

September 22, 2009

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~ REALTOR® Call to Action: Tell Congress to Extend and Expand the Homebuyer Tax Credit



We have all seen first-hand the positive impact the first-time homebuyer tax credit is having on the real estate market recovery. As the expiration date for this successful program looms, we **ALL** need to make sure that Congress hears from us

about the positive impact this program has had and ask them to extend it, and expand it, so that we can continue to see our markets fully recover.

[Please watch this video](#) of your fellow REALTORS®, along with NAR President Charles McMillan, explaining how the credit is helping the industry and **urging both you and Congress to take action NOW!**

✓ [Click here to take action on this important issue.](#)

~ CABR Exclusive Right to Sell Amended to Include Language Addressing NAR/DOJ Settlement



Explanation: As part of the settlement between NAR and the Department of Justice (DOJ), NAR is required to mandate that the MLS add three (3) stated data fields (see below). These fields are to be answered by the seller as to how they would like their listing to be displayed on any Internet site and any Virtual Office Website (VOW).

- 1) If "Show Address" is marked "No," then the listing, including the address, WILL appear in MLS, but the address (Street #, street name, prefix, suffix and directional) is required to be withheld from all public accessible internet sites including Broker Reciprocity sites, VOW sites, Realtor.com and any syndicated sites.
- 2) If "Allow Public Blogging" is marked "Yes," then, if blogging is made available on a brokerage web site, especially for individual listings, any consumer may provide comments about that property, good or bad.
- 3) If "Allow AVM" (Automatic Valuation Model) is marked "Yes," then, if an AVM is made available on a brokerage web site, especially for individual listings, the property may have an automated valuation calculated on it.

The 3 new, NAR required, data fields have been incorporated into Section 16 of the CABR Exclusive Right to Sell: 1) Show Address on Internet (default answer = YES); 2) Allow Public Blogging on Internet (Default answer = NO); and 3) Allow AVM (Automatic Valuation Model) on Internet (Default answer = NO).

The only other change to the contract is indication of municipality, which has been moved from "Seller Certification" to the "Address" section.

To place an order for CABR contracts, contact CABR at 513-761-8800.

~ **Home Buyers Expo: October 3, 11:00 a.m. – 3:00 p.m.**



The Cincinnati Area Board of REALTORS® will hold a **Home Buyers Expo** on Saturday, October 3rd. The event is being held in cooperation with the **City of Cincinnati Neighborhood Enhancement Program (NEP)** targeting Madisonville. Partners in the event include the City of Cincinnati, the Madisonville Community Council, the Cincinnati Area Board of REALTORS®, Freddie Mac and the Home Ownership Center of Greater Cincinnati.

Where: The Brand New - John Parker Elementary School
Corner of Redbank Road and Madison Road

As a member of the real estate community, this is an excellent opportunity for you to meet face-to-face with prospective home buyers.

Table space is limited to 30 vendors and will be accepted on a first-come, first-served basis.

[Click Here for Details on How You Can Participate](#)

Contact **Annette Chmiel** at achmiel@cabr.org with questions or for more information.

~ **REALTOR®/Lawyer Brown-Bag Forum on Lending Issues: October 6, 12:30 – 2:00 p.m.**

The Cincinnati Area Board of REALTORS® and Cincinnati Bar Association REALTOR®/Lawyer Committee will present a Brown Bag Lunchtime Discussion on the "Foreclosure and Bankruptcy Processes" on Tuesday, **October 6** from 12:30 – 2:00 p.m.

The event will be held at the CABR office. This would make a great "last stop" of a weekly office tour.



Topics to be discussed are:

- Inside the Foreclosure and Bankruptcy Process
- Emotional Components of Foreclosure and Bankruptcy
- Foreclosure Mediation
- Three Types of Sellers Facing Foreclosure or Bankruptcy
 - 1) Seller will not admit they have a problem.
 - 2) The property is already going to Sheriff's sale.
 - 3) Prime candidate for assistance.

Bring your questions, knowledge and your lunch (if you choose) and be prepared to participate in a discussion with the following experts, as the group speaks on the above topics: **Jim Gronefeld**, Assistant Vice President of Union Savings Bank, **Stephanie Moes** of Legal Aid Society (foreclosure and bankruptcy attorney), **Bill Purtell** of Lerner, Sampson & Rothfuss (foreclosure attorney), **Norm Slutsky** of Slutsky & Slutsky, LPA (bankruptcy trustee), **David Stonehill** of David N. Stonehill Attorney at Law (foreclosure defense) and a representative of The Home Ownership Center (foreclosure prevention).

You will also have the opportunity to learn from other attendees who have had experiences they'd like to share, as well as, have an opportunity to share your own experiences with the group.

✓ [Click here to register.](#)

~ **CABR Circle of Excellence Award Year Coming to a Close**



The end of this year's CABR Circle of Excellence is just around the corner. As always, the club year runs from Oct. 1 thru Sept. 30.

The Deadline for submitting an application is **Thursday, October 15, 2009**. It must be received at the Board office by that day.

Click [here](#) to review the rules for this year's contest. Click [here](#) for a copy of the application form.

