



# Impact

## The Meat and Potatoes!



**Jake Porritt**  
**NOCBOR President**

A trusted Board member, **John Burt**, (Real Living John Burt Realty) who always seems to be able to dial in to the prevailing concerns, told me immediately following the Annual Membership meeting that the audience really needed more “Meat and Potatoes.”

He went on to say (paraphrasing) “People are ready to do something, but they need to know exactly what to do and how to do it.”

I cannot tell each of you what is best for your practices, however, if you decide you want to get control over your listing data going forward here are some steps you can take:

1. Send Notice in Writing to Realcomp. Your broker can fax in a request to discontinue sending their listings to the data aggregation sites fax (248) 699-0331

2. You can also have your broker control its data online. From the Realcomp Dashboard, go to the Realcomp Web site. From the Web site go to Links. From Links go to DR Broker Links. From DR Broker Links go to Internet Distribution. From there your broker can control the feed to third vendors.

3. Send Notice in Writing to the National Association of REALTORS® about your concerns. You can address it to President Steve Brown, Washington Township 1353 Lyons Rd, Dayton, OH 45458 President-Elect Chris Polychron. [chriscoplychron44@gmail.com](mailto:chriscoplychron44@gmail.com)

One thing that has come to my attention in the process for controlling data feeds is that we need to find a solution that creates more specificity in the individual broker’s ability to control the data’s destination.

I called customer service at Realcomp and asked how I could continue the data feed to my own Web site for example, and turn it off to the balance of the world. I was told that I would have to enter my listings individually into my own site.

There must be a better solution.

We will continue to push these issues and others as we try to make our MLS provide the best customer service to the subscribers and the brokers!

Another hot topic during the Annual Membership meeting was the sale of the balance of our interest in *Realtor.com* to *News Corp.* The most common question was what can we do to prevent the sale or what can we do to prevent the use of our data to unapproved vendors?

NAR has placed a positive spin on this sale by saying that *Move Inc.*, which was a relatively cash deficient, has been replaced by a \$14B company with incredible reach. To a certain degree, I agree with those at NAR, especially in so far as a lot of the damage was done prior to this more recent sale. We really didn’t have a lot of interest to speak of in *Realtor.com* going into this year. I don’t know whether or not the new contracts or the specific deal terms in the most recent transaction made the situation better or worse in terms of our contractual rights. I don’t have a lot of faith that things have improved based on past performance.

As far as your individual control, certainly if you feel strongly enough, you may take control of your data per the earlier described steps. But if that is not enough and you feel the National Association isn’t responding to YOU, then let’s let them hear about it!

It has happened before. Big sweeping change has happened before. It can feel overwhelming, but it can happen with your efforts. If the REALTOR® brand does not help your business, perhaps a new brand will come together that will. If the REALTOR® brand and the system doesn’t support your economic viability then let’s get busy correcting that. We need to take

control of our industry like our predecessors did.

I am excited to be your advocate on the national stage however, we will always need more volunteers. Please email me at [Jake@porrittgroup.com](mailto:Jake@porrittgroup.com) if you want to help.

On a separate topic, if you want to be a part of the Commercial Committee at NOCBOR, please email me at the address above. We are having quarterly meetings with great guest speakers on topics ranging from bankruptcy opportunities to loan sales in Michigan. Our meetings are held in Troy at 1650 Big Beaver.

It is worth noting that in order to maintain the appropriate diversity on the Board of Directors for NOCBOR a preference will be provided to Commercial Members who are on the committee that are interested in also participating on the Board of Directors.

Finally, I want to again thank everyone for their attendance and participation at the Annual Membership meeting. We had agents and brokers from the Livingston and Detroit Boards come all the way to hear our panel of experts.

As discussed at the Annual Membership meeting, due to the changes in the Core Standards mandated by NAR for Boards, the Boards and their alignments are going to be dynamic in the coming months. We fully expect to grow and through that growth we know we are going to be benefited by new perspectives and new expertise.

Thanks again for the opportunity I have been provided over the last year.

Jake Porritt  
Porritt Group, PLLC

*The preceding article is solely the opinion of the author, the views and opinions of the author do not necessarily reflect the views and opinions of the North Oakland County Board of REALTORS®.*





## Board of Directors August, 2014

## NOCBOR 2014 Special Awards

**MOTION CARRIED** to approve three (3) Primary Designated REALTORS®; one (1) Secondary; eighty-two (82) Primary REALTORS® and (1) Affiliate.

