



Impact



R. W. Watson
NOCBOR President

THE SOCIAL MEDIA CRAZE . . .

Regardless of whether you're a new agent, a seasoned agent or somewhere in between, the world of social media networking has hit the "Bullseye" of the real estate industry hard, and it's here to stay! The impact has left many agents not quite knowing where to begin. Many are intimidated and overwhelmed by such sites as "Facebook," "Twitter," "LinkedIn" etc, and say they don't understand or just fear the unknown. Remember, a great acronym for "Fear" is "False Expectations Appear Real."

During this last year, I attended both the NAR convention in Anaheim and the MAR convention in Grand Rapids social media workshops and roundtable discussions took top billing for both events, with most meeting rooms filled to capacity. If you didn't arrive early, you didn't get a seat. The speakers were informative and they knew the attendees were there thirsting for more information about the explosive "social networking" media. Attendees were asking key questions like, "Do we have to use these media outlets to market ourselves or our business?" "Do we need to keep them separate from each other?" "Do we actively post and moreover, what type of a game plan do we need to market our business?" The two hour sessions seemed like minutes and I was greatly impressed

how knowledgeable the instructors were and how little I knew about "social media marketing!"

Do you realize that by not actively participating in a media network like "Facebook" or "LinkedIn," you're actually losing business! Today, most people are online and print advertising is secondary and fading quickly. Remember the old beeper days? Gone! And soon the fax machine will become obsolete and will be transported to the basement next to the dust covered, barely used, treadmill!

The point I'm trying to make is this, for starters, make a resolution to become active with one, two or three well-established social networks. You can post listings, open houses, newsletters, blog, etc. Attend local workshops. NOCBOR offered a few last year and will be offering more this year and most of them will be "FREE." Make suggestions, ask questions and inform us what workshops would benefit you and your business.

Be pro-active!!! Go on line to "Bing" or "Google" and search "Social Media Marketing." Currently, Google has had over 1.2 billion hits and is growing by thousands more per day.

Another great site for social media information is *RealTown.com*. It's the longest running and most respected real estate network on the Internet—continuing to grow and has now reached more than 150,000 opt-in members. That includes a mix of real estate agents, broker, associations, service providers, real estate media, consumers and more. Over the years, the real estate professionals have contributed nearly 1 million posts to the Real Talk Listserv. I'm always referencing *RealTown.com* for updates, current events and localized information and advice. Log in, and sign up as a member-- it's free!

If you're not currently plugged into the social media, don't be afraid! Denise

Lones, REALTOR®/Instructor from Washington State, wrote an article called, Social Media—It's time to Get On Board describes it best, "Consider it as your new and exciting "television" with many exciting "channels" and take advantage of it. If you're intimidated, start slowly and just dip your toe in, then dive in when you're ready!"

It's the new way the world is communicating. It's real simple--people connecting with people and building personal and business relationships.

R.W. Watson

SKBK Sotheby's International

Eye On Housing

The S&P Case-Shiller Home Price indexes were released recently with data through January, 2012 for the 10 and 20 city composites (and component cities). The national index, which is calculated quarterly, and the Charlotte, NC metropolitan area, due to delays in data reporting, were not included in the release.

The composites were both down 0.8% from December, according to the non-seasonally adjusted data. Some of the decline is clearly seasonal, after strong mid-year gains, but the overall trend for these two indexes in 2009-2011 has been modestly negative.

More broadly, house prices in Denver, Boston, **Detroit**, Cleveland and Dallas continued to oscillate in the narrow ranges they've occupied since 2009, while prices in Las Vegas and Tampa trended down unabated, although at slower paces since 2009. The most troubling patterns in today's release are the declining prices in the California markets that threaten to reverse what appeared to be promising recoveries, and the possible re-acceleration of price declines in the Atlanta market. (*Rismedia*)



Board of Directors February, 2012

MOTION CARRIED to approve three (3) Primary Designated REALTORS®; seventy-seven (77) Primary REALTORS® and one (1) Secondary REALTOR®.