If you have any questions, contact **Chris Logan** at 513-942-3016 or clogan@cabr.org.

Please note: There will be no USPS mailing of rules and forms to the offices this year.

~ **Positioning Your Listing to Sell in Today's Market: Wednesday, September 23, 6 - 9 p.m.**

In today's market, it may be difficult to explain current market conditions and prepare sellers for the reality of selling their home. This class is designed to take you through a seller counseling session designed for today's conditions.

Topics of discussion:

- ? Determining motivation of seller
- ? Setting expectations for your listing presentation
- ? Current market statistics
- ? Absorption rates
- ? Expectations of being on the market
- ? Pricing effectively

Questions – contact **Annette Chmiel** at 513-842-3011 or achmiel@cabr.org

3 hours CE credit—fulfills Ohio elective credit

Fee: \$30 CABR members/\$40 non-members

Instructor: Karen Schlosser

✓ [Click here to register.](#)

~ **Staging Homes to Sell for Beginners & Intermediate: Thursday, September 24, 9a - noon**

Staging is "selling the space by creating a focal point."



Go through the staging process and receive the help you need to market homes through staging with tried-and-true staging techniques. You will walk through each room of the home and the outdoor areas to find ways that a home can be staged. Find ways to make your listings more marketable, learn how to create a focal point for each room and see some great before-and-after photos that can bring inspiration and ideas. Find ways to work with home owners and make suggestions that they will be open to and willing to act upon. Gain ideas from businesses outside of real estate and see where staging is used everyday in other settings you may not even be aware of.

Learn ways to practice staging and get confidence to help you work with your sellers.

Questions – contact **Annette Chmiel** at 513-842-3011 or achmiel@cabr.org

3 hours CE credit—fulfills Ohio elective credit

Fee: \$30 CABR members/\$40 non-members

Instructor: Lynda "B"

✓ [Click here to register.](#)

~ **Real Estate Marketing Through LinkedIn: 101: Thursday, September 24, 1 – 4 p.m.**



LinkedIn is the #1 professional social media site. We will talk about strategies for marketing yourself through this powerful community - from setting goals, creating your profile and connecting to groups of people to how NOT to market yourself on LinkedIn and how other REALTORS® are using it.

- ? Benefits of using LinkedIn
- ? LinkedIn goal setting
- ? LinkedIn marketing plan
- ? Using your marketing plan

3 hours CE credit—technology credit

Fee: \$30 CABR members/\$40 non-members

Instructor: Debba Hauport

Questions – contact **Annette Chmiel** at 513-842-3011 or achmiel@cabr.org

✓ [Click here to register.](#)

- Signatures on Listing Agreements: Make Sure You Have Proper Authority to Market



In order to sell real estate in the State of Ohio, agreements must be in writing. Section 1335.05 of the Ohio Revised Code requires a “contract or sale of lands, tenements or hereditaments, or interest in or concerning them” to be in writing and signed by the party to be charged. In the case of the listing agreement, (which is a contract between the owners of the real estate and the listing broker) the agreement must be signed by the party against whom the contract is sought to be enforced in order for that party to be bound by its terms.

So, how many people does it take to sign a listing agreement in the State of Ohio? That depends. A competent listing broker will sign the listing agreement and demand that anyone who has an interest in real estate as the owner sign the listing agreement. Obvious examples would include anyone “of record” as an owner of the property and likely are the people on the instrument of ownership, i.e., the deed. Husband and wife whether or not they are currently together and whether or not they are both on the deed is the most common example.

As a good course of practice, ask for the authority document or resolution identifying the person(s) with authority to sign on behalf of the entity. One party may designate another to act on his/her behalf. The most obvious example is the limited power of attorney signed by the person granting power to another person. You should always confirm that this document was signed in the presence of a notary. Generally, real estate held in a trust requires the owner to sign as trustee on behalf of the trust. Other examples include general partner in a general partnership, general partner in a limited partnership, managing member in a limited liability company, and officer in a corporation.

The most common example in residential real estate is property owned by a husband and wife. What is the effect of only one spouse’s signature on a listing agreement when both spouses own the property? Well, the answer could be no effect. The non-signing spouse might later consent through words or actions, attend the closing, sign the deed to transfer his/her ownership interest, pay a commission...life is good and you as agent are very fortunate that you were not penalized for not paying attention to important details.

Or the answer could be very bad and any or all of the following could occur. The non-signing spouse files an action at the Ohio Division of Real Estate and/or the Cincinnati Area Board of REALTORS® claiming, among other things, the violation of Articles 1 and/or 9 and/or 12 of the Code of Ethics and Standards of Practice of the National Association of REALTORS® by failing to protect and promote their interests as a client and/or by failing to provide copies of signed documents expressing the specific terms, conditions, obligations and commitments of the parties and/or by failing to obtain the proper authority to sell or advertise property for sale.

In addition, the non-signing spouse may refuse to sell his/her interest in the property. Since all fee owners must be parties to a contract, the non-signing spouse is not bound by the contract. The lack of signature constitutes a valid defense to the enforcement of the terms of a real estate purchase agreement by the buyer. The buyer may have different causes of action against the seller(s), the listing broker, and/or the selling broker. The selling broker may have a cause of action against the listing broker for the payment of the cooperative portion of the real estate commission as offered by the listing broker to the selling broker through the multiple listing service.

