

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: *Movers & Shakers, Observer & Eccentric Newspapers*, 36251 Schoolcraft, Livonia 48150. Our fax number is (313) 591-7279.

REAL ESTATE

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Nickerson honored



Steve Nickerson, a sales associate with Coldwell Banker Preferred Realtors in Plymouth, recently received top awards for leadership and overall production in a year-long intensive sales training program.

During the past 12 months, Nickerson completed 120 transactions for a sales volume of \$16.7 million.

Howard promoted



Dawn M. Howard has been promoted from business manager to associate publisher with primary responsibility for management of all day-to-day business operations.

She oversees advertising sales, personnel recruitment, training and supervision of all employees, and management of editorial, circulation, production, promotion and finance departments.

Murawski promoted



Michelle L. Murawski has been promoted from contributing editor to editor in chief with Commercial Inc. Magazine.

Her responsibilities include developing the magazine's editorial content while managing the direction of editorial from the writer through production to printing.

Joins company

Shelly Polonocki has joined Commercial Inc. Magazine as production director.

Her duties include typesetting and layout/design, plus overseeing illustrators, photographers and creative staff.



Hosting visitors: Chris Knight, left, and Sandy Norman, two high-producing agents, see value in open houses.

Not everyone loves open houses

By DEBO FINKE
Staff Writer

Open houses excite some agents. Others tolerate them. Still others don't want to bother.

Sellers typically love open houses because they figure anything to generate traffic and potential sales is a good deal.

Buyers, especially first-timers and those who have lived in the same place for several years but now contemplate a move, can use open houses as educational tools to gauge the market.

"The nice thing about open houses is it's a free way without commitment and no pressure calls for you to learn what you can get for your money," said Chris Knight, an agent with Coldwell Banker Schweitzer in Plymouth.

"You can learn what you want or don't want in a home," he added. "The big drawback for agents is the return on time invested. Almost all open houses are held Sunday afternoons."

"I think the reason agents don't want to hold open houses is they look at a national average of one percent success," said Sandy Norman, an agent with Century 21 Town & Country in Birmingham.

Open house work better with some houses than others, agents say. "They're moderately effective for

Feelings run the gamut on open houses. But there's no denying that some buyers and sellers connect and sales result during weekend visitations.

whatever is considered the starter price range for whatever community you're in, Knight said.

"Generally speaking, anything above \$300,000 there's weaker turnout," Norman said. "Those buyers immediately gravitate to a representative."

"People looking for less expensive houses are driving around." Promotion is the key to drawing visitors to open houses.

"Probably the best thing to do is tell everyone you see you're going to do it," said Cecelia Brown, an agent with Prudential Great Lakes Realty in Rochester. "Even if they're not in the market, they may know someone who is."

Brown also sends out fliers to apartment complexes, former clients and other agents.

"You can't be a secret agent and have a secret house," Norman said. "The most important thing is let people know what's out there with signage," Knight said. "Don't just have one sign at the corner. If you can, put 10 or 12 signs out. In Plymouth, I put a sign on Sheldon Road, a sign at Main and a sign at

Ann Arbor Trail, you'll get a ton of exposure."

Some communities don't allow signs on public property.

"We advertise in newspapers," said Ray Miller, broker/owner of Hermitia Gold Key Homes in Redford.

"Don't use shorthand: Tell them exactly where it is. People will follow directions if you get it to 'em right.'"

Since prospects attending open houses usually go to more than one, it's important to make an impression. A spec sheet isn't enough.

"My brochures have eight to 10 pictures in offset printing," Norman said.

"I also give out certain things of perceived value — a checklist for putting your home on the market, tax information."

It's best that the homeowners aren't around for the showing.

"If they're home, I won't do an open house," Knight said. "The Realtor is a little intimidated. Purchasers aren't comfortable around sellers."

Other suggestions on how sellers and agents can prepare for an open house:

- Mention the price of the house in

ads so unqualified buyers won't waste your time or theirs.

- Police the front and back yards. Make sure everything is clean inside, too, especially windows.

- Eliminate clutter from closets, cabinets and countertops.

- Adjust the furnace or air conditioning so that the house feels comfortable.

- Open curtains and shades. Turn on lights.

- Place small index cards around major appliances and special features of the house noting their age and efficiency.

- Get rid of all signs of cats and dogs, including the animals themselves, leashes, collars and litter boxes.

- Remove ashtrays and other indications that smokers live there.

"The owner has to go to some lengths to get the house ready," Brown said. "It has to be like the builder's model. You have to be a showplace."

Experienced agents realize that people visit open houses for different reasons.

"Fifty percent are house buyers looking for something," Norman said. "Fifty percent are going through on a lark. They're curious and just want to see what a house sells for, what X amount of dollars buys."

"You handle those diplomatically. Someday, you may be selling them a house."

A binding arbitration clause favors the builder

REAL ESTATE
QUESTIONS



ROBERT M. MELNER
MEMBER

Q. Are there any particular clauses in a building contract for new construction that you have found to be particularly disadvantageous to a purchaser that you can alert us to?

A. Space limitations would preclude me from comprehensively answering your question. However, there are certain clauses that I find more frequently included within building contracts for new construction which may be disadvantageous to the purchaser.

One particular clause requires binding arbitration of any dispute regarding the terms and conditions of the purchase agreement or performance by the builder. While that may ostensibly seem to be beneficial to the purchaser, most builders would normally prefer to have a panel of arbitrators deciding their case rather than a jury, which would minimize the leverage that a purchaser then has in trying to resolve a dispute.

Secondly, I frequently find that purchase agreements and building contracts make the building official for the municipality the final arbitrator as to whether there are any defects or deficiencies in the project. Again, while the builder may prefer to have the building inspector make that determination, the building inspector may be applying standards of workmanship and/or code requirements that are minimal in nature and are not reflective of the standard of the industry and/or the expectations of the purchaser based upon the representations made by the builder. A purchaser should not be limited to the opinion of the township building inspector except to the extent that it is necessary to obtain compliance with the code requirements from the city and ultimately a certificate of occupancy permit.

These are two areas where I find that purchasers are put to a disadvantage when they are compelled to sign a building contract. Again, these issues can be resolved prior to the building contract being signed and underscore the need for the purchaser to obtain the advice and counsel of a knowledgeable real estate attorney to assist in the negotiation of the building contract.

Q. Can you tell me what the recreational land user's act in Michigan has to do with premises liability since I have read about it in a magazine recently.

A. With regard to vacant land, the recreational land user's act merely holds that there is no cause of action arising for injuries to any person who is on the land of another without paying the owner a valuable consideration for the purpose of any outdoor recreational use.

This act is effective whether the injured party is on the land with permission or not.

The recreational land user's act also protects the owner, tenant or lessee of the premises unless the injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant or lessee.

This act also applies to property located within urban areas, even though activities listed in the statute typically are enjoined in rural settings.

Robert M. Melner is an Oakland County area attorney concentrating his practice in the areas of condominiums, real estate, corporate law and litigation. You are invited to submit topics which you would like to see discussed in this column writing 30200 Telegraph Road, Suite 467, Bingham Farms, MI 48025. This column should not be construed as legal opinion.

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