MOTION CARRIED to approve the finding of fact and to accept the recommendation for disciplinary action by the Ethics Hearing panel, regarding Dyer vs. Stanley.

Board of Directors March, 2012

MOTION CARRIED to approve three (3) Primary Designated REALTORS®; forty-seven (47) Primary REALTORS® and two (2) Secondary REALTORS®.

MOTION CARRIED to approve the procedures for NOCBOR members as it pertains to the Oakland County Tax Sale.

In Memoriam

The members, staff and Board of Directors of NOCBOR extend their deepest sympathy to the family and friends of **President R.W. Watson** (SKBK Sotheby's International) whose mother, Madeline G. (Richardson) Watson, passed away on February 29, 2012.

Arlene Prey, of Real Living Cranbrook REALTORS®, passed away Monday, March 12. NOCBOR members, Directors and staff extend their deepest sympathy to the Prey family



Con Ed Offered

Cathy Siders, Chairman of NOCBOR's Education Committee, and state-approved education instructor, will provide three hours of required training to members at NOCBOR on Monday, April 30, 2012, at 9:30 a.m.

In celebration of "**Fair Housing Month**," NOCBOR invites its members to attend **FREE** 3 hours of continuing education, pizza and salad. Register today, 248-674-4080.

NOCBOR Membership Meeting

NOCBOR is excited to provide you with one of the most-in-demand speakers in the real estate industry...**Terry Watson!!!** Terry will present his sensational program, "**Market Dominance**," on **Tuesday, April 24** at the **Metropolitan Hotel** (1-75 & Crooks Rd.) Complimentary breakfast buffet will be available at 8:30 a.m., followed by a brief business meeting at 9:00 a.m. Make your reservation today, e-mail info@nocbor.com or call, 248-674-4080.



MISSION STATEMENT

The purpose of the North Oakland County Board of REALTORS® is to enhance the ability and opportunity of its members to conduct their business successfully and ethically, and to promote the preservation of the right to own, transfer and use real property.

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Successive Listing Contracts

Hypothetical: Seller enters into an Exclusive Right to Sell Agreement with Listing Broker A, whose listing expires on March 28, 2012. Starting on April 1, 2012, Seller enters into a new Exclusive Right to Sell Agreement with Listing Broker B. Buyer Smith, represented by Broker C, buys the Seller's home on April 15, 2012. Listing Broker A files an arbitration request against Listing Broker B, arguing that he is entitled to the listing side of the commission because Buyer Smith initially looked at the Seller's home during Listing Broker A's listing.

Is this matter arbitrable?

Answer: No. In order for a dispute between two REALTORS® to be arbitrable, there must have been a written or oral contract between the two REALTORS® or it must be one of the specific non-contractual disputes listed in Standard of Practice 17-4.

Standard of Practice 17-4 (1) covers a dispute between two REALTORS® who each claim to be the cooperating broker- *i.e.*, the procuring cause, in the transaction, which is the most common type of arbitration. Standard of Practice 17-4 (4) deals with two listing brokers with open listings (as opposed to Exclusive Right to Sell Listing) so is not applicable here.

When a request for arbitration is submitted, the Grievance Committee determines whether there was a contract between the complainant and the respondent. If not, then the Grievance Committee must determine whether the situation fits within any of the examples set forth in Standard of Practice 17-4. If the answer to both questions is "no," then the matter may not be sent on for a hearing.

In the hypothetical, there is not contract between Listing Broker A and Listing Broker B, and none of the arbitrable non-contractual disputes described in Standard of Practice 17-4 apply.

As a legal matter. Listing Broker A has no claim against Listing Broker B. Instead, Listing Broker A may or may not have a claim against the Seller, which could be asserted in court. Whether Listing Broker A does or doesn't have a right to a commission has nothing to do with whether Listing Broker B got paid a commission. Instead, the question is whether Listing Broker A's listing contract contained a protection period clause whereby Listing Broker A was entitled to get paid if the house sold after the expiration of the listing to a buyer who looked at the Seller's home during the listing and, if so, whether there was an exception to this protection period where, as here, the protection periods, however, the terms vary and so the specific language of the applicable clause should be examined closely.