**MOTION CARRIED** to approve increasing the filing fee for Appeal of Ethic decisions from One Hundred (\$100) Dollars to Two Hundred (\$200) Dollars.

**MOTION CARRIED** to approve increasing the filing fee for all appeal Requests for Arbitration from One Hundred (\$100) Dollars to Two Hundred (\$200) Dollars.

**MOTION CARRIED** to omit policy that the REALTOR® members elected to serve on the Nominating Committee shall not be eligible to seek nomination by the Nominating Committee for the position of Director, Officer or ROTY.

NOCBOR's Membership Services Committee, chaired by **Tanya Mitchell Dempsey**, is responsible for the selection of candidates nominated for the positions established for NOCBOR's 2014 Special Awards, which includes Broker-of-the-Year, Affiliate-of-the-Year, Rookie-of-the-Year, Humanitarian and Distinguished Service awards. The award recipients will be recognized during NOCBOR's Induction & Awards luncheon, scheduled at the Palace on Friday, December 5, 2014. For the program to be successful, the members of the Membership Services Committee are requesting NOCBOR members to consider nominating candidates for the special categories. The Special Awards nomination form is available at NOCBOR's Web site, [nocbor.com](http://nocbor.com), under **Resources** or call the Board office, 248-674-4080

## Board of Directors September, 2014

**MOTION CARRIED** to approve two (2) Primary Designated REALTORS®; two Secondary Designated REALTORS® and forty-five (45) Primary REALTORS®.

**MOTION CARRIED** to endorse candidacy of Jim Tedder (Republican) for the position of State Representative, House District 43, and request maximum financial support from Michigan REALTORS® RPAC.

**MOTION CARRIED** to receive the 2012/2013 NOCBOR Annual Report.

## Appraiser Excels

**Brian Kirksey**, principal of KRES Realty, has received the prestigious designation of MAI (Member Appraiser Institute) and Senior Residential Appraiser (SRA). Brian has significant expertise in valuation taxation, public administration and organization development.

Brian is a certified USPAP instructor and a member of the Michigan Real Estate Appraisers. Congratulations, Brian, on your many accomplishments!

## In Memoriam

Roy Lewis, beloved husband of **Robyn Lewis**, (Re/Max Classic), passed away on August 31, 2014. NOCBOR members, Directors and staff extend their deepest sympathy to the Lewis family.

The North Oakland County Board of REALTORS® extends sympathy to the family and friends of Choya Dupree Tyler, fiancé of **Andrea Esse**, (Re/Max Defined), who left our land on September 13, 2014.

Sincere condolences to **Bill Ballard**, (Independent Broker Network), on the loss of Robert Benson Ballard, September 21, 2014, beloved father.

## Designation Earned

**Janet King** (Real Estate One) has earned the prestigious **Graduate REALTORS® Institute** (GRI) Designation. Janet joins over 100 NOCBOR members who have earned the GRI Designation.

### 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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Jake Porritt  
R.W. Watson

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E-mail: [info@nocbor.com](mailto:info@nocbor.com)  
[www.nocbor.com](http://www.nocbor.com)

## Jake Porritt REALTOR®-Of-The-Year



NOCBOR's REALTOR-of-the-Year, 2014 President Jake Porritt, is the broker/owner of Porritt Group, PLLC (Lake Orion), and managing partner of Porritt, Kecskes, Silver and Gadd, P.C. Jake was licensed as a Michigan real estate agent when he was 19 years old, and began practicing law when he was 24. As 2014 NOCBOR President, Porritt represented NOCBOR membership as National Director during meetings in Washington, D.C. and New Orleans in November, 2014.

With his experience, both legal and real estate related, Jake has an appreciation of both the requisite level of protection for investors and the value of ensuring a successful closing. He has discovered that no matter the complexity of a transaction in number of parties, funding or securitization, the same real estate expertise is essential to providing competent advice. President Porritt is an active instructor and speaks nationally on the topics of Bankruptcy, Finance, Real Estate and Jobs Act (Crowd Funding). During his tenure as President, Realcomp and its Shareholders negotiated and reached a settlement agreement between Allan, et al v. Realcomp, et al.

