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Restrict users of clubhouse

REAL ESTATE QUERIES



ROBERT M. MEISNER

Editor's Note: The uncorrected version of a reader's question ran last week by mistake. Here is the corrected version.

Q. We have a clubhouse in our condominium, which is limited to members and their guests. Do we have to comply with the Americans With Disabilities Act?

A. The U.S. Department of Justice has been clear in numerous technical guidance letters that community associations are only exempt from the Americans with Disabilities Act if the use of their facilities is limited to members and their guests.

Therefore, if a community association engages in activities open to the general public, such as craft sales, Boy Scout meetings and swim teams consisting of non-residents, they are likely to be considered a "public accommodation" whose facilities are subject to the Americans with Disabilities Act.

You are best advised to consult with your association attorney in regard to the parameters of your latitude in this area.

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. His email address is bmeisner@mich.com and his web site is <http://www.meisner-law.com>

This column provides general information and should not be construed as legal opinion.

SELLING REAL ESTATE CAN BE RISKY BUSINESS

HELEN FUJICAN/STAFF ARTIST

BY DOUG FUNKIE
STAFF WRITER

Real estate is a people business. Some people aren't nice. That's why Realtors should be aware of personal safety as they go about their daily tasks.

"My experience is Realtors ... look for the best in people and the worst so they're most vulnerable," said Michael Peck, executive vice president of the Western Wayne Oakland County Association of Realtors.

Encountering strangers at open houses, working alone in the office at night and driving in unfamiliar neighborhoods create the potential for an unwelcome contact.

While attacks are rare, they do happen.

"In 27 years, I'm aware of three Realtors who have been killed (none locally)," Peck said. "Probably 10 times in 27 years I can recall a Realtor being raped, assaulted, beat up."

Nancy Sielaff, a sales associate with Coldwell Banker Schweitzer in Bloomfield Hills and a karate black belt, says Realtors should always tune in to their surroundings.

"A lot of people go around with their heads up in the clouds," she said. "Listen to your own intuition."

One of the first lessons of childhood especially applies here. Be cautious of strangers.

"When you meet someone for the first time, always meet in the office," Peck said. "You never meet someone for the first time in a vacant home. You take someone with you. If worse comes to worst, you don't meet them."

That hours repeating time and time again.

"Kiss off the listing before you put yourself at risk," said Michael E. Cole, president of Be Safe, Inc. in Troy. "That can be replaced. You can't."

If you're uncomfortable, cancel an appointment and reschedule for another time when you can take along a colleague, Sielaff suggested.

Here are other things Realtors can do:

- I'd prefer to do an open house with another person. For the safety of things in the house, I'd feel better. I just feel safety in numbers. That's a good time to take the new person in the office and get some exposure." - Sielaff.

- Cellular phones are a great idea. They've been a great boon to giving security." - Peck.

- "I would always let clients lead the way in a house. They go first, you follow. You're not going to be cornered." - Sielaff.

- "Don't verbally spar with anyone. First, it can entice a person to action that wouldn't otherwise develop and, second, it can easily be misinterpreted and lead to legal complications." - Cole.

- "Don't wear expensive jewelry to an appointment." - Peck.

- "Park where you have some light and people are around. Have your keys out as you're walking to your car. My car is always locked, even when I'm in it." - Sielaff.

Here are a couple of suggestions from the Michigan Association of Realtors:

- Get into the habit of telling colleagues of your expected whereabouts. Develop a buddy system. Leave a note on your desk with details about the prospect, what properties you plan to visit and

expected return time. Check in with the office periodically.

- A whistle and pocket flashlight can be handy, unobtrusive personal protection devices.
- If car trouble arises and you're alone with no cell phone, raise the hood, then remain locked in the car until help arrives. When someone stops, ask them to call for assistance.

Cole also raised the issue of environmental safety.

"As the agent approaches the home, they should be watchful of potential hazards. If the seller has children, there may be toys lying on in the yard of sidewalk. There may be water hoses from when the seller watered the grass or flowers. There could be loose cement or handrails on the stairs leading to the porch," Cole said.

"Be aware of which way the door opens. Some doors swing to the wide part of the porch, others swing to the short side. Someone could fall off the when the door is opened. Even a short fall can lead to some fairly serious problems."

"Watch for hanging plants, wires, lights and planters that could cause head or eye injuries," Cole said.

Bill Deacon, an associate broker with Century 21 Town & Country in Birmingham and president of the Michigan Association of Realtors, realizes that the vast majority of people Realtors contact are trustworthy.

"The intuition thing, it does work," Deacon said. "If it feels uncomfortable, take a pass. Don't show it. Take someone with you. Not just women - men, too. We're vulnerable."