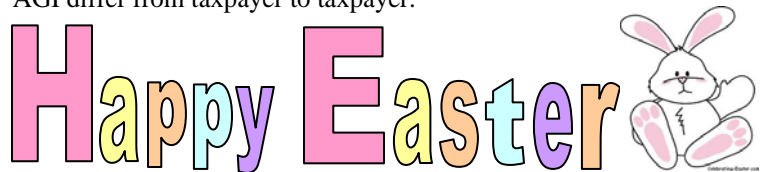
Strictly as a contractual matter, if a seller is not careful when entering into two successive listing contracts, he or she could owe a commission under both listing contracts. As a practical matter, a judge is not going to like this outcome and may go out of his way to reach a different conclusion.

3.8% Medicare Tax

The health care legislation enacted in 2013 includes a new tax that was designed to affect upper income taxpayers. The 3.8% tax is imposed **ONLY** on those with more than \$200,000 of Adjusted Gross Income (AGI) (\$250,000 on a joint return). The tax applies to investment income, defined as interest, dividends, capital gains and net rents.

These items are all included in an individual's AGI. A formula will determine what portion, if any, of these types of investment income would be subject to the tax. The tax is **NOT** a transfer tax on real estate sales and similar transactions. Not long after the tax was enacted, erroneous and misleading documents went viral on the Internet and created a great deal of misunderstanding and made the tax into something far more draconian than the actual provisions.

The new tax does **NOT** eliminate the benefits of the \$250,000/\$500,000 exclusion on the sale of a principal residence. **ONLY** that portion of a gain above those thresholds is included in AGI and could be subject to the tax. REALTORS® should familiarize themselves with the tax, but should not advise their clients about the application of the tax. The amount of tax will vary from individual to individual because the elements that comprise AGI differ from taxpayer to taxpayer.



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Legal Q & A

Q: I represent sellers whose house was auctioned at a sheriff's sale and is currently in the redemption period. The house was purchased at the sheriff's sale by someone other than the lender. How can my client redeem the property?

A: By law, payment of the redemption price may be made either to the register of deeds or to the person who actually purchased that property at the foreclosure sale. The sheriff's deed should have a "redemption affidavit" attached which includes the calculation of the redemption price and provides contact information for the purchaser or the "purchaser's designee" representative for facilitating the redemption.

Q: I am a REALTOR® that is representing a seller who is selling a large parcel of land in northern Michigan. The oil and gas rights were reserved 30 years ago by the previous owner. There has been no drilling done during this time frame. Does the previous owner continue to retain these rights?

A: It depends. Under the Michigan Dormant Minerals Act, under certain circumstances, reserved oil and gas rights will terminate after 20 years. The Dormant Minerals Act applies only to oil or gas rights, and not to other mineral rights. You should advise your seller to discuss this issue with an attorney to see what steps can be taken to clear title.



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Q: I am a REALTOR® that is listing a residential property that is owned by a non-profit organization. It is my understanding that non-profits are exempt from the Seller Disclosure Act. Am I correct?

A: NO. Non-profit organizations do NOT fall within any of the Sellers Disclosure Act's exemptions. Your seller will need to provide a Seller's Disclosure Form.

Q: I represent a buyer in connection with the purchase of a site condominium. The unit he is buying does not have a fence. He wants to build a fence on this property. How can we find out if this is allowed?

A: The project's condominium documents, typically the bylaws, should state which type of improvements are allowed to a unit. Your buyer should review the condominium documents to see if there are any prohibitions on fences in the condominium project. Condominium bylaws are recorded along with the master deed. If the documents are unclear about building a fence, your buyer should consult a lawyer.

Credit Union Valuable

Since it opened in May 2009, the REALTORS® Federal Credit Union has created quite a buzz, becoming a benefit among National Association of REALTORS® members. The union offers a portfolio of services and products, and was recently rated the fastest growing credit union in the country by Callahan & Associates, a credit union information source.

