

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

Loughman honored

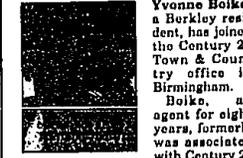


Amy Loughman, a Realtor with Clarkston Real Estate Services, has received the Humanitarian and Community Service Award from the North Oakland County Board of Realtors.

She's president of the North Oakland Chapter Women's Council of Realtors, a director for the North Oakland realty board, a director for Clarkston Area Youth Assistance and a trustee for the First Congregational Church of North Oakland.

Loughman, a Leadership Training Graduate, lives in Clarkston.

Bolke joins Century 21



Yvonne Bolke, a Berkley resident, has joined the Century 21 Town & Country office in Birmingham.

Bolke, an agent for eight years, formerly was associated with Century 21 Northwood in Royal Oak and was an assistant manager at Comerica Bank in Beverly Hills.

Coulter joins Hayman



Gregory D. Coulter has been named senior sales associate for the Hayman Co., a full-service, national real estate firm headquartered in Troy.

Coulter, a West Bloomfield resident and Ferris State graduate, has specialized in the sale of multi-family properties.

Clark joins REO

Charlotte Clark, an associate broker, has joined the West Bloomfield office of Real Estate One.

She specializes in selling executive homes in Oakland County, especially lakefront estates.

Clark, who has taught various real estate classes, served on the Waterford school board for 12 years.



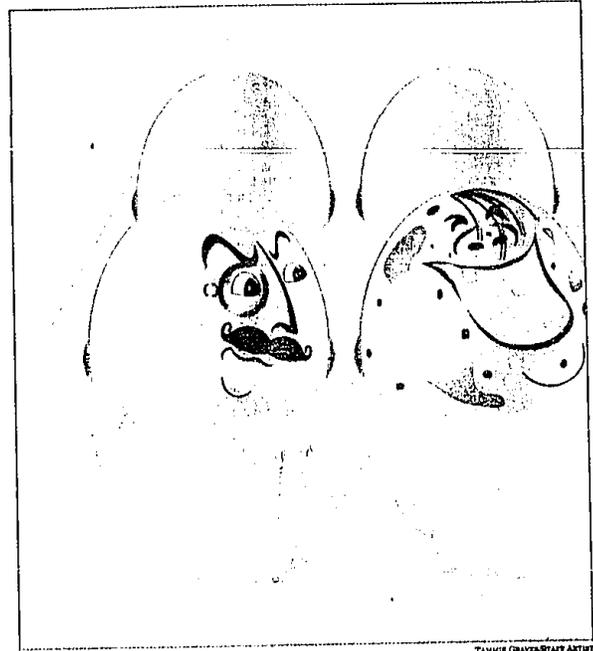
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REAL ESTATE

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**Ready to sell
and living
next door to a
not-so-good
egg**

What to do, what to do? You want to sell, but the condition of your neighbor's property seems to be scaring away buyers.

By DOUG FUNKE
STAFF WRITER

It doesn't happen very often, fortunately, but when it does, it can present one sticky situation.

You want to sell and move on. You fix up, clean up and paint up your property so it sparkles. Then there's your neighbor who isn't necessarily share your standards of care. A clunker car sits on a cinder block. Paint is peeling off the garage. Twigs and papers have blown up against the fence. The grass hasn't been mowed in weeks.

"I know buyers kind of have a concern when they see other homes in an area that aren't as well maintained," said Denise Wayne, a Realtor with Cranbrook Realtors in Birmingham.

"If you pull in to show a house and the surrounding real estate is in poor condition, it definitely has an impact on value, no doubt about it," said Doug Mason, a Realtor with Coldwell Banker Preferred in Plymouth.

Courtesy counts big time in a situation like this. Style matters as much as substance.

"If you have good neighborly relations, you can say something like,

"Would it be possible to" If there has never been good relations, you might want to ignore it altogether. You might make it worse," Mason said.

Susie Hadjinian, a Realtor with Realty World Robert Olson Realtors in Canton, suggests that you talk with neighbors and let them know what you're doing before planting the for-sale sign on the front lawn.

"Why have hard feelings?" Hadjinian said. "Approach them before you put the home on the market. Ask if they could clean up a little bit."

Sometimes, it's an unawareness rather than defiance that causes bad feelings.

Perhaps it's never occurred to your neighbors to store their trash cans somewhere else. Maybe you've never thought to call your neighbor before a showing and ask them to take their dogs inside while prospects visit.

Communication is a two-way street. But if there's a problem with the message, you may need to involve a more powerful messenger. Zoning and public nuisance laws protect the health, safety and welfare of everyone in a neighborhood. Clutter can attract animals. It also tends to expand unless checked.

