

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

Apartments name Kaftan



Mel Kaftan, president of Kaftan Enterprises in Southfield, has been appointed president of the Apartment Association of Michigan through 1997.

AAM serves the multifamily housing industry and has a membership of more than 300 including builders, property developers, owners, managers and leasing agents.

Kaftan lives in Bloomfield Hills.

Morris earns CCI



Steven L. Morris, chairman of Morris & Berke Real Estate Group in Troy, has received the designation of Certified Commercial Investment Member from the Commercial Investment Real Estate Network.

Course work included financial analysis, commercial brokerage, market analysis, tax planning, managing/marketing troubled assets, decision analysis and negotiation.

Morris resides in Bloomfield Hills.

Fenster earns CCI



Matthew B. Fenster of West Bloomfield also has been awarded the professional designation of Certified Commercial Investment Member. He works for Morris & Berke Real Estate Group in Troy.

Olson promotes 2

The John M. Olson Co., general contractors and construction managers, announces two promotions.

John Olaszewski has been elevated to vice president of operations from senior project manager. He is charged with implementing corporate operating procedures and policies affecting construction operations.

Mark Fitzpatrick has been promoted to executive vice president from vice president. His responsibilities include development and implementation of corporate policies and procedures, long and short-term strategic planning and quality improvement.

REAL ESTATE

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Winterize us, houses plead

BY DOUG FUNKIE
STAFF WRITER

Winter doesn't officially arrive until 9:06 a.m. Dec. 21. That doesn't mean we should wait until then to get the house ready for the cold, windy, snowy weather that lies ahead.

In fact, the nasties already have arrived.

Most homeowners don't do everything they can to ensure a comfortable lifestyle for themselves — or protect the structure and grounds from the elements.

"Why don't you buy an umbrella until it rains?" said Elliot Solomon, owner of Guardian Home Inspection in Orchard Lake. "I don't know why. Human nature, I guess. Most of us are procrastinators."

"People don't think winter's coming," said John McCormick, owner of a house inspection service in Birmingham. "Everyone thinks winter's here in December. Cold weather really hits the first of November. You should do most of the (maintenance) stuff then."

"For most people, it's 'I'll do it tomorrow, I'll do it next week,'" said Mike Falkiewicz of Affordable Home Inspection in Garden City.

All right, enough of the brow-beating. There may still be time. Set aside a couple hours on a Saturday or Sunday, take a personal day off work and tend to the basics.

■ **First off, clean the leaves out of the gutters and downspouts.** This item should head the list. If you have the time or inclination to do only one task, this is it.

"Melting snow refreezing and working its way up the shingles is what you don't want," said Solomon. "You don't want ice damming."

"Gutters are the main thing, especially in corners," Falkiewicz concurred. "That's where they can get a lot of ice dams."

Ice forming in gutters can get under shingles, melt and drip water onto ceilings inside the house.

Make sure the extension ladder is on solid ground. Wear gloves so you don't scrape your hands inside the gutters. Use an old paint brush to gather leaves, twigs and silt. Tap the nails holding the gutters in place to make sure the pitch is true.

"Extend downspouts if you have to to get water away from the house," Falkiewicz said. Extenders can be purchased fairly inexpensively at hardware and home improvement outlets.

■ **Winterize outside water faucets; take care of hoses.**

First, remove, drain, tie and store all vinyl/rubber hoses, preferably inside the house so they don't crack.

Then, go into the basement and turn off the water supply shut-off valves to outside faucets. For houses without a basement, look for shut-off valves under the sink in the kitchen or behind the tub or sink in the bath.

After that, go outside and open the outside faucets to make sure all residual water drains.

Pipes filled with water near a cold spot can expand and con-

tract with the temperature.

"People don't realize they break during winter," Falkiewicz said.

■ **If the ground isn't yet frozen, make sure that the soil grade around the outside of the house slopes away from the structure.** This can be done by raking or adding some topsoil.

Rick Bowling, owner of AmeriSpec Home Inspection Service in Plymouth, has speculated that up to 60 percent of water in basements results from poor exterior grading.

■ **Install storm windows/plastic interior window insulation kits if cold seeps around the glass.** Check the bottom of front and rear doors for drafts, and weatherstrip if necessary.

Also, in older houses, cold may pour in through the kitchen exhaust fan.

If that's the case, consider insulating with a window insulation kit or a clear, plastic trash bag. But you won't be able to use the fan until spring if you do so.

Again, materials are available, fairly inexpensively, at home improvement retail outlets.

Experts offers other advice:

■ **The central air conditioning unit (outside) should be disconnected,** McCormick said. "If it gets below freezing and the air is accidentally turned on, you can crack the compressor."