REALTORS® FCU ranked number one in organic membership growth, which neared 25% between June, 2010 and June, 2011. Over the 12 month time period, REALTORS® FCU also grew its loan portfolio by 10.66%. Currently, REALTORS® FCU has 7,501 members with total assets of \$77.9 million.

“REALTORS® FCU is one of NAR’s most valued member benefits,” said NAR President Moe Veissi. “Credit union members have access to an assortment of products and services, as well as tremendous rates and fewer fees than with other institutions.”

REALTORS® FCU recently began offering a free mobile banking app for its members; the app is available for iPhone, Android and Blackberry. Eight weeks in, nearly 14% of REALTORS® FCU online banking users had downloaded the app, which currently has more than 600 registered mobile users.

“The industry average for mobile banking users after this amount of time is typically between 5-7%,” said REALTORS® FCU Executive Vice President & Chief Operating Officer, Jesse Boyer. “REALTORS® FCU surpassed this and we continue to sign up new users every day. Mobile banking allows our on-the-go members to access account information, transfer funds, review transactions and find ATMs from the convenience of their mobile devices.”

Principal Residence Exemption

The Michigan Senate voted 38-0 in support of legislation providing a fair process when it comes to our property taxes. Senate Bill 349, sponsored by Senator Dave Holdenbrand, creates two Principal Residence Exemption (PRE) filing dates; one on June 1st, and the other on November 1st. Additionally, this legislation allow bank-owned properties to retain their PRE so that buyers can qualify at the lower rate of taxation. This is particularly important since foreclosures have flooded the market in recent years.

Senate Bill 349 now heads over to the House of Representatives for consideration. NOCBOR strongly supports S.B. 349 and is delighted that Senators on both sides of the aisles unanimously supported its passage. NOCBOR will continue to keep the membership updated as this bill makes its way through the legislative process.

Don’t Shoot The Messenger

Don’t blame the real estate appraiser if it turns out that house you’re trying to sell or buy isn’t worth what you thought it was. That was the message delivered by the Appraisal Institute, one of the nation’s largest professional associations of real estate appraisers.

“The fact is that appraisers are undertaking the same thorough research and thoughtful analysis that they always have in order to continue producing reliable, credible opinions of value,” said Appraisal Institute President Sara W. Stephens. “Don’t shoot the messenger.”

Noting that buyers and sellers often have emotional value attached to a home or are unaware of the market, Stephens pointed out that appraisals completed for mortgage transactions are used to assist lenders in making lending decisions and are not intended to confirm a listing, contract or sales price. There’s no reason to assume the contract price is the “correct” price simply because it’s higher than the appraisal, she said.

Stephens also noted that appraisers’ clients are lenders, not buyers or sellers. She said appraisers are independent, third-party experts with no motive to be biased. “Appraisers don’t set the real estate market; they reflect what’s happening in the market,” Stephens said. “Think of the appraiser as a mirror, reflecting the market. Obviously, the market is depressed, home prices have fallen far below the values of a few years ago. Many homes simply aren’t worth what their owners think they are.”

Stephens said that especially in a distressed market, competent and qualified appraisers with local market knowledge should be hired for difficult assignments. She also said competent and qualified appraisers know how to use distressed sales, such as foreclosures, as comparable sales when determining a reliable, credible opinion of value. “Qualified, competent appraisers are capable of using their experience and education to determine when-and how-to use distressed sales as comparable,” Stephens said. “These appraisers know what adjustments to make, if any, when using distressed sales as comparables.” She added that in some markets, distressed sales are so prevalent that it would be improper not to use them as comparables.



