



SANTA CRUZ ASSOCIATION OF REALTORS®
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inside REAL ESTATE

Santa Cruz County's Real Estate News Source

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2009 Santa Cruz County Housing Expo

The Expo Offers Free Education on "Green Real Estate", Foreclosure Avoidance, Home buying and Investing

The Santa Cruz Association of REALTORS® is holding the 2009 Santa Cruz County Housing Expo on Saturday, September 19th at Twin Lakes Church from 10:00 am-3:00 pm. This third annual event will educate local consumers about the ins and outs of home buying, investing, "greening" their homes and foreclosure avoidance. The Housing Expo features more than 20 exhibitors and four educational tracks with more than 15 presentations that include: first time home buying, lending, housing assistance programs, and investing.

Seminars will cover a variety of topics including the process and terms of home buying, down payment assistance, credit reports and scoring. Attendees can also find out how to avoid foreclosure with help from experts. A "Green Real Estate" section will provide tips on home energy efficiency, remodeling green and green building permits that will help homeowners save money while saving the Earth. The investment section will focus on the principles of real estate investing, auction purchasing, investing in foreclosure properties, and more. For a complete

list of classes, go to www.scaor.org.

Attendees can find information about the exhibitors, speakers schedule, map to Twin Lakes Church and more by visiting www.scaor.org. For more information, call 831-464-2000.

Interested in participating in this event? To find information about becoming an exhibitor or sponsor, please [click here](#) or contact Andrea at 831-464-2000.

EXPO SEMINAR SCHEDULE

The Path to Homeownership

- 10:30 – 11:00 am Home buying Process Part 1
- 11:15 – 11:45 am Home buying Process Part 2
- 12:00 – 12:45 pm How to Keep Your Home
- 1:00 – 1:30 pm Preparing Your Credit to Buy a Home
- 1:45 – 2:30 pm Local Homebuyer Assistant Programs

Investment for Success

- 10:30 – 11:00 am Investment Fundamentals
- 11:15 – 11:45 am Opportunities in the Foreclosure Market

- 12:00 – 12:30 pm Tax Deferred Exchange
- 12:45 – 1:15 pm Purchasing Property on the Courthouse Steps
- 1:30 – 2:00 pm Property Management

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"Green" Real Estate

- 10:30 – 11:00 am Thinking of Remodeling, Make it Green!
- 11:15 – 11:45 am Newest in Green Building
- 12:00 – 12:30 pm Green Mortgages
- 12:45 – 1:15 pm Green Collar Jobs

Option for Avoiding Foreclosure

- 10:30 – 11:30 am Understanding your Options and Loan Work-Outs When you're Upside Down
- 11:45 – 12:45 pm Understanding the timeline to foreclosure & All Star Expert Foreclosure Panel

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INSIDE REAL ESTATE Newsletter

Inside Real Estate is the official monthly newsletter of the Santa Cruz Association of REALTORS® provided as a member service to inform, educate and update REALTOR® and Affiliate members on local, state and national news, as well as the Association's calendar of events.

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www.scaor.org

President's Message

Rave Reviews for Summit 2009



Lela Willet
2009 Association President

Unique Homes & Land
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It was standing room only at the Seascape Golf Course on Monday August 17th when industry giants shared their insights and knowledge of the issues and challenges facing real estate professionals today. As a member benefit, the Santa Cruz Association of REALTORS® hosted the Summit which included the Chief Economist of the National Association of REALTORS® Lawrence Yun, Executive Vice President of the California Association of REALTORS® Joel Singer, Commissioner of the California Department of Real Estate Jeff Davi, and Santa Cruz County Treasurer Fred Keeley.

Each of the keynotes, worthy speakers, gave a twenty five minute presentation with an animated question and answer session at the end of the presentations. The crowd was spellbound, and many were later heard to remark that the two hours flew by.

The National Association of REALTORS® Chief Economist Lawrence Yun offered an overview of the national housing market as well as observations about California's market. Dr. Yun's entire power point presentation is available on our website at www.scaor.org. Dr. Yun commented that the excesses of the housing bubble have been removed and that there have been signs of life in the national housing market in the past two quarters. The forecast was for a slow recovery. He discussed buyer pessimism, new housing starts which have greatly under produced for three years, continuing foreclosures, possibilities of extending the Buyer Tax Credit, and pro-

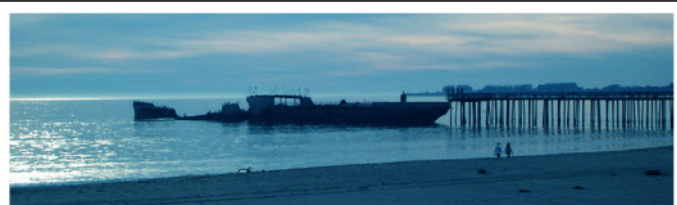
jections for conforming loan rates rising in 2010 to 6%. Dr. Yun referred to California as a trendsetter. In 2009 California saw multiple offers at a time when affordability reached a 40 year high.