In spite of Jake's busy professional life, his commitment as a NOCBOR volunteer is, without doubt, his passion. Congratulations, Jake, on representing NOCBOR and its members in 2014, and for receiving the recognition you have earned as NOCBOR's 2014 REALTOR-of-the-Year!

## Congratulations!! NOCBOR Directors



**Bill Haviland, e-PRO, GRI  
REALTOR®  
Haviland Real Estate**



**Allan Daniels  
REALTOR®  
Daniels and Son Realty**



**Jill Gourand  
Affiliate  
Transnation Title  
Agency of Michigan**



**John Burt, GRI  
REALTOR®  
Real Living John Burt**



**Angie Ridley, CRS, ABRM, ABR, GREEN  
REALTOR®  
Complete Realty**



# Ray O'Neil, GAA, RAA REALTOR® Active-In-Politics



Ray O'Neil (O'Neil Appraisal) is currently serving on NOCBOR's Board of Directors. Since 2009, Ray has participated as Chairman of the Board's Government Affairs Committee. In 2012, Ray was appointed by the

National Association of REALTORS® as Federal Political Coordinator for Congressman Kerry Bentivolio and accepted an appointment by the Michigan Association of REALTORS® to serve on their Public Policy Committee. NAR also appointed O'Neil to the Real Property Valuation Committee in 2011.

O'Neil, who is a former Realcomp President and Governor, is currently working with a Task Force to develop a solid relationship between Realcomp and Great Lakes Repository (GLR) in an effort to provide the REALTORS® in Southeastern Michigan with the valuable data needed to cooperate with one another. Ray is also a member of a Realcomp work group reviewing, drafting and recommending changes to the existing Realcomp documents.

Past President (1994) of NOCBOR, Ray is persistent and determined to enlighten the membership to legislative and political movements, both at State and Federal levels. Ray earned the 2014 REALTOR®-Active-in-Politics award, not only by his words, but also by his actions! Ray has received confirmation from NAR of his 2015 appointment to the Federal Financing & Housing Policy Committee and the 2015 Real Property Valuation Committee.

## Facts You Didn't Know!

The REALTORS® Political Action Committee has been in existence 46 years.

Thirteen (13%) per cent of all REALTORS® or 144,235 are not registered to vote, according to NAR's Campaign Services Program. What about you?



**Have you paid your political insurance? You can't afford not to contribute! It's only \$35!!**

## Coalition Letter On FHA 203(k)

On September 26, 2014, the National Association of REALTORS®, along with the National Association of Homebuilders and the Mortgage Bankers Association, sent a letter to the Federal Housing Administration (FHA) in response to proposed changes to the 203(k) Rehabilitation Mortgage Insurance Program. The 203(k) program provides financing to renovate older and damaged homes. The coalition provided several recommendations to maintain the viability of the program and allow the revitalization of properties that might otherwise continue to deteriorate.

## FHA Property Flipping Waiver

On Friday, October 3, 2014 NAR President Steve Brown sent a letter to FHA Commissioner Galante urging FHA to extend the property flipping waiver that allows FHA financing on single family properties that are being resold within 90 days of the previous acquisition. NAR has seen the positive effects of the waiver where property rehabilitation and resale of these homes has increased the availability of safe and affordable homes in many communities.

Visit the NOCBOR  
REALTOR® Store  
Today!

**SOLD**

We have all of your  
REALTOR® needs



From riders and lock  
boxes to shoebooties  
signs and more!

We have it all at NOCBOR!!



**Every lender can do the easy deals,  
but we do the impossible.**

We can help many of your clients with short sales, bankruptcy or foreclosures in the last 2 years through our **Portfolio Lending\*** products.

**Other home loan options we offer include:**

**Rural Housing**

**FHA**

**Conventional**

**VA**

We understand sometimes bad things happen to good people.  
If your client doesn't meet Fannie Mae guidelines we may be able to help!

\*Minimum down payment is 10% down and must be owner occupied.



