

Involve lawyer before signing purchase agreement

BY DOUG FUNKE
STAFF WRITER

Good lawyers prevent problems from arising. That's why you should consider hiring legal representation when buying or selling a house.

"The cost of an attorney in relation to the cost of the house is small," said Charlotte L. Wirth, a Redford lawyer. "It might seem like a lot at the time for people buying their first house, but if an attorney can find an error, it might save thousands of dollars."

"When you buy a house, 95 percent of the time you aren't going to have a problem," said Tom Hardy, a Birmingham lawyer. "Everything will go through, peo-

ple will be happy. What you're really looking out for is that 5 percent. The big thing today is disclosure of defects."

Even real estate sales professionals now recommend that buyers consult with lawyers early in the process.

"If an agent would counsel with a buyer and say, 'You don't need an attorney,' that would be a red flag," said Doug Stranahan, president of Century 21 Great Lakes, the franchising arm of the national sales firm.

"I've been in the business since 1976 in a number of capacities — agent, manager, trainer and now administrator," he said.

"I have always taken the posi-

tion that you provide counsel to buyers, make sure they understand that they're in a contract-driven transaction and should have an attorney review it," Stranahan said.

Buyers with any doubts about the process should hire a lawyer, said Gil Holliday III, an associate broker and president of the South Oakland County Board of Realtors.

"We recommend them up front. Then it becomes the purchaser's call," he said.

For best results get legal advice before submitting a purchase offer.

"People most often call after an agreement is signed and say, 'I

want you to go to the closing,'" Hardy said. "A closing is a formally. Things are pretty much set at that time. I think it's much more important to hire a lawyer when you sign that initial offer of purchase."

"The purchase agreement . . . sets up all the guidelines for closing the transaction," Stranahan said. "It's the pathway for peace of mind or great problems. You want to take a lot of care."

While standard forms are used in the process, contingency clauses favorable to the buyer on such issues as who pays certain closing costs, proration of taxes, warranties and subjecting sale to

a favorable inspection report and mortgage rate can be included.

"To me, the most important thing is to put time limits on," Hardy said. "If you don't, you could have a house tied up for months and months." That includes buyers and sellers, he added. "Sometimes, buyers feel the need to sign a contract quickly and don't have time to initially consult an attorney," Stranahan said.

"In these cases, buyers can include language in the contract that will allow their attorney time to give final approval — usually within three to five business days. This allows both buyers and sellers to expedite the contract

process without fear of inadequate legal representation," he said.

Attorney costs in a real estate transaction can vary by several hundred dollars depending on whether a lawyer just reviews documents in advance or actually attends a closing. So it pays to ask what you'll get for your money. "Things I want to look at (for buyers) is the purchase offer, make sure that title work is correct," Wirth said. "I generally look at the closing package to make sure numbers are correct."

For sellers without a real estate agent, Wirth would prepare the deed, order title work and draft closing documents.

Take time to OK planting of flowers



ROBERT M. MEISNER

We are having a problem at our condo with respect to the planting of flowers. The documents give the board the right to approve any flowers, but the board has been lax in enforcing that requirement.

Now co-owners are planting all sorts of wild flowers in places on the general common elements. What can be done?

This is a good example of why a careful draftsman will include a provision with respect to the planting of flowers and shrubs in a condominium project. While most co-owners feel that they have a right to plant shrubs or flowers in front of their home, there is always a problem of aesthetic

and architectural harmony as well as encroaching upon another co-owner's place or a co-owner's right not to have flowers in a particular place.

The board should be reminded of the need to vigorously and uniformly enforce this prohibition on planting without prior approval, and the board should, at the same time, have criteria for the type of flowers that can be planted and their location.

Robert M. Meisner is a Birmingham attorney concentrating his practice in the areas of condominiums, real estate and corporate law. You are invited to submit topics you would like to see discussed in this column by writing Robert M. Meisner at 30200 Telegraph Road, Suite 467, Birmingham, 48025. This column provides general information and should not be construed as legal opinion.

Seminar for condo directors

The Southfield-based United Condominium Owners of Michigan will conduct its 18th annual seminar for condominium directors from 8:30 a.m. to 3 p.m. Saturday, Nov. 7, in Warren.

Twelve programs will be offered during three concurrent sessions at 9 and 10 a.m. and 1 p.m. Discussions will also be held during lunch.

Speakers include Frank Gerstenecker, Troy city manager, who will discuss "Working with Your Local Government," Robert M. Meisner, Birmingham at-

torney and Observer & Eccentric columnist, will address assessment collections, rules enforcement and changes in Michigan condominium laws.

To preregister by Oct. 30, send registration fee (\$50 for UCOM members, \$100 for non-members) to UCOM, 25100 Evergreen, Suite 210, Southfield 48075. For information, call 352-8490. The seminar will be at Van Dyke Park Hotel and Conference Center, 31800 Van Dyke, south of 14 Mile Road.

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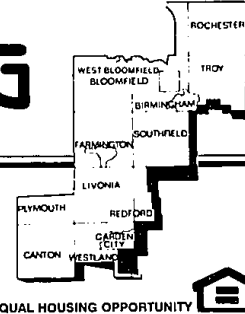
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