The California Association of REALTORS® Executive Vice President Joel Singer presented a fact filled discourse regarding the California housing market. Singer's power point presentation can be found at www.scaor.org. Mr. Singer documented that prices have been rising statewide for the past 4 months. California has established the bottom. Eighty percent of sales were under \$500,000, this % having doubled. There is only a 2 month supply of housing under \$500,000 and only 3 % of sales were over \$1,000,000. There is almost a 12 month supply of housing over \$1,000,000 state-

wide. Singer stated that over 50% of sales are short sales in every California market, and up to 70% in the Central Valley. California is ahead of the rest of the nation in the number of sales, with the number of sales in 2009 being well ahead of 2008 sales. However, prices are down. Recovery is coming, but prices are still painfully low. There is good news in Santa Cruz County; the medium price in our county exceeded \$500,000 for the first time since October 2008. Statewide, Singer announced that the median price has bottomed, assuming that lenders do not dump a huge number of REO'S on the market in the 4th quarter.

Department of Real Estate Commissioner Jeff Davi explained that there are currently a whopping 1,067 loan

Continued on page 4



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EQUAL HOUSING LENDER

**President's Message
Continued.**

modification scam cases under investigation. The most under investigation at any prior time was 10 cases! Mr. Davi reviewed the rules for advanced fees in short sale modification. A complete review can be found at www.dre.ca.gov. The DRE has also seen a sharp rise in the number of enforcement cases brought to their attention. Commissioner Davi reported that California is on track to follow the National system which requires every loan originator to be licensed and fingerprinted. The database will be available across the nation.

Santa Cruz County Treasurer Fred Keeley reported on the efforts of California First, a broad coalition looking to put issues forward to the state ballot which will fundamentally change outdated systems which, says Keeley, are crippling both parties in the state. California First looks to change the budget to a two-year process. Legislators would be required to reveal the means by which any bill will be paid. A governor would be required to state the objectives of any line item. Locks would be set on some surplus funds so there would be money available in down times. A simple majority



Shown l-r, Joel Singer, Executive Vice President of CAR, Jeff Davi, Commissioner of the California Department of Real Estate, Lawrence Yun, Chief Economist of NAR, Steve Allen, SCAOR President Elect, Lela Willet, SCAOR President, Fred Keeley, Santa Cruz County Treasurer.

vote would be required for budget adoptions. California First also recommends revamping the outdated state tax system, dropping personal income taxes, at least reducing bank, corporate and sales taxes, and introducing a Business Net Receipts Tax (BNRT) system with a low rate of about 3%. Mr. Keeley praised

Californians for passing AB32 Global Climate change, which he says positions California to be on the cutting edge of Multi Trillion Dollar industries.

Kudos to Association Executive Kathy Hartman, and to the invaluable Association staff, Karen Kirwan, Norma Milete,

Leslie Flint, Andrea Harbert and Linda Zoccoli for orchestrating this well received event. The Santa Cruz Association of REALTOR® intends to make the Summit an annual event.

Special thanks to Ray Lawler and Kelly Christensen of Bank of America Home Loans for sponsoring this event.



Part of the large crowd attending the Summit. All listening attentively



AT LEFT

left to right Betty Danner, Pam Holly, David Lewit, all with Coldwell Banker

AT RIGHT

The captivated audience looks on..



Real Estate Legal Matters

Landlocked Property and Easements by Necessity

By Terry Rein
Attorney with Bosso Williams Law Firm



What is a seller of landlocked property actually selling? It depends. In *Murphy v. Burch*, 46 Cal.4th 157, 205 P.3d 289 (2009), the California Supreme Court recently discussed common law "easements by necessity" in the context of landlocked property.

In 1998, the plaintiff purchased property having no vehicular access to or from any public road. Because her property is "landlocked," she wanted to establish, without payment of compensation, an "easement by necessity" over an existing private road that crosses the defendants' property and connects to a public highway.

The plaintiff brought a quiet title action, and in response, the defendant sought to enjoin her from crossing his property.

Public Policy Supports Easements by Necessity

Easements by necessity originated in the common law and are "the result of the application of the presumption that whenever a party conveys property, he conveys whatever is necessary for the beneficial use of that property and retains whatever is necessary for the beneficial use of land he still possesses."

The rationale driving this presumption is that "the demands of our society prevent any man-made efforts to hold land in perpetual idleness as would result if it were cut off from all access by being completely surrounded by lands privately owned." Hence, easements by necessity are grounded in the public policy

that property should not be rendered unfit for occupancy or successful cultivation because access to the property is lacking.

How Easements by Necessity Arise

The California Supreme Court found that generally, an easement by necessity arises from an implied grant or implied reservation in certain circumstances when a property owner (the grantor) conveys to another (the grantee) one out of two or more adjoining parcels of the grantor's property.

When there is no express provision for access, and the parcel conveyed is either landlocked entirely by the parcels retained by the grantor or landlocked partly by the grantor's retained land and partly by the land of others, the grantee may claim an implied grant of a right-of-way of necessity over the land retained by the grantor.

Conversely, when the grantor conveys adjoining property without an express agreement for access to a retained parcel left landlocked, the grantor may seek an implied reservation of a right-of-way of necessity over the conveyed property for the retained parcel's benefit.

Intent at the Time of Conveyance

The common law doctrine does not exist to ensure a right of access to any and all landlocked property; rather, the doctrine is properly applied only when the circumstances establish that an access easement was

intended at the time of the common owner's conveyance.

In California, the easement arises by implication based on the inferred intent of the parties to the property conveyance, as determined from the terms of the relevant instrument and the circumstances surrounding the transaction.