NMLS#130329



**Waterford**  
**248.666.2700**

**Lansing**  
**517.351.5626**

**Brighton**  
**810.225.9950**

# NOCBOR Events

October

November

December

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>13 9:30 a.m.</b> Education/Tech <b>11:30 a.m.</b> Government Affairs <b>6-10 p.m.</b> Pre-License Course	<b>14 9 a.m.</b> Membership Services	<b>15 6-10 p.m.</b> Pre-License Course	<b>16 9:30 a.m.</b> Con-ed – Course 1500 B. Haviland <b>10 a.m.</b> MotorCity Casino	<b>17</b>	<b>18</b>
<b>20 11:30 a.m.</b> Government Affairs <b>2 p.m.</b> Procedural Review Hearing <b>6-10 p.m.</b> Pre-License Course	<b>21 9:30 a.m.</b> Backdoor Workshop “Hardcore Regulations” (2 hours legal con-ed) <b>1 p.m.</b> Backdoor Workshop “Getting Your Clients a Loan With Little or No Down Payment” <b>6 p.m.</b> Con-ed – Course 1500 Evening split S. Allingham Baker	<b>22 10 a.m.</b> Backdoor Workshop “Unstick Homes, Log Homes & Energy Inspections” (3 hours con-ed) <b>2 p.m.</b> Backdoor Workshop “Successful REALTORS® learn How to Qualify” <b>6-10 p.m.</b> Pre-License Course	<b>23 9 a.m.</b> GREEN 300 L. Chumra <b>6 p.m.</b> Con-ed – Course 1500 Evening split S. Allingham Baker	<b>24 10:30 a.m.</b> Real Property Valuation	<b>25</b>
<b>27 9:30 a.m.</b> Con-ed Course 1500 B. Haviland	<b>28</b>	<b>29 9 a.m.</b> Backdoor Workshop “Handling Objections & Assertive Closing Techniques” (2 hours con-ed) T. Kotzian	<b>30 9:30 a.m.</b> Con-ed Course 1500 J. Waller	<b>31 9:30 a.m.</b> Con-ed Course 1500 & New Member J. Waller	<b>1 9:30 a.m.</b> Con-ed Course 1500 S. Bell
<b>3</b>	<b>4</b>	<b>5 9:30 a.m.</b> Con-ed Course 1500 B. Haviland	<b>6 9:30 a.m.</b> “Selling HUD Homes- Advance 2014 Training” (2 hrs con-ed) <b>1 p.m.</b> Backdoor Workshop “Advanced Credit Scoring” (2 hrs con-ed)	<b>7 9:30 a.m.</b> New Members & Code of Ethics J. Waller	<b>8</b>
<b>NAR New Orleans</b>					
<b>10 9:30 a.m.</b> Education/Tech <b>11:30 a.m.</b> Government Affairs	<b>11 9 a.m.</b> Membership Services <b>10:30 a.m.</b> Backdoor Workshop iPad-Intermediate & Advanced <b>1 p.m.</b> Backdoor Workshop “Protecting Your Digital Security” (2 hrs con-ed)	<b>12</b>	<b>13</b>	<b>14 9:30 a.m.</b> Con-ed Course 1500 B. Haviland	<b>15</b>
<b>17 9 a.m. – 5 p.m.</b> ABR L. Chmura	<b>18 9:30 a.m.</b> Con-ed Course 1500 J. Waller	<b>19 10 a.m.</b> Backdoor Workshop “Create Your CMA Using Excel” (2 hrs con-ed) <b>12:30 p.m.</b> Executive <b>1:30 p.m.</b> BODs’ Mtg	<b>20 10 a.m.</b> Backdoor Workshop Structured Defects, Problems With Older Homes & How Old is This House? (3 hours con-ed) <b>9:30 a.m.</b> Grievance Committee	<b>21 9:30 a.m.</b> Con-ed Course 1500 B. Haviland <b>10:30 a.m.</b> Real Property Valuation	<b>22</b>
<b>24 9 a.m. – 5 p.m.</b> ABR L. Chmura	<b>25</b>	<b>26</b>	<b>27</b> <b>HAPPY THANKSGIVING</b> <b>OFFICED CLOSED</b>	<b>28</b> <b>OFFICE CLOSED</b>	<b>29</b>
<b>1</b>	<b>2 9:30 a.m.</b> Con-ed Course 1500 S. Allingham-Baker	<b>3</b>	<b>4 9:30 a.m.</b> “Selling HUD Homes- Advance 2014 Training” (2 hrs con-ed) <b>2 p.m.</b> Facebook/LinkedIn B. Handelsman	<b>5 12 p.m.</b> Special Awards & Induction Luncheon @ The Palace	<b>6 9:30 a.m.</b> Con-ed Course 1500 S. Allingham- Baker
<b>8 9:30 a.m.</b> Education/Tech	<b>9 9 a.m.</b> Membership Services	<b>10 9:30 a.m.</b> Con-ed Course 1500 S. Allingham-Baker	<b>11</b>	<b>12</b>	<b>13 9:30 a.m.</b> Con-ed Course 1500 B. Haviland
<b>15 9 a.m.</b> SRES L. Chumra <b>11:30 a.m.</b> Government Affairs	<b>16</b>	<b>17 12:30 p.m.</b> Executive <b>1:30 p.m.</b> BODs’ Mtg	<b>18 9 a.m. – 5 p.m.</b> ABR (elective) The New Home Sales L. Chmura <b>9:30 a.m.</b> Grievance Committee	<b>19 9:30 a.m.</b> Con-ed Course 1500 J. Waller <b>10:30 a.m.</b> Real Property Valuation	<b>20</b>
<b>22 9:30 a.m.</b> Con-ed Course 1500 B. Haviland	<b>23 9 a.m.</b> SRES L. Chumra	<b>24</b> <b>OFFICE CLOSED</b>	<b>25</b> <b>MERRY CHRISTMAS</b> <b>OFFICE CLOSED</b>	<b>26</b> <b>OFFICE CLOSED</b>	<b>27</b>
<b>29</b>	<b>30 9:30 a.m.</b> Con-ed Course 1500 B. Haviland	<b>31</b> <b>OFFICE CLOSED</b>			

