

Back-lot owners may get lake access

I understand there was a recent case addressing whether a lake-front property owner could provide an easement for a non-lake-front property owner to allow them, among other things, to maintain a dock on the lake. Do you have any information about that?

REAL ESTATE QUERIES



ROBERT M. MEISNER

In a recent published decision of significant note, the Michigan Court of Appeals ruled that while state law doesn't permit the severance and transfer of riparian ownership or riparian rights normally enjoyed exclusively by owners of riparian land, i.e. land directly on the water, it clearly allows a grantor to confer to non-riparian, back-lot owners an easement to enjoy such rights.

The court further noted, however, that the court must determine the scope of the non-riparian owner's rights as a question of fact by examining the language of the easement and the surrounding circumstances at the time of the grant.

The court also noted that in determining these rights, the court must consider whether the use would unreasonably interfere with the riparian lot owners' use and enjoyment of their property.

This is an important decision for developers and owners of riparian lots but, of course, could be appealed to the Supreme Court.

Robert M. Meisner, a lawyer concentrates his practice in the areas of condominiums, real estate, corporate law and litigation. This column provides general information and shouldn't be construed as legal advice.

HOME SEEKER'S CHECK LIST

- ✓ SELLER DISCLOSURE STATEMENT (REQUIRED BY LAW)
- ✓ LEAD DISCLOSURE STATEMENT (REQUIRED BY LAW)
- ✓ HOME SUMMARY FEATURE SHEET (ROOM DIMENSIONS, ETC.)
- ✓ SCHOOL DISTRICT SERVING NEIGHBORHOOD (WHERE EXACTLY ARE BUILDINGS, BUS STOPS)
- ✓ AGE OF MAJOR MECHANICAL/STRUCTURAL COMPONENTS (FURNACE, WATER HEATER, SHINGLES, WINDOWS, ETC.)
- ✓ APPLIANCES INCLUDED?
- ✓ PROPERTY TAXES (BASED ON SELLING PRICE, NOT CURRENT RECORDS)
- ✓ MUNICIPAL SERVICES PROVIDED (TRASH COLLECTION, LEAF PICK-UP, SNOW REMOVAL, LIBRARY)
- ✓ CONDITION OF NEIGHBORING PROPERTIES

Changing gears

BY DOUG FUNKE
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Darn few Realtors start their working careers helping people sell and buy houses.

Some were teachers. Others earned a living as nurses, factory workers and police officers. Still others toiled in a different line of sales.

Lifestyle changes, health concerns and a general yearning for something different, better, steered folks into real estate.

For some, a family member, friend or acquaintance suggested or encouraged such a move. But not always. Others were self-motivated and directed.

■ Nancy O. Sielaff, a Realtor with Coldwell Banker Schweitzer in Bloomfield Hills, started helping people meet their housing needs a dozen years ago when she was 60.

"My husband (Carl) wanted me to get back into the business world. I was ready. I had taken care of my mother, got my black belt in karate, my kids were gone."

Actually, Nancy worked as a chemist out of college, but women usually didn't hold down jobs outside the home after they married back then.

So Carl brought secretarial work for Nancy to do at home from his business.

"I had a niece, Orla Leismer, in it," Sielaff said of her introduction to real estate. "She encouraged me. I went to her office."

"It's the only business I know of where you can set your own hours. I really enjoy being with younger people in the office ... and people I meet."

"My dad never retired and died at 85. He's my mentor in that regard. Why would I retire? I'm busy, active, physically fit."

■ Kevin Downey, a remodeler for 24 years, branched into real estate sales about four years ago and is affiliated with Century 21 Val-U-Vue in Waterford.

"My body started breaking down with age, and real estate was an area I felt I might take to," he said.

"Both careers mix well. Physically, real estate is easier, mentally harder. Your mind is always on the go. Get this signed, that signed; this done, that done," he said.

"I love it. I like people, helping them get into what they want, a little piece of God's planet of their own," he said.

And sometimes, real estate clients will later hire Downey to take care of a project around the house on their little piece of God's planet.

■ Manuela Martins, affiliated with Real Estate One in Farmington Hills, was a magazine editor in Europe who came to the U.S. in 1978 with her husband, an auto industry transferee.

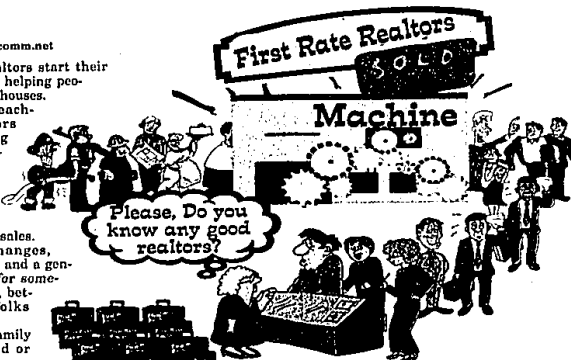
"I worked in a bank, I worked in taxes and decided to try real estate in 1985-86," Manuela said. "It was in the back of my mind."

"I like the flexible hours, although they're not as flexible as you think," she said. "I like not having a boss. We're our own boss."

"And of course, I like finding the right house for the right people. When everything goes well, it's a very good feeling," Martins said.

■ Mike Lawrence, broker/owner of First Harvest Realty in Redford, first worked in an auto plant, then as lease payment collector.

He switched careers again in 1979 at the advice of neighbors who owned a real estate company. But Lawrence considered other sales work — cemetery plots and cars — before settling on houses.



Please, Do you know any good realtors?

What ultimately tipped the scales? "I wasn't stuck in one place. I liked getting out and about, freedom," he said.