Even Remote Grantees Can Claim an Easement by Necessity

The Supreme Court noted that even remote grantees in the chain of title may assert the easement, long after its creation by the original common grantor,

and despite the failure of a prior grantee to exercise the right.

Requirements: Strict Necessity and Common Ownership

The landlocked parcel benefited by the implied right-of-way is called the dominant tenement or dominant estate, while the burdened property is referred to as the servient tenement or servient estate. Two circumstances are indispensable to an implied easement by necessity: (1) a strict necessity for the claimed right-of-way, as when the claimant's property is landlocked; and (2) the dominant and servient tenements were under common ownership at the

Continued on page 12



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Successful Sip of Summer

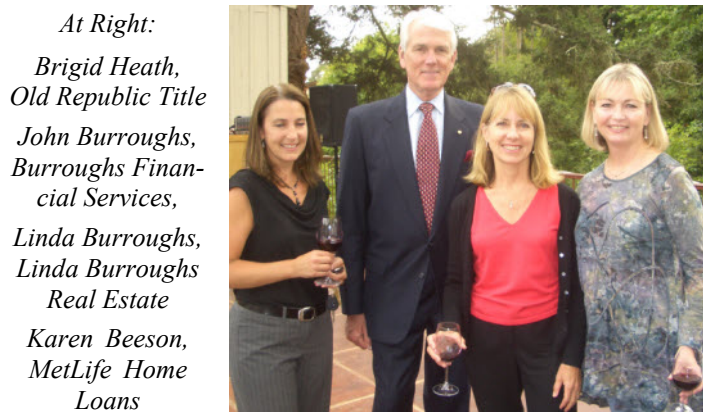
*Genie Lawless
Fundraising Committee Chair 2009*



*At Left:
Mark Junod,
Metlife Home
Loans,
Genie Lawless,
Fundraising
Committee Chair,
Sandy Kaplan,
Santa Cruz
Properties*

SCAOR Housing Foundation's 2nd Annual Sip of Summer was held on Tuesday, August 11th at Soquel's Bargetto Winery. All who attended enjoyed live music by Jim Rosenberg, food donated by SCAOR Affiliates, and lots of good wine provided by Bargetto Winery in their lovely courtyard. Enjoying glasses of fine wine, this year's ticket holders also had chances to win one of many prizes including: a flip video camera donated by **Old Republic Home Protection**, tickets to **A Taste of Santa Cruz**, and a professional portrait sitting donated by **Smile 1, 2, 3!**

Many thanks go out to the Affiliates who provided plenty of snacks and entertaining banter at the microphone! Be sure to support the Affiliates at the **Oktoberfest, on October 1st**, we're grateful for their participation! Thank you to all who came to support the **SCAOR Housing Foundation** at this fun networking event. We look forward to seeing you all again next year.



*At Right:
Brigid Heath,
Old Republic Title
John Burroughs,
Burroughs Financial Services,
Linda Burroughs,
Linda Burroughs
Real Estate
Karen Beeson,
MetLife Home
Loans*



*At Left:
Loree Doan,
Stewart Title
and
Glenn Kramer*

Thank you very much to all of our volunteers!

Genie Lawless,
David Lyng Real Estate

Jeanne Mulhern,
Keller Williams

Tina Dando,
Bank of America Home Loans

Andrea Schenk,
Blue Adobe Mortgage

Karen S Schenk,
Old Republic Title Company

Sean Pate,
Coldwell Banker Residential

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Elaine Della Santina,
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Joe Ganeff,
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Princeton Capital

Tina Dando,
Bank of America Home Loans

Old Republic Home Protection

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Wilks Appraisal Service

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Wells Fargo Home Mortgage

Dave Deteso,
Wells Fargo Home Mortgage



Knowledge
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REALTOR Safety Week September 13-19, 2009

Make a year-round commitment to safety

As part of NAR's ongoing efforts to keep members safe, they are kicking off a year long focus on this issue of safety with the 6th annual observance of REALTOR® Safety Week, September 13-19, 2009.

REALTOR® Safety Week is a great time to remind all of us of the known dangers we face everyday, to be aware of our surroundings, and empower ourselves with precautions and preparations so that we can avoid risky situations.

Knowledge, awareness and empowerment are the core components of REALTOR® Safety. And helping our members understand the risks they face can mean the difference between life and death.

At the newly revamped www.realtor.org/safety site you can find a wealth of resource materials, webinars, presentations, article and tips for planning your and your offices safety strategy.

Please help to promote REALTOR® Safety Week and safety throughout the year.

Basic Safety Tips Touch base.

Always let someone know where you are going and when you will be back; leave the name and phone number of the client you are meeting and schedule a time for your office to call you to check in.

Open House: it ain't over till it's over

Don't assume that everyone has left the premises at the end of an open house. Check all of the rooms and the backyard prior to locking the doors. Be prepared to defend yourself, if necessary.

Bring up the rear

When showing a home, always have your prospect walk in front of you. Don't lead them, but rather, direct them from a position slightly behind them. You can gesture for them to go ahead of you and say, for example, "The master suite is in the back of the house."

Pick up some self-defense skills

The best way to find a good self-defense class is to learn what is available, and then make a decision. Many health clubs,

martial arts studios and community colleges offer some type of class. You can also ask your peers, friends and family if they have taken a self-defense class that they would recommend.

Establish an office distress code.