SEAVER TITLE AGENCY

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NOCBOR Events

April

May

June

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2	3	4	5	6 Good Friday Office Closed	7
9 9:30 am Quad COE Training Jack Waller 9:30 a.m. Education 1 p.m. Government Affairs	10 9 a.m. – 5:30 p.m. Broker's Prep Class (RES 201)	11 1 – 3 p.m. "Clandestine Drug Labs" & "Grow Houses" (Con-ed)	12 9 a.m. Membership Services 10 a.m. Backdoor Workshop "Today's Appraisal Experience"	13	14
16	17 9 a.m. – 5:30 p.m. Broker's Prep Class (RES 201)	18 10 a.m. Backdoor Workshop "Realcomp Online Forms"	19 9:30 a.m. – 3:30 p.m. 2010 Con-ed Bill Haviland 9:15 a.m. Grievance	20	21
23	24 9 a.m. – 5:30 p.m. Broker's Prep Class (RES 201) 8:30 a.m. General Membership Meeting @ Metropolitan Hotel, Troy	25 12:30 p.m. Executive 1:30 p.m. BODs' Mtg	26	27	28 9:30 a.m. – 3:30 p.m. 2011 Con-ed Cathy Siders
30 9:30 a.m. 12:30 p.m. FREE Fair Housing Month Program Con-ed Cathy Siders	1 9 a.m. – 5:30 p.m. Broker's Prep Class (RES 201)	2	3 9:30 a.m. – 11:30 a.m. Con-ed "Working In The Clouds" Angie Ridley	4	5
7	8 9 a.m. – 5:30 p.m. Policy & Procedures Manual (RES 203)	9 1 – 3 p.m. "Forced Air Furnaces" & "Hot Water Heating System" (Con-ed)	10 9 a.m. Membership Services	11	12
14 9:30 a.m. Education 11:30 a.m. Gov't Affairs	15 9:30 a.m. Technology	16 1-3 p.m. Backdoor Workshop Successfully Selling HUD Home In Michigan"	17 9:15 a.m. Grievance	18 10 a.m. "Realcomp On-Line/iPad Overview	19
NAR Mid Year Meeting					
21	22 9 a.m. – 5:30 p.m. Policy & Procedures Manual (RES 203)	23 9:30 a.m. – 3:30 p.m. 2012 Con-ed Bill Haviland	24 9:30 a.m. Quad COE Training Jack Waller	25	26
28	29 9 a.m. – 5:30 p.m. Policy & Procedures Manual (RES 203)	30 12:30 p.m. Executive 1:30 p.m. BODs' Mtg.	31	1	2
4	5 9 a.m. – 5:30 p.m. Policy & Procedures Manual (RES 203)	6	7	8	9
11 9 a.m. – 5:30 p.m. Brokers/Managers (RES 202) 9:30 a.m. Education/Cultural Diversity 11:30 a.m. Gov't Affairs	12 9:30 a.m. – 3:30 p.m. 2012 Con-ed Cathy Siders 9:30 a.m. Technology	13 1 – 3 p.m. "New Technologies" & "Manufactured Homes" (Con-ed)	14 9 a.m. Membership Services	15 9:30 a.m. Quad COE Training Jack Waller	16
18 9 a.m. – 5:30 p.m. Brokers/Managers (RES 202)	19 9:30 a.m. – 11:30 p.m. Con-ed "Working In The Clouds" Angie Ridley	20	21 9:15 a.m. Grievance	22	23
25 9 a.m. – 5:30 p.m. Brokers/Mangers (RES 202)	26	27 12:30 pm. Executive 1:30 p.m. BODs' Mtg.	28	29 9 a.m. – 5:30 p.m. Brokers/Managers (RES 202)	30

Backdoor Workshops (Free)

"Today's Appraisal Experience"

Bob Taylor & Marty Wagar, Midwest Appraisal Management Group
Thursday, April 12 (10 a.m.)

"Online Forms" (Transaction Desk & Management)

Realcomp Staff
Wednesday, April 18 (10 a.m.)

"Successfully Selling HUD Homes In Michigan"

Eduza Ramaj, Darryl Sanders, Anthony Cartwright, Julian Glass,
Reginald Perryman, Darralyn Bowers & Jack Lucas
Wednesday, May 16 (1 p.m.)

"Realcomp On-Line/iPad Overview"

Realcomp Staff
Wednesday, May 18(10 a.m.)