Outside, near the air conditioner, will be a 9-by-4-by-6-inch electrical box. Inside the box, you can remove a couple cartridge fuses, McCormick said.

■ **"People should get their lawn sprinkling system blown out,"** Solomon said. "Sprinkler lines aren't buried that deep. Water will freeze. Lines get broken all the time."

■ **Sweep the leaves from the street at curb gutters in front of your house so that water doesn't dam and turn to ice when the snow and cold temperatures move in for good.**

Also, if you have a storm water catch basin in front of your house, keep it free of leaves and snow so that water can drain from the entire block.

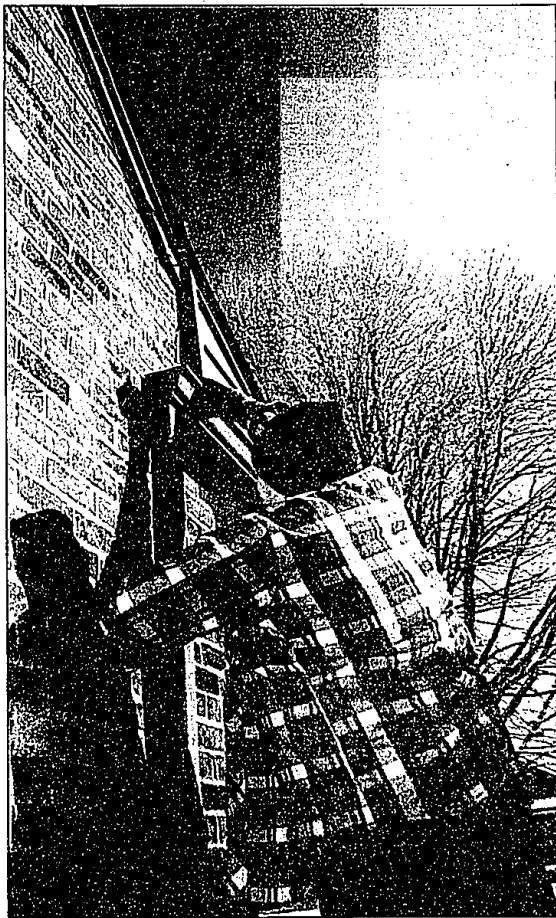
■ **Change the batteries in your smoke detectors.**

■ **In older houses, check that there's at least six inches of insulation in the attic and that insulation has been stuffed above the cement wall and below the upstairs wood floor joists where possible in the basement.**

■ **Don't neglect the landscaping, again, weather permitting.**

Either rake and compost leaves, run over them with a mulching lawn mower or bag them for pick-up. It's OK to prune broken, dead or crossing branches in trees, but wait until spring to trim bushes and shrubs.

"Leaves smother your lawn," said Larry Wright, president of the Metro Detroit Landscape Association. "You get different diseases that can be underneath a leaf layer."



Remove debris: Clean gutters and downspouts will help prevent major ice and drainage problems from arising.



Preventing trouble: A leaf cover on lawns may harbor diseases that could damage the grass. Raking or blowing is the solution.

Both joint owners must agree to partition property

REAL ESTATE QUERIES



Q. My brother and I own property as joint tenants with full rights of survivorship. I am interested in partitioning the property and am planning to do so, but am told that that may be a problem. Can you give me an answer?

A. Simply stated, joint tenancy with full rights of survivorship creates a joint life estate with dual contingent remainders in the law. Although a life estate can be partitioned, the contingent remainders cannot. Therefore, dual contingent remainders of the joint life estate are deemed indestructible and cannot be defeated by the voluntary act of only one of the life tenants.

You cannot sever the contingent remainder of the joint life estate at this time.

Q. I am wondering if you can tell me when a landlord has a duty to mitigate damages where there has been a failure to pay rent.

A. A landlord does not have a duty to mitigate damages when there has been no definitive breach of the lease terms. When a landlord has a lawsuit for rent, it has been recognized as a distinct cause of action that differs from other available remedies for breach of a lease contract.

In an action for rent, the landlord has no duty to mitigate, and, unless he accepts surrender of the premises, he has a right to collect the full amount of the rent due under the breached lease.

Surrender of a lease involves more than mere abandonment of the premises by the tenant; it requires a mutual agreement between the landlord and the tenant to terminate the lease. Obviously, the burden of proving surrender is on the party asserting the surrender.

Robert M. Meisner 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 that you would like to see discussed in this column, including questions about condominiums, by writing Robert M. Meisner, 30200 Telegraph Road, Suite 467, Bingham Farms MI 48025. This column provides general information and should not be construed as legal opinion.

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