

Insurance provided to home sellers

Hall & Hunter Realtors of Birmingham is offering an expanded package of services, including a free liability insurance policy for sellers who list their houses with the firm.

"Every seller listing their home with us will now be offered a membership in Homeowners Association of America," said Dennis Wolf, Hall & Hunter president.

"The homeowner receives free errors and omissions insurance coverage to relieve the risk of after-sale problems, specifically lawsuits," he said.

The policy, purchased by Hall & Hunter for sellers, carries a \$5,000 deductible and provides up to \$25,000 of coverage relating to problems that arise during or immediately after the selling trans-

action.

Disputes covered by the policy would relate to knowledge and disclosure of defects.

"If they're latent, the seller had no idea, they would be totally covered up to the limits," said Jerry McKeon, sales manager and partner at the realty firm. "It would cover legal representation, court costs and settlement costs."

Hall & Hunter's package also includes a 12-minute video containing helpful hints on preparing the home for sale and a booklet, "Moving on, Your Guide to Changing Homes" that answers frequently asked questions about the selling process.

"We just figured it was a tool to help get more people looking our way," McKeon said. "It's

something other companies aren't offering."

Sellers who list with Hall & Hunter also are advised to purchase a separate home warranty policy to insure against mechanical breakdowns during ownership changes, McKeon said.

It makes the house more marketable.

"I can recall numerous times in my 16-year career where a seller replaced a hot water heater, furnace or major appliances while their home was on the market," McKeon said.

Both Wolf and McKeon believe that errors and omissions insurance coverage and the buyer can lessen coverage with the new seller's disclosure law taking effect in January.

"The Realtors pushed hard for this law because they believe it will protect all parties involved in a real estate transaction including the seller," McKeon said. "However, some suggest there may be greater exposure to the seller, which we don't believe is true."

"If the seller completes the disclosure honestly and completely, and the buyer acknowledges receipt of this disclosure, the seller should have less problems than before."

"However, if a problem should arise, then the seller can enjoy the comfort of this errors and omissions coverage and the buyer can move into the home without the worry of having to replace or repair major mechanical items," McKeon said.

Group home topic a civil rights issue

I am a Realtor and I'm frequently asked about group homes in neighborhoods.

I am concerned about sales agents complying with the Michigan Handicap-ports Civil Rights Act as it relates to the licensing and disclosure requirements.



ROBERT M. MEISNER

Based on a memorandum issued by the Michigan Department of Civil Rights, a sales person should not offer any information regarding the presence of group homes whether licensed or unlicensed.

The presence of a group home, according to the Civil Rights Department, should not be the subject of comment at any point in the advertising or sales process. If the salesperson is asked if there are any group homes on the block or in the neighborhood, tell them to check with the local building code enforcement official or DSS licensing official.

If an inquiry about group homes is for a clear purpose, consistent with the law, it would be difficult to establish discrimination. If, for example, an inquiry was clearly made to establish availability of a group home for a family member, that would be permissible.

I am a real estate broker who presented an offer to a listing broker on behalf of the purchaser. The offer was countered by the seller with language contained in the offer to the effect that the seller gives the agent/broker three days to obtain written

consent of acceptance of the counter. Prior to receiving the written acceptance of the counteroffer, a better offer was presented to the seller and the seller withdrew the counteroffer prior to the three-day period. Do I have any claim for compensation because of wrongful withdrawal of the counteroffer?

The legal issues that you have raised are basically: Can the seller withdraw the offer and is the broker entitled to a commission if the offer is properly withdrawn.

A recent Michigan Court of Appeals decision similar to yours held that the seller is entitled to revoke the offer despite the language of the sales agreement. The agreement was nothing more than a unilateral offer granting the purchaser three days to secure acceptance. Such an offer would become binding only upon the purchaser's securing of a written acceptance upon the terms provided by the seller, or the purchaser paying some consideration for the three-day time period.

This event did not occur prior to revocation and the counter offer was properly revocable.

Also, you probably won't be entitled to a commission without a signed agreement.

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 questions by writing Robert M. Meisner at 30200 Telegraph Road, Suite 407, Bingham Farms 48025. This column provides general information and should not be construed as legal opinion. To leave a voice mail message for Robert Meisner, dial 953-2047, mail box 1871.

Careful application saves garage floor

(AP) — Questions by homeowners, answers by Popular Mechanics magazine:

My cement slab garage floor is starting to wear and show rough spots. Is there a way I can apply a topping layer to renew the surface?

You can top a slab, but you must be careful about getting the topping material too thin. Topping over hardened concrete should not be less than two inches thick at any point.

To top a concrete slab, clean the surface with muriatic acid or concrete cleaner (available in paint and hardware stores). To even the topping bonds well, roughen the surface of any slab that has a shiny, smooth surface. Use a wire brush and full-strength muriatic acid to do this.

Next, mix a slurry of cement, sand and water and scrub this onto the surface with a throwaway scrub brush. Apply the concrete topping mix on top of the slurry before the slurry starts to dry.

We are repainting our textured ceiling and we're having

a difficult time trying to get an even finish. Are there special considerations to be aware of when doing this type of job?

Yes, there are. Here is some background on this type of ceiling and tips to help you with your job:

■ Spray-textured ceilings became the most popular ceiling finish about 30 years ago. Early texture materials were odd blends of taping compound, perlite or vermiculite and whiteners, all mixed with water. The resulting texture finish was a super-porous material that absorbs paint unevenly.

■ All spray texture finishes are, even today, mill mixes, meaning they are a mixture of powder ingredients that must be mixed with water. Painting such finishes is about equal to painting a sponge; there is heavy and unequal paint suction.

■ To overcome this paint suction you must apply a good sealer. Use an alkyl (oil) sealer and apply it with a long-nap roller.

■ The easiest way to seal — or to paint — a ceiling is to cover the entire floor with a canvas cloth or

tarp. Buy a roller and extension handle to apply the sealer or paint.

■ Apply a generous coat of sealer and check the ceiling from several angles. Slighting from various angles will help you detect any missed spots or "holidays" in your sealer or finish coats.

For the past six to eight months there has been an odor of stagnant water from our washing machine. Could the fault lie in the filter?

Since your clothes apparently smell fresh and clean and you only notice the odor around the washer, we think there's something wrong with the drain, not the filtering system.

Check to see if your drain line is properly fitted with a trap in the wall, under the floor or wherever it leaves the house. Also, check for a broken or leaking trap line under the floor or in the wall. You should also look for any leaks or drips from the drain lines under the machine.

A simple way to trap a drain line and to block foul-smelling

sewer and water gases is to replace your current machine hose with a longer one. Let the drain hose loop down almost to the floor in back of the machine, then up and out to the drain pipe or tub. This deep looping bend puts a natural trap in the drain line which holds a "plug" of water and prevents stagnant gases from venting back into the room.

I have a Whirlpool refrigerator model EE7171EKDR4. The problem is a high-pitched scream or whistle whenever the unit runs. It sounds like a slipping belt or a dry bearing. What is causing the noise?

The noise is probably coming from the evaporator or condenser fan motor. If the sound is in the area of the compressor, underneath the refrigerator, the condenser fan motor may be the culprit. If the noise is coming from inside the refrigerator, look for a bad evaporator fan motor.

The whistle is usually caused by a motor that has either dry or worn bearings.

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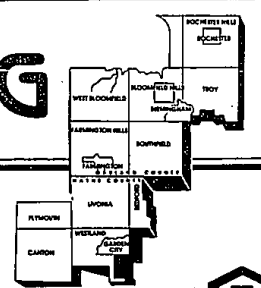
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