Create a voice distress code, a secret word or phrase that is not commonly used but can be worked into any conversation for cases where you feel that you are in danger. Use this if the person you are with can overhear the conversation, but you don't want to alarm them. Example: "Hi, this is Jennifer. I'm with Mr. Henderson at the Elm Street listing. Could you e-mail me the RED FILE?"

Nothing personal...

When talking to clients and prospects, be friendly but still keep your personal information private. This means avoiding mention of where you live, your after-work or vacation plans, and similar details.

Take two seconds as you walk towards your destination to check out potential risks.

- Are people coming and going or is the area unusually quiet?
- Do you observe any obstacles

or hiding places in the parking lot or along the street?

- Is anyone loitering in the area?

Protect your clients

Warn your clients that not all agents, buyers and sellers are who they say they are. Strangers who stop by unannounced should be asked to make an appointment with the listing agent. Stress that your clients should never to show a home without the presence of an agent.

Lock it and look,

When you're alone getting into your car, the first thing you should do is lock the doors. Be observant when approaching your car; look underneath and in the back seat before entering.

Don't use the "V word"

When describing a listing, never say that a property is "vacant." This may be an invitation to criminals.

When in doubt, shred!

Thoroughly shred all papers with personal information before you throw them away. Shred unwanted credit card applications and "convenience checks" that come in the mail, credit card receipts with your account number, outdated financial papers and papers containing your clients' personal information.





DID YOU MISS SUMMIT 2009?

Candie Noel

Chair, Local Government Relations Committee

If you were not able to make it to **Summit 2009** on August 16, 2009 you missed the opportunity of hearing Jeff Davi, California Department of Real Estate Commissioner; Fred Keeley, Treasurer, County of Santa Cruz; Lawrence Yun, Ph.D. Chief Economist and Senior Vice President of Research at NAR; and Joel Singer, Executive Vice President of CAR. These four industry giants enlightened us with their insights and knowledge on the state of the real estate industry, our governments, and our future. Over 160 attended this successful luncheon event at the Seascape Golf Course.

Jeff Davi started the Summit by stating the number one priority of the DRE is unlicensed loan modification activity. In July 2008 there were less than 10 loan modification investigations. This year there are over 1067 active investigations. In the last 8 months there have been 300 actions filed against loan modification scams, and that is "the tip of the iceberg". A prevention campaign in the form of a public service announcement is being created by the DRE and the Attorney General's office.

According to Davi, there are several new legislations on the horizon to help prevent fraud. HR3221 requiring a national licensing, registration, and fingerprinting system for all loan originators will be in place by

2010. AB34 and SB36 are California State legislation that will conform state law to the Federal law. AB33 creating a Department of Financial Services is still in legislation.

Next to speak was County Treasurer Fred Keeley who is also on the Board of Directors for California Forward. California Forward is a bipartisan leadership council. It was mandated by the Governor to improve the quality of life for all Californians by creating more responsive, representative and cost-effective government. According to Keeley the State has outdated tools for government and the "tools are not as modern as our challenges". It is not the Governor's or Legislators fault that the State is ungovernable, but the system is too cumbersome to do a good job.

California Forward is proposing a new budgetary process that will go to ballot next year. The budget reform will include (a) a 2 year budget based on output vs. outcome, (b) a requirement that a bill will include how it is to be paid for, (c) a system on how to get out of the current surplus deficit system; i.e. maintain a savings account or "lock box" to be opened only when the State is on the downside of the revenue stream, (d) a majority vote is needed for budgetary legislation.

California Forward is also addressing tax reform that accord-

ing to Keeley will match the State's "intellectual capital with venture capital" particularly in relation to AB32 the global climate change legislation. Also included in tax reform is a Business Net Receipt Tax which shifts the tax burden, broadens the tax base and generates additional monies.

Next Lawrence Yun, Ph.D. commented on the recovering housing market in the U.S. The

results of the Stimulus Package are now being seen with first time home buyers and move up buyers purchasing homes. Nationwide we are seeing pent-up demand.

Dr. Yun is predicting foreclosures will rise this year. With the many job losses it "will not get cleaned up quickly and will continue to rise". Last year the REO's lingered on the market

Continued on page 10



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Legislative Watch

Continued from page

and brought prices down. This year there are many buyers ready to pick them up, and there are competing buyers. This year, as a business decision, Freddie and Fannie are holding on to their foreclosure inventory. They are looking at how to release it at a measured pace.

Dr Yun stated one of the top items at NAR is extending and expanding the \$8000 tax credit for first time home buyers.

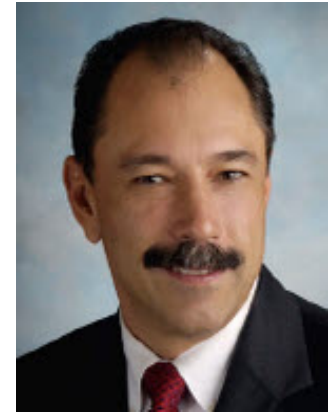
Rounding out Summit 2009, Joel Singer presented an optimistic economic and market update for the State. The current downturn is not a real estate downturn, but is now a financial downturn. The bottom of the real estate market was established 24 months ago in 4Q07 with the lowest number of sales, and has been rising since. Prices have been up for 4 straight months. With 80% of the sales at the low end, there are only 2 months of inventory below the median price. California homes, Singer stated, are affordable now, with the California Affordability Index the closest to the U.S. as it has been since 1977.