"I know where I live, they don't allow trailers in a subdivision more than 48 hours," Hadjinian said. "Usually, cities are really good on that."

They're also usually good about not allowing inoperable vehicles to

be stored in yards and grass or woods from growing too high.

However, going the formal complaint route may take some time.

The direct, personal approach usually is a good approach, said Derrick Brown, a Realtor with RE/MAX Executive Properties in Farmington Hills.

"I've taken it upon myself to cut grass down on a vacant house next door," he said. "You try to get them (owners) to do it first. You try to talk to them diplomatically."

"I had a guy once whose neighbor didn't keep his house up well," Brown said. He was pretty reasonable. He said, "I'm selling. I need to move. Please keep up your house. If you need help, I'll help."

"I had a guy tell the people next door, 'I'll pay you a bonus if you keep your property up,'" Brown said with a laugh. "I don't know what happened on that one."

Remember the objective.

"Maybe you can help your neighbor clean their yard if it would help you sell your house," Hadjinian said. "Bring some other neighbors over and help clean up on a weekend. Everybody likes to help other people."

That offer might be appreciated by older folks who don't have the stamina to do the work themselves. And it could make for a regular job opportunity for a kid in the neighborhood.

Ronald G. Oglesby, a Farmington lawyer who specializes in real estate, said he believes it would be

extremely difficult to prove losses or damages against a messy neighbor in a civil lawsuit.

His advice—enforcement of neighborhood association deed restrictions or municipal blight ordinances.

"You're wrestling with a problem that may not have an answer," Oglesby said. "The story is out there. Maybe it's better to market in the winter when snow covers a lot of that stuff."

After all, he said, property disclosure statements are required only on the seller's property, not the neighbors.

Most stories eventually have a happy ending.

Mason recalled the time an open house he once hosted was sabotaged by neighbors. They deliberately throw a party that got out of hand.

"It got quite loud, people parked on the front lawn," Mason recounted. "People came through, kind of looked at the neighbors and said, 'What is this?' It was a wasted day. After that party, we just didn't have open houses. It eventually sold as a result of a Realtor showing."

Wouldn't it make sense to cooperate to get a sale and neighborhood peace even if there were a personality conflict?

"A lot of fouls aren't based on common sense," Mason said. "Human behavior isn't always rational."

Following the law may help get deposit back



Q: I have just terminated my lease and am wondering whether I am advised to provide the landlord with my forwarding address so as to require him to provide me with my security deposit. He has told me verbally that the money will not be returned because of certain damages which he is claiming.

A: You should obviously comply with the law and to that extent provide your landlord with a forwarding address. If so, the landlord cannot keep the security deposit unless the tenant is told in writing why the money will not be returned. In fact, the tenant would be entitled to damages equal to twice the amount of the deposit withheld if the landlord did not timely use to retain the deposit. If, to the extent, you owe the landlord rent, he would be able to use that as an offset. In essence, if a landlord wrongfully withholds a security deposit by not strictly complying with the law he or she can subject him or herself to damages for wrongfully withholding the security deposit. You

should protect your rights, of course, at all times.

Q: Are you aware of a case where individual unit owners sued the association for unauthorized acts, whereupon the association levied a special assessment against the owners to raise the necessary funds in order to pay the judgment obtained by the unit owners against the condominium association. In effect, could the owners be assessed to pay themselves and their attorney?

A: Based upon a recent Florida Supreme Court case, the answer is yes. In that situation, the association levied a special assessment of \$1500 against the unit owners to raise funds to purchase certain property. Some of the unit owners then sued to have the purchase declared invalid as beyond the powers of the association. The suit was successful whereupon the association needed to raise sufficient funds to refund the \$1500 special assessment and pay the attorney fee of \$194,000 in connection with the suit. The association was able to rescind the invalid purchase and recover the purchase price and would also receive the settlement from its insurance carrier. To balance the balance of the funds, the association imposed a special assessment of \$600 on each unit

owner which resulted in a lawsuit. The state supreme court held the assessment proper. In the minds of the Florida court, since a condominium can be sued and a judgment may be entered against it which would render the common elements of the condominium subject to execution and levy, any lien on the common elements should be treated as a common expense and therefore the association has the right to levy the assessment, even though the judge knew the creditors were some of the unit owners themselves. Of course, the Florida statute allowed the creditors to execute on the common elements of the condominium which is not necessarily the case here in Michigan, although the result would be the same.

Robert M. Meisner is an Oakland County area attorney concentrating his practice in areas of condominium, real estate, corporate law and litigation. You are invited to submit topics which you would like to see discussed in this column by writing Robert M. Meisner, 30200 Telegraph Road, Suite 467, Bingham Farms, MI 48022. Meisner can be heard weekdays at 9:45 a.m. on WPON, 1460 AM. This column provides general information and should not be construed as legal opinion.