Comparing Activity

Following is a comparison of houses, condominiums and apartments permitted January through June by county.

COUNTY	1997	1996	1995
Oakland	3149	3211	3145
Macomb	2738	2544	1696
Wayne	1813	1903	1562
Washtenaw	1355	1176	744
Livingston	933	923	673
Genesee	898	840	681
Lapeer	331	275	314
St. Clair	304	245	277
Totals	11,624	11,223	9,092

Source: Housing Consultants, Inc.

HELEN FUJICAN/STAFF ARTIST

Don't be a victim of loan fraud

MORTGAGE SHOPPING



DAVID C. MULLY

Part I of II

When you buy a house, you enter into a long-term financial obligation. You fill out papers and sign legal documents based on those papers. It's important that you understand your responsibilities now, so that you won't be the victim of, or a participant in, a fraud.

When you apply for a mortgage loan, every piece of information you submit must be accurate and complete. Anything less is loan fraud.

Unfortunately, there are people who may try to convince you to lie about your qualifications, so they can illegally make money at your expense. Those people will appear to be your friends, saying that they're just trying to help you. They may downplay or deny the importance of complying with the FHA loan requirements, and suggest that it's all just "red tape" that everyone ignores. Don't be fooled by these lies.

Before you sign anything, read and make sure you understand it. In the process of buying a house, you sign many documents. You should understand everything. If you don't, don't sign. Your signature certifies that the information in a document is correct and you are agreeing to be legally bound by it.

Refuse to sign any blank document. If information is inserted, after you sign, you are bound by it. If that information is false, you are legally liable.

Do not buy property for someone else. If that person is unable to pay the monthly mortgage payments, you will be responsible for those payments. It will affect your credit history and may prevent you from getting other credit or buying your own house.

Do not overstate your income. If you inflate your earnings to buy a house, you may not really be able to afford the monthly payments plus the related expenses (electricity, water, telephone, heat) that home ownership requires. You risk losing the property and all the money you have put into it.

Do not overstate how long you have been employed. If you have been employed for just a few months, this may not be the best time to buy a house. Before you get a mortgage loan, you must be sure that your job is permanent. Until then, you are simply not eligible to buy.

Do not overstate your assets. Be truthful about how much money you have that you can use to buy the house. If you need to borrow money for a down payment, you are taking on a new debt that will reduce your ability to pay your mortgage loan.

Accurately report your debts. Disclose all loans and debts, including money that may have been (or will be) borrowed for the down payment. If you don't qualify for a mortgage loan because of your debts, then you don't have enough money available to make your monthly payments. Wait until you have paid off some of your debts before buying a house.

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Make good use of your garage

BY READER'S DIGEST BOOKS
FOR AP SPECIAL FEATURES

For most people, the garage is an extension of the house. Here are some tips to make it easier to use:

Weatherstripping

To keep out cold air, rodents and debris, install vinyl weatherstripping designed specifically for closing gaps around a garage door. You will save energy as well.

Before installing weatherstripping, sand the door bottom, wash it with a mild detergent and let it dry for two or three days. Then paint the area of the door.

If your garage floor is uneven, you can still create a good seal between the bottom of the door and the floor. Simply tack a three-fourths-inch foam pipe insulation to the bottom of the door with the slit facing down.

CAUTION: Remember that a well-sealed garage means an even greater danger of carbon monoxide buildup. Never run an engine inside a closed garage.

Parking tips

Judging how far is enough when parking your car in the garage can be tricky. Hang a tennis ball from the ceiling. Park your car exactly where you want it. Then mount a screw eye in the ceiling and position the hanging ball so that it touches the windshield on the driver's side.

If you have trouble centering the car

in its space, stick reflective tape the width of your car on the back wall of the garage. You'll center it easily.

Keep lawn mowers, bicycles and other equipment out of the way by painting white lines on the garage floor, outlining a space for each item. As long as all family members return the items to their designated spots, you won't have to get out of the car to move them before you can park.

Avoid damaging your car door when you open it by attaching a piece of scrap carpet to the wall.

Garage doors

When working on a manual garage door, set it at a comfortable level by securing a C-clamp or locking pliers on

the door track to block door movement. This is safer than propping the door with a chair or other object.

Periodically, apply a thin film of lightweight oil to the rollers and hinges of a garage door. Go easy - too much oil will collect dirt. Keep tracks clean by wiping them occasionally with a damp cloth dampened with oil.

Channel weather's debris

Winter snow and ice create a mess when they melt. Confine the mess to the area under the car by gluing several strips of garage door bottom-strips to the floor with construction adhesive. Most of the garage floor will stay clean and dry, and the water will be channeled out to the driveway.

