

MOVERS & SHAKERS

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.

Martin joins Keim



Ted Martin, broker/owner of Coldwell Banker Legacy on Wayne Road in Westland, has switched affiliation from Red Carpet Keim.

Martin, a Northville, resident, has acquired the professional designations of Graduate Realtors Institute and Real Estate Alumnus of Michigan. His agents bring an aggregate of 260 years experience to the business.

Stempowski named



Bryan Stempowski has been named project manager for the Robertson Brothers Group at the Glens of Carlson Park in Troy. That development will consist of 150 houses.

Stempowski, who has more than 20 years experience in construction management, joins Robertson from the Baltimore/Washington, D.C., area.

Baker heads team



Lynn Baker will head the new home sales team for Robertson at the Glens at Carlson Park. She most recently was part of the sales team at the Crossings of Oakland.

Baker, a four-year veteran of the company, is a Wayne State University graduate.

Judge earns trip



Michael Judge, a Realtor with Real Estate One in Livonia, attended the National Conference of Realtors in New Orleans with other top sales producers from around the country.

Judge, a Livonia resident, is a Certified Buyers Agent and a Certified Relocation Specialist.

The Farmington Observer

Homes Sold, Page H6 • Mortgage Shopping is in New Homes section

REAL ESTATE

THURSDAY, DECEMBER 12, 1996 • PAGE 1 SECTION G



Building president: Scott R. Jacobson will lead the Building Industry Association of Southeastern Michigan, one of the largest of its kind in the nation, next year.

Jacobson to take helm at BIA

BY DOUG FUNKIE
STAFF WRITER

The good times continue to roll for residential builders here.

But that doesn't mean that Scott R. Jacobson, incoming president of the Building Industry Association of Southeastern Michigan, is about to let it rest on its laurels.

Jacobson, 42, a Birmingham resident, sees several major issues facing his membership of 1,900 builders, subcontractors, suppliers and providers of ancillary services.

"A current problem is manpower, finding qualified trades to get work done," Jacobson said. "Demand is high for housing, and lack of available tradesmen is affecting work. Our deliveries are behind a month, a month and a half, in our larger projects."

"We have to band together so we can attract young people to get involved with the building industry," he said. "We're working now at putting together a training program starting with roughing carpenters."

Builders have other concerns. "Obviously, we have to deal with communities and their regulations," Jacobson said. "In some areas, we have problems getting building permits on a timely basis."

"And the Michigan Energy Code is something we're dealing with," he added. "The big concern builders have

■ 'I prided myself on being the fastest laborer he ever had. I was sweeping floors when I was 14. I thought it was exciting seeing product produced.'

Scott Jacobson

is how it impacts cost. The consumer eventually pays that cost. We just don't want it to become too restrictive."

"I want to get involved educating builders, help them understand this is a business," Jacobson said. "We plan to be more involved this year with business and financial seminars for members."

Jacobson also sees his role of BIA president as an expeditor, serving as a sounding board for members and spokesman for their concerns.

Jacobson, whose father, Ted, served as president of the association in 1984, always figured he'd end up as a builder himself.

"I prided myself on being the fastest laborer he ever had," Scott Jacobson said. "I was sweeping floors when I was 14. I thought it was exciting seeing product produced."

"I went through Michigan State in its residential construction program, worked for my father a couple of years. It was a good experience. In 1979, I started my own company."

Jacobson has been selected as both Builder of the Year and Young Builder of the Year by the association.

"I enjoy creating communities. I get

a charge out of seeing a raw piece of land and, two or three years later, see a community built and know we've been involved in this," he said.

Jacobson, who's currently building in 14 communities, expects to deliver more than 200 houses this year. "There's a substantial demand for housing now," he said. "People are working. Interest rates are favorable. Builders will go where there's water, sewers and property to be developed. Builders will move out as demand is there."

And the general reputation of builders?

"Hopefully, builders are perceived in a positive light," Jacobson said. "I think all builders try hard to produce product that is good. Some don't succeed. It's important that they continually educate themselves, look at new things taking place in the industry."

"I'm learning something every day," he said. "I think it's important for builders to find ways to get better at what they do, as in any business."

Good things come with membership in BIA, Jacobson said.

"There's a lot of camaraderie, a lot of networking that takes place. A lot of business I've done has come about

through people I've met in the building association. Most builders I know are friendly. Certainly, they share information," he said.

Jacobson enjoys exercising in his basement studio and spending time with son, Maxwell, and fiancée, Roslyn, when he's not tending to business.

Ted Jacobson, still active as a developer, said he's delighted to see his son attain the same top leadership position in the association he once held.

"He's full of energy. He loves building. He's very interested in design and ethics of dealing with customers and satisfying customers," Ted Jacobson said.

"Once he got started, there was no stopping him," the father continued. "He had the drive and feel. He really works at the business."

Gary Shapiro, a developer/builder, knows Scott Jacobson as a friend and business partner.

"He's a class guy," Shapiro said. "He's got great integrity. He's conscientious, he's creative and he understands the business. He's always a great reflection on all communities he builds in."

"It's a small town, and what's good for one is good for another," Shapiro said of BIA members. "Scott understands that. The association couldn't have picked a better person to be president."

Property owner defeats the state in court battle

REAL ESTATE
QUERIES



ROBERT M. MEISNER

Q. I have read recently that a landowner was successful in prevailing against the state for compensation concerning the deprivation of the owner's right to use the property in the context of a restaurant. Do you have any information that can enlighten me on that?

A. In a landmark decision from the Michigan Court of Appeals, a landowner's property was deemed unlawfully "taken" where the state refused to allow a restaurant to be built on the property because it was part of a wetland. The landowner, who had sued after the Department of Natural Resources denied the building permit, was granted more than \$5 million in just compensation damages.

The court indicated that the regulation that the DNR relied on in refusing to grant their permit denied the landowner all "economically beneficial or productive use of the land." The court was basically saying that the generalized invocation of public interest in the state constitution and the legislative decla-

ration in the Wetland Protection Act and the Michigan Environmental Protection Act do not constitute background principals of nuisance and property law sufficient to prohibit the use of the restaurant owner's land without just compensation.

This is indeed a landmark case that may open the floodgates regarding deprivation of development around wetlands.

Q. I am a member of a board who is upset with a decision by a circuit court judge on pet enforcement who obviously had no compassion for condominium associations, nor an appreciation for the legal fees and costs which we have to incur in enforcing our restrictions.

How can we make judges appreciate the seriousness of problems in community associations more effectively, particularly in the area of parking and pet restrictions?

A. The judge obviously did not take seriously the condominium restrictions in your case. While this is not the case with respect to all judges, obviously, some judges have a notion that rules, regulations and restrictions in community associations are not serious items with which they should be bothered and, in

some instances, judges feel that the enforcement of some restrictions is like the tickets issued by a municipality, sometimes failing to recognize the need to protect the safety and welfare of the inhabitants.

Moreover, some judges are sometimes insensitive to the need of the association to retain counsel and to sometimes vigorously enforce the restrictions and rules and regulations, thereby resulting in the incurring of substantial legal fees and costs which the condominium statute provides for by way of reimbursement to the association.

Obviously, if your attorney cannot convince the court of the merits of your case, you and your membership have recourse through the electoral process and/or can appeal the decision.

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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Insurance	(800-824)
Home and Service Guide	(41299)
Merchandise for Sale	(700-744)
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