Maintaining the loan limit at \$729,750 is essential for California and Santa Cruz, and NAR is working on getting it extended or permanent. Ninety percent of the loans in California are FHA or government backed. He feels that redesigning our mortgage financial system is one of our greatest challenges of the future.

Singer is forecasting REO's will have an impact on this year's outcome. He says we have hit bottom assuming lenders do not dump their huge inventory at the end of the year, and California sales will be off in 2009 as foreclosures have not hit the market this year. Regardless interest rates will remain affordable.

URGENT HVCC UPDATE

Dale Gray
Government Affairs Director



Dale Gray

HVCC CONTINUES TO DEVASTATE HOME VALUES ACROSS THE U.S.

The fear is that with higher Fannie and Freddie loan limits it will carry through to our former "jumbo" markets, leading the country even further into recession. If you have not been following this issue, Representatives Childers (D-MS) and Miller (R-CA) introduced legislation (H.R. 3044) requesting an 18 month moratorium on the Home Valuation Code of Conduct (HVCC). H.R. 3044 now has over 54 co-sponsors and now is the time to forward the petition to every person you know and every representative in the country. Read some of the comments in the petition and you will soon understand the harmful nature of this horribly misguided code.

REALTORS® are applauding the introduction of H.R. 3044 and would like to thank Representative Childers (D-MS) and Representative Miller (R-CA) for their continued efforts and leadership on this issue.....but it is not enough. Tens of thousands of consumers have already been robbed of their opportunity to enjoy historically low rates by Attorney General Andrew Cuomo's rule. **HVCC needs to be permanently reversed** in order to restore lower costs to the consumer and to protect the thousands of real estate transactions stalled by this horribly misguided code.

Please sign and forward the petition which can be found at www.hvccpetition.com and forward to everyone you know in the industry and ask them to forward it to their representatives.

BIG WIN FOR CALIFORNIA REALTORS®

INDEPENDENT CONTRACTOR WITHHOLDING NOT IN THE STATE BUDGET

C.A.R. aggressively opposed the 3 percent independent contractor withholding proposal on the table during recent state budget discussions. We want to thank you for reaching out to your legislators. As a result of our joint efforts, the over withholding scheme was not included in the agreement. More than 8,000 REALTORS® used C.A.R.'s mobilization hotline to voice their opposition to this proposal. Countless others e-mailed, wrote, faxed, or called their legislators directly. Your actions sent a clear message to our elected officials: Even when the odds are stacked against us, we will not give up quietly and will continue to fight for REALTORS®' rights.

GREEN BUILDING CODE EFFECTIVE THIS MONTH

The state's green building code,

the first of its kind in the nation, took effect August 1, the California Building Standards Commission has announced. This new code standardizes practices for reducing the environmental impact of buildings in a variety of ways. It encourages the use of renewable, recyclable, and recycled material in the building process. It also encourages the reduction of a building's potable water use by 20 percent, and it establishes a two tiered 15 or 30 percent energy savings above current levels for all buildings through a combination of more efficient appliances and windows, better insulation, and other performance enhancing measures.

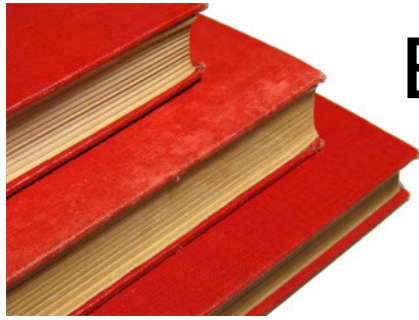
Application of the code is currently voluntary. It was adopted last year as a step toward mandatory green building standards, which Governor Arnold Schwarzenegger has called for by 2010.



SCAOR STORE

END OF SUMMER SALE

EVERYTHING 10% OFF
(Excluding Lockboxes)



Education and Professional Development



[GRI#111 Investment Property Analysis](#)

Fri. Sept. 4, 8 am-5 pm
Instructor: [Thomas Swen](#)

8 hours continuing education course details factors influencing investment decisions and investors' objectives. Analyze investment real estate, using valuation processes and approaches. Become acquainted with the cash flow analysis process and the concepts of discounted cash flow and internal rate of return. Please bring a financial calculator to class. This course has been designed to familiarize students with the factors influencing investment decisions. Investors' objectives. The analysis of investment real estate. The valuation process and approaches. Federal taxation of real estate investments. The cash flow analysis process. The concepts of discounted cash flow and internal rate of return. Upon completion of this course, students will be able to define an investment. Identify types of investment real estate. Describe how investors make decisions. Apply the MAID formula. Prepare a cash flow analysis. Describe the three approaches to value. Complete an estimate of market value. Recognize opportunities for tax benefits through real estate investment. Calculate depreciation. Explain the concepts of passive losses and gain. Define Internal Rate of Return.

[45 Hour Panic Program with Charlie Krackeler](#)

15 & 45 Hour License
Renewal Program

Wed. Sept. 9th 9am-12pm
Instructor: Charlie Krackeler

At this seminar you will complete exams for the five mandated courses* and receive a certificate for 15 credits. You will receive an access code to Charlie's website to complete the remaining 30 hours of testing over the course of two days.