The third career choice apparently was the charm. "I can write my own paycheck depending on how hard I work. There's never a dull moment. No two deals are alike," Lawrence said.

■ Kim Downs, an associate broker with RE/MAX Classic, Livonia, had a lot of jobs after serving in the Vietnam War and graduating college.

"I worked as a bus driver and transit operations supervisor, then I was in construction for 10 years where I did a little bit of everything, then I drove an over-the-road 18 wheeler for a year," he said.

And then? "I got a job offer in Palm Springs helping manage condominiums and a vacation resort," he recalled. "I decided to go into real estate when I saw all of those million-dollar homes and thought, 'What a nice check if I sold them.'"

Downs worked there a year and has continued in real estate sales since moving back here, where he grew up, seven years ago.

"I like meeting people and meeting people's needs, watch how excited they are, helping them with the major investment in their life," he said.

"Paychecks are nice," Downs added. "You're actually in business for yourself. As hard as you work is what you earn."

■ Kevin McNulty enjoyed a general law practice until he soured on the system with the "not guilty" verdict in the O.J. Simpson murder trial. Now, he works as a lawyer for a title insurance company by day, and a Realtor affiliated with Jack Christenson Orion in Lake Orion weekends and nights.

"As a lawyer, I was always meeting clients when it was too late," McNulty said of his former practice. "Real estate is a happy time for everyone. Sellers are happy to sell and move on, buyers are ready to move in."

"I think people need the benefit of representation in every situation," he added. "For me, I'm still helping people."

■ Joanne Benedict, a Realtor with Max Broock, a Real Estate One family company in Rochester, figures that she's made 25 different moves since her college days and being a military wife.

"I've always had kind of an interest in houses," she said. "I've been the one in the family to have an impetus to move, the one to refinance."

Benedict was a stay-at-home-mom, then an office manager before realizing her dream and jumping into real estate five years ago.

She likes everything about houses from their layout to decor. And her new career, too.

"It gives me the ability to be with people, talk with people," Benedict said. "I'm my own boss. It gives me flexibility for other things in life."

GETTING INTO REAL ESTATE

You must be at least 18 years old to become a real estate agent in Michigan.

You must take 40 hours of classroom training on such topics as real estate law, fair housing, financial responsibilities and ethical standards.

Major real estate franchises, private companies and community colleges offer the class throughout the year. Average fee ranges from \$175-\$200.

After the class, you must pass a state licensing exam, offered twice daily by computer in Lansing, Canton and Troy.

"They (real estate agents) are doing this because they have unlimited income potential and there's a flexible work schedule," said Pat Stokes, associate broker and office manager for Weir, Manuel, Snyder and Ranke in Plymouth.

"But you must be disciplined to have a business plan. To be in control, you must be a good personal organizer."

"In real estate, you're an independent contractor, your own boss," Stokes added. "That means you organize your own business, pay your own taxes ... health care and make (retirement) contributions to IRAs."

Beef up credit to reduce risk

If you were to apply for a life insurance policy, the insurance company would probably put you through comprehensive health screening process. They would review your family history, analyze your eating and exercise habits, and seek to determine if you have any pre-existing conditions. In short, your insurance company will determine your "insurability." Your policy premiums would be a function of how many "layers" of risk they must manage.

Bankers and mortgage brokers handle mortgage requests in a similar manner, except they assess a borrower's financial health. Lenders add up a borrower's financial risk factors to determine one thing: Will they repay their mortgage as promised?

Mortgage lenders use credit history and credit scores as major elements of their risk analyses. Because credit scores play such a crucial part in the mortgage process, you'll benefit from a few simple tips.

Tips
If you know you have credit issues, handle them immediately. Credit problems tend to go from bad to worse quickly. Talk to a seasoned mortgage loan officer. He will tell you whether a credit counselor or an attorney is in order. He can also give you a "road map" to help direct you toward your future home purchase. You can usually get a mortgage without making credit repairs, but your interest rate and terms will not be as palatable.

Treat open credit like gold. Make at least your minimum monthly payment on time all the time. It's the best way to improve your scores.

Do not close all of your credit accounts. If somebody tells you otherwise, you are listening to a fool. How can you prove you can properly manage your credit if you have no credit? If you properly maintain three to five credit accounts, and keep each of them below 50 percent of their respective maximum credit limits, you will fare well.

Do not fear if you have a credit score, but not much of a credit history, or if you have credit accounts that are not scored. There are mortgages available for most borrowers in these situations.

For free e-newsletters, credit assessments or mortgage pre-qualifications, go to www.under.com or call (734) 797-5522 (24 hours). Tim Phillips is a mortgage loan officer serving all of Michigan. Homebuyers should always consult a professional for guidance specific to their situation.

LOCATION	Avg. PRICE	1 YEAR CHANGE
LANSING	\$245,480	+14.15%
WARREN, OHIO	249,490	9.04
DEARBORN	152,090	9.01
DETROIT	84,110	8.16
DOWNTOWN	138,050	7.45
NO. OAKLAND	193,760	7.43
MICHIGAN	182,530	6.24
ANN ARBOR	237,450	3.99
WARREN, OHIO	214,970	3.15
MOVING	155,890	-1.54

SOURCE: MICHIGAN ASSOCIATION OF REALTORS

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HOME Of The WEEK

BIRMINGHAM'S HOLY NAME AREA

This brand new 4,000 square foot arts and crafts style country house has it all! Four bedrooms, 3.5 bathrooms, wonderful master suite, 4 fireplaces, 2nd floor laundry, 3 1/2 car garage, on and on. Exquisite finishes and ready to move in. \$1,695,000 21032485-G

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