Location: NOCBOR

CRS Designees & Others

(includes 2 hours con-ed)

\$10 / Free for CRS Designees

Instructor: Randy Patterson, Pillar To Post

"Clandestine Drug Labs" & "Grow Houses"

Wednesday, April 11 (1-3 p.m.)

"Forced Air Furnaces" & "Hot Water Heating Systems"

Wednesday, May 19 (1-3 p.m.)

"New Technologies" & "Manufactured Homes"

Wednesday, June 13 (1-3 p.m.)

"How Old Is This House?" & "Problems in Old Homes"

Wednesday, September 12 (1-3 p.m.)

Location: NOCBOR

REALTORS® Code of Ethics

2012 is the year that all real estate agents and REALTORS® must complete their continuing education requirements by October 31st to renew their three-year license. It is also the third year of NAR's Quadrennial Code of Ethics training cycle which must be completed by all REALTORS® by December 31, 2012. Jack Waller, President of NCI Associates, will provide NOCBOR members the required 2 ½ hours of ethics training, which also qualifies for 2 hours of continuing education. Your Code of Ethics training is free, however to take advantage of the con ed credits there is a \$15 fee. Don't wait until October 31st to complete your required continuing education hours! Take advantage of NOCBOR's Code of Ethics Training programs during 2012. Following is the Quad Code of Ethics schedule:

Monday, April 9
Thursday, May 24
Friday, June 15
Tuesday, July 10
Thursday, August 23
Friday, September 7

Thursday, September, 27
Friday, October 5
Wednesday, October 17
Thursday, November 1
Wednesday, November 14
Friday, December 14

Classes begin at 9:30 a.m.

Location: NOCBOR

Broker License Prep (RES 201)

Tuesdays, April 10, 17, 24, & May 1

9 a.m. – 5:30 p.m.

Jack Waller

This "flagship" course provides the information you need to successfully complete your Michigan Real Estate Broker's License exam. There are no gimmicks or unnecessary material to fill time. The class concentrates on solid information, successful testing techniques, developing good preparation habits and confidence.

\$325.00 includes textbooks and instructions

Location: NOCBOR

Policy & Procedures Manual (RES 203)

Tuesdays, May 8, 22, 29, and June 5

9 a.m. – 5:30 p.m.

Jack Waller

This program is the only one of its type to actually help you create or upgrade the most important tool in your risk management arsenal. While our industry is under constant legal assault, its amazing how little attention is focused on this critical issue. Learn from industry and legal experts how to: 1) create or upgrade a personalized, comprehensive policy manual; 2) How to integrate it into your company practices, and 3) How to train staff so everyone is "sign on" to your new or revise policy.

\$325.00 includes textbooks and instructions

Location: NOCBOR

Brokers/Managers (RES 202)

Monday, June 11, 18, 25 and Friday June 29

9a.m. – 5:30 p.m.

Jack Waller

This fast paced program covers two critical risk management issues for brokers and managers. Learn skills agents must possess when breaking down and communicating contract and form details to their increasingly savvy customers and manager's perspective how to teach and coach your agents to do this correctly. This course also delivers all 9 required hours of Fair Housing in a practical real world format.

\$325.00 includes textbooks and instructions

Location: NOCBOR

Pre-License (40 hours)

Monday, April 30 (6-10 p.m.)

Mon & Wed for 5 weeks

NCI Associates

Course fee: \$235 includes materials

To register call 586-247-9820

Location: NOCBOR

"Market Dominance!"
(includes 2 hours con-ed)

Featuring: Terry Watson

General Membership Meeting
Tuesday, April 24, 2012

8:30 a.m. Buffet Breakfast
9:00 a.m. Program

Metropolitan Hotel
5500 Crooks Rd. (I-75 & Crooks Rd.)
Troy, Mi 48098

Members Free/Non-Members \$20

Call: 248-674-4080 for reservations, no later than Friday, April 20, 2012

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	<u>EVICTIION PROTECTION:</u>
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