# NOCBOR 2014 Continuing Education

<u>Dates</u>	<u>Instructor</u>
Thursday, October 16	B. Haviland
Tues/Thurs, Oct 21/23 (evening split)	S. Allingham-Baker
Monday, October 27	B. Haviland
Saturday, November 1	S. Bell
Wednesday, November 5	B. Haviland
Friday, November 14	B. Haviland
Friday, November 21	B. Haviland
Tuesday, December 2	S. Allingham-Baker
Saturday, December 6	S. Allingham-Baker
Wednesday, December 10	S. Allingham-Baker
Saturday, December 13	B. Haviland
Monday, December 22	B. Haviland
Tuesday, December 30	B. Haviland

Class begins at **9:30 a.m.** and concludes at **3:30 p.m.** (evening class 6-9 p.m.) 6 hrs. \$35 member/\$45 non-member, 4 hrs. \$25 member/\$30 non-member; 3 hrs. \$20 member/\$25 non-member and 2 hrs. \$15 member/\$20 non-member. **(Mandated 6 hrs annual real estate education, including 2 hrs. of law, must be completed by 12/31/15.)** *nocbor.com to register.*

## Register Con-ed With Jack Waller

### Dates

Thursday, October 30  
Tuesday, November 18  
Friday, December 19

**Jack Waller**, NCI Associates, is offering his 6 hour continuing education course, including 2 hours of required law. Jack personally instructs this class which begins at 9:30 a.m. and concludes at 3:30 p.m. \$40 member/\$50 non-member. Go to *nocbor.com* to register.

## Facebook & LinkedIn



**Thursday, December 4**

2 p.m.

\$25.00

### Maximizing Facebook & LinkedIn For Your Real Estate Business

Ben Handelsman

to register go to *nocbor.com*



## Backdoor Workshops

**Tuesday, October 21**

“Hardcore Regulations”

A. Daniels, Dr. Daniels and Son  
(2 hours Legal Update)

**9:30 a.m.**

**Tuesday, October 21**

“Getting Your Clients a Loan With Little or No Down Payment”

S. Falconer, Talmer Bank

**1 p.m.**

**Wednesday, October 22**

“Unsick Homes, Log Homes & Energy Inspections”

R. Patterson, Pillar To Post

(3 hours con-ed)

**10 a.m.**

**Wednesday, October 22**

“Successful REALTORS® Learn How To Qualify”

Or Disqualify a Prospect”

G. Coyne, Sandler Training

**2 p.m.**

**Wednesday, October 29**

“Handling Objections & Assertive Closing Techniques”

T. Kotzian, Keller Williams

(2 hours con-ed)

**9 a.m.**

**Thursday, November 6**

“Successfully Selling HUD Homes-2014 Training”

E. Ramaj, Inside Realty

(2 hours con-ed)