*Ethics, Agency, Fair Housing, Trust Fund, and Risk Management

**Study material will be emailed to you upon registration.

[REO Sales! A Goldmine or the Shaft!](#)

Wed. Sept. 16, 1:30-5:00pm
Instructor: Guy Berry

You will learn how to make sure your offer is the one that gets accepted; How to get listings from Bank's REO departments; About Myths surrounding REO sales; How to make sure that the Listing agent calls you back; What the Bank expects their listing agent to do; How banks feel about repairs and credits for repairs; About BPO's and other unique issues, and more!!!

[Escrow Coordination Secrets](#)

Mon. Sept. 21st 8:30-12:30pm
Instructor: Diana Turnbloom

Are you ready to improve your closing rate, save time and start creating hassle-free transactions? Then attend this seminar by Leading Authority and Instructor

on Transaction Management, Diana Turnbloom. These techniques and insights are more than theoretical ideas. They have evolved and been perfected through instructor experience. You WILL be able to immediately apply what you have learned.

[SPECIAL POINTS OF INTEREST:](#)

4 hours of intense training for all ranges of experience; 3 top things you must know at all times when managing pending sales!; Who YOUR Team is and what "tools" are needed to do a good job; Easy to use systems (Sample custom forms, letters, emails to help you stay organized!; How to read termite and title reports; Locate "deal killer" sentences! The "meat and potatoes" of a purchase agreement contract; Lender language. What does loan approval REALLY mean? In addition to the standard curriculum of this class, Diane will be including the following information about REO & short sales. What is an REO; What Disclosures are required Red Flags!!!; and How to protect yourself from future litigation.

[Buying Your Home with a Reverse Mortgage](#)

Mon. Sept. 28th 10am-11:30am
Instructor: Dick Cornelsen, Wells Fargo

By attending this seminar you and your clients will learn how to use a Reverse Mortgage to purchase a home or use funds from a Reverse Mortgage on

your primary residence to buy a second home without any monthly payments.

Seminar will cover: Planning for Your Future; Reverse Mortgage 101; Using Reverse Mortgage to Purchase Homes; Pay Off Options; Costs, and more!

Coming up in October

Fri. Oct. 2, 8:00am-5:00pm
[GRI# 112 Environmental Concerns, Construction Overview and Land Use](#)

Wed. Oct. 7, . 1:00-4:30pm
[Avoid the TEN BIGGEST Deal Killers](#)

Wed. Oct. 14, . 1:00-2:30pm
[Coastal Bluff Issues](#)
with Charlene Attack, Bosso Williams Law Firm

Wed. Oct. 21, 9:00am-12:00pm
DRE Accredited!

[Risk Management](#)
with Neil Kalin, C.A.R.
Assistant General Counsel

IN THE SHOPPING MALL

My daughter went to the mall food court and ordered a taco.

She asked the person behind the counter for 'minimal' lettuce.'

He said he was sorry, but they only had iceberg lettuce.

**STAY ALERT!
They walk among us!**

MLS RULE CHANGES

On August 15, three important MLS rules changes went into effect that address requirements for lockboxes and lockbox keys, listing photos, and the use of the “court confirmation” descriptor.

Lockboxes

What the Rule Says:

13.12 Lockbox Accessibility. If a lockbox is present on a property that is located in the MLS-Listings service area and is listed for sale in the MLS-Listings system, there must be an electronic lockbox that is accessible by a key issued by one of the lockbox Authorized Providers listed in Appendix B. More than one lockbox may be used on a property.

What the Rule means:

If one or more lockboxes are placed on a property one of them must be electronic and accessible by a key issued by an MLSListings authorized provid-

er. However, it is not required to place a lockbox on a property, and more than one lockbox on a property is permitted.

Photograph Requirements

What the Rule says:

7.11.2 All residential listings with existing buildings that are entered into the MLS for sale must include a photograph of the front of the building within 72 hours after entry. Listings designated as “Seller Prefers No Photo” must have written authorization from the seller to exclude a primary image, which must be provided to the service upon request. On new construction, a realistic artistic rendering of the intended appearance of the front of the building will suffice until the building is completed, at which time an appropriate photograph must be submitted. Photographs are optional on vacant land, commercial/industrial,

business opportunity and rental listings.

What the Rule means:

Listings in property classes 1-4 must include at least one photo of the front of the building (condo structures included). You will have 72 hours from publication to meet this requirement. The primary photo does not need to be of the front of the building. The MLS has available for subscriber use a “Seller Prefers No Photo” image to download and then upload to identify listings for which the seller is requesting no photo of the property be published. The listing agent must also download and use the “Seller’s Instruction to Omit Photo” form, executed by the seller and held by the agent, as evidence the seller has instructed the agent not to publish a photo of the property. You do not have to submit this to the MLS, unless requested.

This photo requirement rule is NOT retroactive to all listings and applies only to listings entered after August 15th 2009.

Court Confirmation Disclosure

What the Rule says:

7.15.1 Estate Sale, Probate and Bankruptcy Listings
..... All listings that require or may require court confirmation must be so identified.

What the Rule means:

Listings that are being sold under the oversight of a court must at least use the “Additional Listing Information” checkbox for their listing that either require or may require court confirmation.

Please contact MLSListings Compliance department with questions: 408-874-0200 option 5

Landlocked Property

Continued from page 5

time of the conveyance giving rise to the necessity.

