acknowledges that it probably would be cheaper to knock down the Thornton House and build from the ground up.

But he's hoping that someone who shares his sense of history will save the rough framing, windows, shutters and hardwood floors.

"The person I think will buy it will be a family person who thinks long range, who wants to live in luxuriousness and spaciousness of the last century."

As far as the inside of the house goes, they can work with an architect

and adjust it any way they want. There's no restrictions with the inside.

"The outside of the house, especially the front, has to stay the way it is. That's my restriction. If you want to tear it down and build brand new, you can do that as long as you build a classical-style home."

"I have refrained from doing that out of respect for the uniqueness of the house," Garfield added.

Ken Howell, who bought the lot from Garfield next to the Thornton House, figures he'll spend upwards of \$600,000 on a 3,600-square-foot Georgian-style house with three bedrooms, piano room, oversized holiday dining room, an in-law suite in the basement and three-car garage.

That figure includes landscaping and the lot.

"There's no substitute for nature," Howell said of what attracted him to the site. "As far as grounds go, you're not going to beat this."

History wasn't the big draw for him. "You can get history through new materials today," Howell said.

"I guess the thing I've learned is very few people like historic houses," Garfield said.

"I would never have gotten the house if I had known it would take this long. Or the emotional struggle, I never would have bought it."

Not all communities treat condominiums the same

REAL ESTATE
QUERIES



ROBERT M. MELSNER

Our condo fees in Farmington Hills include outside maintenance, snow removal and trash pick up. My son, who lived in Farmington for some years, was advised that Farmington has their trash pick up and their streets plowed as a service in regard to their taxes. Can you tell me why condominium owners, such as myself, who pay substantial taxes for their ownership, must pay for their own trash pick up and snow removal on their streets. It does not seem fair to me.

A. You have brought up a very serious question, which is being discussed by many community associations, namely that some municipalities provide services to homeowners who happen to live in subdivisions where the streets are dedicated, but do not provide similar services to the condominium association if the streets are private.

In some instances, some municipalities provide free trash pick up and in others, it is a charge to the individual co-owner of the association. There is obviously no similarity of services being provided among com-

munities, and this is the subject matter of discussions by United Condominium Owners of Michigan with representatives of the legislature, in regard to this apparent disparity.

There has also been some discussion about the commencement of legal proceedings against a given municipality to try to rectify what apparently is a discriminatory procedure that should be rectified.

Q. Two parties entered into a land contract for the sale of residential property. The contract provided for an interest rate of 11% per annum for the first two years, followed by a rate of 12% per annum for the remainder of the contract. Several years later, the land contract purchaser notified the land contract seller that the 12% rate was usurious.

The purchaser then recalculated the term of the contract and applied the excessive payments to the principal and claimed that the contract was paid in full. The contract seller now wants to sue seeking a declaration regarding the legality of the 12% interest rate, and if the 12% interest rate were found to be illegal seeking reformation of the contract to reflect that 11% interest rate for the entire length of the contract.

What would be the result in such a circumstance?

A. Chances are that the following result would occur. The usury statutes in the state provide that a lender who charges a usurious rate of interest is barred from recovering any interest.

Since in this case the seller would seek to enforce the original contract, he will be barred from recovering the 11% interest payment in the alternative.

Therefore, chances are the deed payments would be deemed to be satisfied and the seller would be requested to deliver a warranty deed.

Robert M. Melsner is a Birmingham area attorney concentrating his practice in the areas of condominium, real estate, corporate law and litigation. You are invited to submit topics that you would like to see discussed in this column, including questions about condominiums, by writing Robert M. Melsner, 30500 Telegraph Road, Suite 487, Bingham Farms, Michigan 48025.

This column provides general information and should not be construed as legal opinion.



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