**9:30 a.m.**

**Thursday, November 6**

“Advanced Credit Scoring”

D. Sullivan, Credit Technologies, Inc.

(2 hours con-ed)

**1 p.m.**

**Tuesday, November 11**

“iPad – Intermediate/Advanced”

G. Leach & B. Handelsman

**10:30 a.m.**

**Tuesday, November 11**

“Protecting Your Digital Security”

R. Bailey, Bailey Realty & Investment Group

(2 hours con-ed)

**1 p.m.**

**Wednesday, November 19**

“Create Your CMA Using Excel”

R. Bailey, Bailey Realty & Investment Group

(2 hours con-ed)

**10 a.m.**

**Thursday, November 20**

“Structured Defects, Problems With Older Homes & How Old Is This House?”

R. Patterson, Pillar To Post

(3 hours con-ed)

**10 a.m.**

*Reservations are required to attend  
Backdoor Workshops,  
by calling 248-674-4080 or e-mail [info@nocbor.com](mailto:info@nocbor.com)*



# 2014 NOCBOR Education Course Offering



**GREEN 300\***  
Thursday, October 23  
9 a.m. – 3:30 p.m.

The fee is \*\$75 and will be held at NOCBOR. This course will teach students how to implement strategies and tactics for building a green real estate business. You will learn how to adapt your core real estate business properties and represent green sellers and buyers. This class credits for 6 hours of continuing education for appraisers and real estate agents. \*Qualifies for the NOCBOR interest free Education loan.



**ABR\***  
Monday, November 17 &  
Monday, November 24  
9 a.m. – 5 p.m.

This course, if pre-paid, is \*\$310.00 and begins on **Monday, November 17**, "Theory & Practice of Buyer Agency" & "Service Delivery" and on **November 24**, "Marketing Practice" & "Office Policy, Negotiations and Relocations." Both classes are approved by REBAC (Real Estate Buyer's Agent Council) and fulfills the educational requirements for the ABR Designation. ABR counts as 15 hours of real estate continuing education credit or can be used toward 90 hour broker pre-licensing requirement. Must take an elective for designation see below. \*Qualifies for the NOCBOR interest free Education loan.



**ABR (Elective)\***  
Thursday, December 18  
9 a.m. – 5 p.m.

"**New Home Construction**" with **Lori Chumra** (Middleton Real Estate Training) is an ABR elective and is included in the above course cost, If taking on its own, the fee is \*\$75. The goal of this course is to help real estate professional's gain the product and transaction knowledge needed in order to guide buyer-clients through the steps and processes for purchase, construction, and customization of a new home. Students will learn how to interact with new home builders and sales representatives to protect client's interest while developing productive business relationships. This course counts for 6 hours of real estate and appraisal continuing education. \*Qualifies for the NOCBOR interest free Education loan.



**SRES® \***  
(Senior Real Estate Specialist)  
Monday, December 15 &  
Tuesday, December 23  
9 a.m. – 5 p.m.

The SRES® course will be instructed by Lori Chumra, Middleton Real Estate Training. The cost is \$300 and includes your first year membership in the Senior Advantage Real Estate Council®. \*NOCBOR members qualify for interest free loan.

To receive the Seniors Real Estate Specialist® designation, you must be a REALTOR® in good standing with the National Association of REALTORS® and complete the SRES® training course, successfully passing the final exam. SRES® designees are also required to complete at least three transactions with senior clients within twelve months of their training course.



Ask about  
**TRI-COUNTY HOLDING  
COMPANY**  
One of many NOCBOR benefits

**NOW OFFERING  
REFERRAL FEES**

**ASK ABOUT NOCBOR MEMBER BENEFIT  
ONE YEAR INTEREST - FREE EDUCATION LOANS**



# Prior Murder Is Not A Material Defect

Pennsylvania's highest court has considered whether a murder/suicide by a prior owner on a property constituted a material defect requiring disclosure.

In 2006, Kathleen and Joseph Jacono ("Sellers") purchased a property through an auction from the Koumboulis estate. The former owner had allegedly shot his wife and then committed suicide on the property. The Sellers listed the property for sale in 2007 with Fran Day and Thomas O'Neil of Re/Max Town & Country ("Listing Broker"). Prior to listing the property, one of the Sellers had spoken with the Pennsylvania Real Estate Commission ("Commission") about whether murder/suicide was a material defect requiring disclosure and the Sellers were told that these circumstances did not require disclosure. The Listing Broker had a conversation with the Pennsylvania Association of REALTORS® Legal Hotline, and was also advised that murder/suicide was not a material fact requiring disclosure.