To satisfy the strict-necessity requirement, the party claiming the easement must demonstrate it is strictly necessary for access to the alleged dominant tenement. An easement by necessity will not exist where a person can get to his property through his own land, even where the access route is inconvenient, difficult or costly. Therefore, no easement will be implied where there is another possible means of access. Moreover, such an easement continues only as long as the need for it exists.

To meet the common-ownership requirement, the party seeking the easement must establish that the lands composing

the alleged dominant and servient estates were once under common ownership and that a conveyance by the common owner gave rise to the necessity for a right-of-way. In the absence of common ownership, an easement by necessity will not be implied based solely on a showing of necessity.

Federal Land Patents

When federal or state land patents are at issue, strict necessity and common ownership remain requirements of an easement by necessity. In contrast to private party conveyances, however, conveyances involving a sovereign as the common owner typically do not give rise to implied reservations of easements or other property interests in conveyed land.

The Court said that federal patents are among the “highest evi-

dence of title,” so courts are reluctant to interfere with the certainty and predictability of land titles conferred by a sovereign without an express reservation. The Court also noted that the federal government owned most of the land at one time, and therefore the common ownership requirement for an easement by necessity becomes meaningless. The court nevertheless evaluated the intent of the federal government and found that the federal government did not expressly reserve a reservation of an easement. Further, it found the federal government had the power by statute to reserve an easement for the benefit of the government, but not for the benefit of others. Accordingly, the plaintiff’s claim for an easement by necessity was rejected.

The Court concluded that although easements by necessity

are supported by the policy that property should not be rendered idle due to lack of access, the need for access alone does not entitle a landlocked property owner to burden a neighbor’s land with an easement when the easement claimed traces back to a federal land patent.

Conclusion

Agents should be extremely cautious when selling landlocked property, especially if the easement claimed traces back to a federal land patent. Even if the elements necessary to establish an implied easement by necessity exist, such a right is not definitively established without an agreement by the owner of the servient tenement or by order of a court through a quiet title action.



Affiliate Spotlight

Brad Sullivan Property I.D.

Property I.D. would like to introduce their New Coastal Region Sales Executive Brad Sullivan.



Brad Sullivan is a seasoned sales executive in the real estate industry. Brad was born and raised in Redwood City and graduated from University of Arizona with a BA in Communications and Public Relations. Brad joined the real estate industry in 1997 when he became a Sales Representative for Chicago Title, and then moved on with Alliance Title in Santa Clara County. In 1999 Brad married his beautiful wife Christina, at which time they moved to Gilroy where they remain. Brad enjoys playing with his 3 children along with playing baseball, football and is an avid golf player as well.

Brad is looking forward to increasing his ability in customer service, networking and providing excellent customer service for the clients of Monterey, San Benito & Santa Cruz Counties. Brad can be reached at:

(408) 210-1070
bsullivan@propertyid.com

Clarus Market Metrics Tip of the Month

Power of Localized Market Analysis - Short Sales

Did you know that the Pricing Analysis section of Clarus *MarketMetrics*® now gives you a wide array of time frames to choose from? Limit your search results to the last 30 days, 45 days, 3 months, 6 months or one year.

REALTORS® are using these market rich reports in a variety of situations. Rebeca Elliot, a REALTOR® with RE/MAX Gold Coast in Camarillo, CA, recently represented a seller trying to perform a short sale. "We're seeing banks sending in out of area appraisers. In this particular situation the appraiser was from Texas and I'm in California. I disputed the original

appraised value and won a reappraisal with the reports from Clarus *MarketMetrics*®."

When submitting a short sale to the lender, REALTORS® are choosing to also package the Pricing Analysis with the offer. The short time frames reflect the true market value and help prove the validity of offers. Use Clarus *MarketMetrics*® with your next distressed transaction!

Attend a **FREE** webinar to learn more about the new and improved features of Clarus *MarketMetrics*®. [Click here](#) to view the webinar schedule.

Haven't signed-up to use Clarus *MarketMetrics*®? To sign-up for your FREE member benefit, please visit www.scaor.org.



Affiliate Update



The Affiliates are hosting their first Oktoberfest!

This event will be a great opportunity to network and mix and mingle with other real estate professionals. Enjoy delicious Brats and exotic Beer outside at SCAOR's beautiful patio area. We invite you to bring a colleague or two!

Oktoberfest will be held on **October 1st from 4 – 6 PM** at the SCAOR Office located at 2525 Main St., Soquel, CA. Ticket price is **only \$5.95**.

For more information please contact Norma Milete at 831-464-2000 Or nmilete@scaor.org.





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CALIFORNIA ASSOCIATION OF REALTORS®
EXPO
 Your piece of California

Oct. 6 - 8, 2009
 San Jose Convention Center

The CALIFORNIA REALTOR® EXPO is the premier trade show for California's real estate industry. This annual event features one-of-a-kind educational, networking and professional development opportunities designed specifically for California REALTORS®.

As the state's largest real estate trade show, this event draws thousands of California's key franchise executives, top producers, and movers and shakers every year for educational, networking, and professional development opportunities.

Don't miss the chance to hone your professional knowledge and network with peers at the California REALTOR® EXPO 2009 in San Jose.

CAR Members can attend for free, for more information and to register please [click here](#)

CAR Expo Schedule (some events are tentative)

October 6th Tech Tuesday!