The recommendation to avoid potentially big messes and wasted time and expenses for the careless listing broker is simple; ask the right questions at the time of listing and have all parties who have an interest in the real estate sign the listing agreement.

1 The information presented in this article is not intended to be—and should not be construed as—legal advice. It is provided as information from the CABR/CBA REALTOR®/Lawyer Committee.

~ **Real Estate Marketing with Microsoft Outlook: Tuesday, September 29, 1 – 4 p.m.**

Pre-requisite: A basic level of Microsoft Office or Vista operating system experience. This means that you know how to use a mouse and are able to save documents.

This course gives an overview of Microsoft Outlook 2007, highlighting the capabilities it has to manage, market and communicate to your real estate clients.

You will learn:

- ? How to send, reply, forward and delete e-mails
- ? How to send attachments
- ? How to send e-mails to folders and add your personal signature
- ? How to manage your contacts and market with distribution lists
- ? How to schedule meetings and appointments

3 hours CE credit—technology credit (B)

Fee: \$30 CABR members/\$40 non- members

Instructor: Jean Bissell

Questions – contact **Annette Chmiel** at 513-842-3011 or achmiel@cabr.org

✓ [Click here to register.](#)

~ **Multi-Billion Dollar Investment Tour: Tuesday, September 29, 2 - 5 p.m.**



The Commercial Real Estate Council Education Committee has put together an exciting bus tour taking you from West Chester to Monroe to understand the vast new development taking place in the area. This is the #1 growth area in the region and the tour will showcase the billions of dollars in investment.

Come along and enjoy the WOW! Factor this tour has to offer. Regardless of your specialty, see development in every area: Office • Retail • Warehouse •

Entertainment • Medical • State of the Art Public Works • Hospitality and more.

Location:

Board the bus at the **Savannah Center** (located at 5533 Chappell Crossing Blvd., West Chester).

[Click Here for MapQuest Directions](#)

3 hours CE credit—elective

Fee: \$39 CRECGC or CABR members/\$49 non- members

Questions – contact **Annette Chmiel** at 513-842-3011 or achmiel@cabr.org

✓ [Click here to register.](#)

~ **Raise Your Visibility with Innovative Financing and the New Reverse Mortgages: Wednesday, September 30, 6 - 9 p.m.**

Buy a home with no payments for life! Learn new ways to penetrate the Baby Boomer market, sell more homes and set yourself apart from your competition.

You will learn:

- ? How to increase sales
- ? How to get ahead of the competition
- ? Build a stronger book of referrals
- ? Partner with other professionals
- ? Leverage your strengths through networking
- ? Work less. . . make more!

3 hours CE credit—elective

Fee: \$30 CABR members/\$40 non- members

Instructor: Chris DeMaio

Questions – contact **Annette Chmiel** at 513-842-3011 or achmiel@cabr.org

✓ [Click here to register.](#)

~ Wine and Dinner at Valley Vineyards: Thursday, October 8, 4:30 p.m. Tour; 5:30 p.m. Dinner



The Special Functions Committee of the Cincinnati Area Board of REALTORS® has planned this special event. Family, friends, and co-workers are all welcome to come to Valley Vineyards, located at 2276 E. US 22 & 3, Morrow, Ohio 45152. You will take a tour of the winery, sample wines and have dinner, which will consist of a New York Strip Steak or Salmon (that you grill yourself), Salad, Potato, Green Beans, and

Homemade Desserts.

The cost for the tour/tasting/dinner is just **\$35** per person. This will be a great time to be able to socialize away from work.

Sign up:

Members can register online at www.cabr.org. Go to the Member Logon button. Use your MLS login and ID. Scroll down. Click on Calendar of Events, click on Wine09 and register. You will select you entree - strip steak or salmon. You can register a guest. You will receive an email confirmation if your registration was done correctly. Non-members can register for this event by calling Chris Logan, CABR Programs Coordinator, at 513-842-3016.

Deadline for registration is Friday, Oct. 2.

~ Formal Portrait Sittings Available at CABR



Mayhew & Peper Photographers will be on location at CABR Wednesday, October 7 from 9-11 a.m. & Wednesday, October 28 from 9 a.m. -12 noon.

Call Renae or Mickey at 513-421-0111 to schedule an appointment and get details on pricing.

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Archived issues of the CABR *Tuesday News* can be accessed by going to www.cabr.org. Click on the *News* drop-down menu and then on the [Tuesday News](#) link.

Sincerely,

Cincinnati Area Board of REALTORS®

email: cabr@cabr.org

phone: 513-761-8800

web: <http://www.cabr.org>

Staff Directory: <http://www.cabr.org/phoneguide.htm>

CABR Member Savings Programs: <http://www.cabr.org/savings2.htm>

OAR Tech Hotline: **866-478-8324**

OAR Legal Hotline (Brokers only): **614-228-6675** (to obtain access code)