Janet Milliken ("Buyer") learned of the Sellers' property through her real estate representative, John Restrepo of Fox & Roach LP ("Buyer's Representative"). The Buyer entered a purchase agreement with the Sellers, and received the Sellers' property condition disclosure ("PCD") statement. The PCD did not disclose the murder/suicide as a material defect. The PCD also stated that the property was last occupied in 2006, and the Sellers had owned the property for seven months. The Buyer later testified that she was not aware of the murder/suicide until three weeks after she moved onto the property, although she had received documents prior to closing that listed the alleged murderer as the owner.

The Buyer filed a lawsuit against the Sellers, the Listing Broker, and the Buyer's Representative, alleging fraud and misrepresentation over the failure to disclose the murder/suicide on the property. The trial and appellate court entered judgment in favor of the defendants, determining that psychological defects on the property are not material defects requiring disclosure. The Buyer appealed.

The Supreme Court of Pennsylvania affirmed the lower courts. The court found that all of the Buyer's allegations relied upon the conclusion that the murder/suicide on the property was a material fact requiring disclosure and so if this wasn't a material defect, then the Buyer's lawsuit failed. Initially, the court rejected the Buyer's argument that because the Sellers used a disclosure form (prepared by the Pennsylvania Association of REALTORS®) that went beyond the statutory requirements, they had a duty to disclose the murder/suicide. The court stated that voluntarily disclosing more than was required does not create additional disclosure obligations.

Next, the court affirmed the lower courts' determination that psychological stigmas on a property do not constitute a material defect requiring disclosure. The Buyer argued that because psychological stigmas reduce the value of the property, they constituted material defects requiring disclosure. The court rejected that argument because it would be impossible to define when there is a psychological impact necessitating disclosure, since different people will have different perceptions as to what constitutes a psychological stigma. The court gave a number of examples of what may constitute a stigma for some but not everyone, such as

death by poisoning or satanic rituals taking place on the property. The disclosure law only requires sellers to identify physical defects found on the property, and the court was unwilling to expand the scope of the law. Thus, the court affirmed the lower courts.

## Free Virtual Tours

Members can take advantage of a membership offering exclusively at NOCBOR. An agreement between NOCBOR and Property Panorama, and approved by leadership, entitles all REALTORS® to automatically receive the fully enhanced *InstaView* Portfolio.

NOCBOR is the first Board in Michigan to provide *InstaView Virtual Tours* to its members, free of charge. To receive the hands-free *InstaView Portfolio*, the principal broker must provide Realcomp the "Broker Data Extract Authorization Form for NOCBOR Extract."

Property Panorama has generated over 2.7 million *InstaView Virtual Tours* nationwide. NOCBOR statistics indicated that 460 NOCBOR members are currently registered and receiving tours for over 1,600 properties.

For additional information or to register for the free membership benefit, contact NOCBOR at 248-674-4080

## .REALTOR Launches Domain

On Thursday, October 23, 2014, you will be able to create an account at [www.claim.REALTOR](http://www.claim.REALTOR), choose your .REALTOR domain name. NAR will provide a FREE .REALTOR domain for one year to the first 500,000 members who register. After the first free domain, pricing for additional domains will start at \$39.95. Discounts for multiple domains and multiple year purchases will be available. For more information on pricing, visit [www.about.REALTOR](http://www.about.REALTOR). All .REALTOR domain purchases include a FREE profile web site from realtor.com® that allows members to integrate content from their social networks, include all of their listings and feature client recommendations in one convenient location. .REALTOR is available only to REALTORS®.



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On behalf of the NOCBOR Membership Services Committee, a huge "Thank You" to each of the sponsors who generously supported, contributed and participated in NOCBOR's Annual Golf Outing, Thursday, August 7, at the Fountains in Clarkston. With the many contributions and a great venue, NOCBOR had fantastic participation and a wonderful day of networking and fun!

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A special "thanks to all of our golfers, sponsors, and contributors!

Hope to see you all next year.