Tech Tuesday provides a full day of comprehensive technology training for REALTORS®. Scheduled for Oct. 6, this must-attend event will empower you to use technology effectively and efficiently to meet clients' demands and thrive in today's techno-driven marketplace.

Tuesday, Oct. 6, 2009, noon - 1:30 p.m

Tech Tuesday Luncheon: Technology Tips & Techniques

Presented by Bodine Balasco

In this presentation you'll learn how to use "the structure of the of the Generative Creative Pro-

cess," to immediately develop strategy, energy, and follow-thru for creating results that are important to you... even in the face of challenging circumstances and limited resources. *Tickets for this event are available on a first-come, first-served basis and are \$55 through early-bird registration ending July 7; \$60 when purchased prior to EXPO; \$65 on-site.*

Opening Luncheon: 2010 Housing Market Forecast Wednesday, Oct. 7, 2009, noon - 1:30 p.m.

Presented by Leslie Appleton-Young

Where is the market headed and what are the emerging opportunities out there for REALTORS®? Prepare for the year ahead by joining C.A.R. Chief Economist Leslie Appleton-Young for the 2010 Housing Market Forecast, where she will share valuable information and insights about California's housing market.. *Tickets for this event are available on a first-come, first-served basis and are \$55 through early-bird registration ending July 7; \$60 when purchased prior to EXPO; \$65 on-site.*

REALTOR® Night Out: Bach to Rock Show

Wednesday, Oct. 7, 2009, 6 p.m. to 10 p.m

EXPO 2009 wouldn't be complete without our annual REALTOR® Night Out festivities. This year's REALTOR® Night Out features a delicious buffet-style dinner, cocktails, and a live DJ. We'll see you on the dance floor. *Tickets for this event are sold on a first-come, first served basis and are \$55*

through Oct. 5 when purchased prior to EXPO; \$65 onsite.

EXPO Closing Luncheon: Life Would be Easy if it Weren't for Other People Thursday, Oct. 8, noon to 1:30 p.m.

Presented by Connie Podesta

Let's admit it — sometimes people and situations can be just "slightly" challenging. There is no one more qualified to help you understand the fascinating world of human behavior than Connie Podesta. She will empower you with the knowledge you need to be wiser, healthier, happier and richer personally & professionally. Now isn't life getting easier already? *Tickets for this event are sold on a first-come, first served basis and are*

\$60 through Oct. 5 when purchased prior to EXPO; \$65 on-site.

EXPO Registration Hours

Tues. Oct. 6, 7:30 a.m. - 7 p.m.
 Wed. Oct. 7, 7:30 a.m. - 5 p.m.
 Thurs. Oct. 8, . 7:30 a.m. - 4 p.m.

EXPO Exhibit Hall Hours

Grand Opening: Tuesday, Oct. 6, 2009: 5 p.m. - 8 p.m.

Wednesday, Oct. 7, 2009: 9 a.m. - 5 p.m.

Thursday, Oct. 8, 2009: 9 a.m. - 4 p.m.


Click [here](#) for a tentative EXPO Schedule

Click [here](#) for a tentative EXPO/Business Meeting Schedule

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 831-454-9820



Santa Cruz Association
of REALTORS Inc.



SCAOR Calendar September 2009

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4 8:30am Affiliate Committee 8:00am GRI #111	5
6	7 Labor Day SCAOR OFFICE CLOSED FOR THE HOLIDAY	8 10:30am Fundraising Committee 9:00am License Renewal with Charlie Krackaler	9	10	11 9:00am SCAOR Board of Directors	12
13	14	15	16 1:00pm Education Committee 1:30pm REO Sales! A Goldmine or the Shaft	17	18 8:30am LGR Committee	19 10:00am-3:00pm SCAORHF Housing Expo at Twin Lakes Church in Aptos
20	21 8:30am Escrow Coordination Secrets 2:30pm SCAORHF Board of Directors	22	23	24	25	26
27	28 9:00am Buying Your Home with a Reverse Mortgage	29	30			



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Cheryl Rebottaro – Morgan Stanley Smith Barney
Coldwell Banker – Aptos Crown Real Estate
David Lyng Real Estate
Financial Strategies
Frank O. May and Associates
Guaranteed Rate
Intero Real Estate Services
Keller Williams Realty
McNair Real Properties/Ross R.E.
MetLife Home Loans
Monterey Bay Properties
Mr.s A’s Famous Salsa Buena
Network Mortgage
Old Republic Home Protection
Princeton Capital Property I.D.
Robertson Real Estate
Santa Cruz County Bank
The Buckholdt Home Financing Team
Wells Fargo Home Mortgage

In Kind:

Kelley Trousdale

NEW MEMBERS - AUGUST 2009

New REALTOR® Members

David Lyng Real Estate

Coldwell Banker Residential Brokerage

Edgardo “Eddie” Gonzalez

Pam Holly
(transfer Tuolumne)

The Office of Lea Haratani

Lea Haratani

Main Street REALTORS®

Laura “Nikki” Pendergraft

AFFILIATES

Brad Sullivan
Property I.D.

Coldwell Banker Residential Brokerage

Karen Wade
Bailey Property Management

Seth Dunn

Bayview Properties

Nicole Ferreira
Bailey Property Management

Joan Ellis