The Membership Services Committee & Event Chairpersons: Angela Batten, David Niezgoda, and Justin Bankston

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## Marketing Targeted!

On September 30, 2014, the Consumer Financial Protection Bureau (CFPB) ordered Lighthouse Title, a Michigan title insurance agency, to pay \$200,000 for illegal referrals under the guise of marketing agreements under the Real Estate Settlement Procedures Act (RESPA). Similarly and on the same day, HUD's Office of Inspector General targeted Cornerstone Home Lending for similar issues. The cases follow on the heels of enforcement actions targeting disclosures and practices under the anti-kickback provisions of RESPA. Tying value of marketing arrangements to the amount of referrals is a clear problem under RESPA. Likewise, requiring arrangements to be exclusive also raises red flags with regulators.

Finally, arrangements where marketing is not commensurate with the amount of compensation will raise further concerns. NAR will continue to work to educate members about their obligations under RESPA and also work with the CFPB to ensure appropriate compliance guidance is issued.

## Condo Sales Bill Signed

On September 26, 2014, President Obama signed a bill to amend the Interstate Land Sales Full Disclosure Act (ILSA) to clarify how the Act applies to condominiums. The legislation takes effect 180 days from the date of the bill's signing. As amended, the ILSA will treat the sales of condominiums still under development in the same manner as condo sales in completed projects. By doing so, the bill closes the loophole that allowed buyers to use a technicality to rescind otherwise valid real estate contracts due to personal financial reasons or "buyer's remorse."

The ILSA protects consumers from purchasing property that is not as advertised by requiring extensive disclosures by project developers. If ILSA disclosure requirements are not fully met, the purchaser may revoke the purchase contract. During the recent economic downturn, as markets softened and some high rise condominium developers lowered their asking prices, some early buyers, who paid higher initial offering prices for units, used the ILSA's reporting requirements as the basis to rescind valid real estate contracts.

**Legal Hotline**

**800-522-2820**

## Legal Q & A

**Q:** I am currently listing property and an in-house buyer made an offer. An agent from another company called and I told them that my seller was reviewing an offer. The agent asked if it was an in-house offer and said that I had an obligation to disclose if it was. Is there a law that requires me to disclose that it is an in house offer?

**A: NO.** There is no legal duty to disclose whether any offers your seller has received are in-house offers. (In certain circumstances, such disclosure may be required pursuant to the Code of Ethics Standard of Practice 1-15).

**Q:** I represent the seller on a short sale. I have worked for six months to put together a short sale and now the seller's lender has conditioned its acceptance on my agreement to reduce my commission by 2%. Can the seller's lender do this?

**A: Unfortunately, yes.** The seller's lender is being asked to agree to take less than it is contractually owed. Accordingly, it can refuse to do so, or it can condition its approval on just about anything, including a lower commission payment.

**Q:** I represent someone who is interested in leasing a house. Am I required to provide an agency disclosure form?

**A: Yes.** The agency disclosure law defines a real estate transaction as one involving the sale OR LEASE of real estate consisting of not less than one or not more than four residential dwelling units or a building site for a residential unit. MCL 33.2517.

**Q:** I have a listing agreement with my Sellers. Sellers entered into a purchase agreement with Buyer A. We were all set to close but then the Sellers stopped returning my calls. I recently learned that the Sellers were planning to close on the property "secretly" and without my involvement in an apparent effort to avoid paying the commission. I intend to file a *lis pendens* on the Sellers' property to secure my commission. Is this acceptable?

**A: No.** Ordinarily, a REALTOR® has no right to file a lien on property in order to protect his or her claim to a commission. In order to file a lien, a person must have a contractual or statutory right to file a lien. Because the penalties for wrongfully filing a lien on real property are severe, a REALTOR® should never file a lien on real property without the assistance of a lawyer.

**Q:** Six months ago the buyers refused to go forward with the purchase of my sellers' home. The deal is dead, but the earnest money is still in dispute. Are my sellers prohibited from selling their home to someone else as long as the earnest money is in dispute?

**A: No.** The status of disputed earnest money has no effect on your sellers' right to sell their home. The earnest money dispute does not create a lien upon the property, nor does it entitle the buyers to prevent a subsequent sale. The sellers should, however, contact an attorney if there is any chance that the buyers are still claiming a right to purchase the home.

North Oakland County Board of REALTORS®

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