

WE BEGIN THIS ISSUE WITH A MESSAGE FROM CARL



ASSOCIATED REALTY OF THE AMERICAS

JULY 2020



ROCK AND ROLL CAPITAL OF THE WORLD

SPOTLIGHT

*Cleveland*

AREA REMEMBERS / COMMENTS FROM SETH TASK / NEW AREA SPONSOR  
A LOVE LETTER FROM THE BULLOCKS / A LETTER FROM DEE DEE  
MARKET ADVICE / ADS THAT WORK



ASSOCIATED REALTY OF THE AMERICAS

*"All the news that fits."*

*Our members are 110% committed to excellence in our real estate profession. Our mission encompasses: Sharing BEST Practices with our colleagues; treating all referrals with the utmost of care, honesty and integrity; and being involved in organized real estate for the betterment of our profession."*

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A R E A M E R I C A S . C O M

# AREA REMEMBERS

Within the memories of Tucson, Denver 1, Denver 2, Seattle, Las Vegas, San Antonio, New Orleans, Napa, Stowe, Santa Fe, Santa Barbara, Newport, Boise are chronicled the history of our unique group. I want to personally thank Seth for all he did in helping with arranging for our 14th Annual Retreat, which has now been postponed. But all of the careful planning has not been lost, as our next Retreat will be held in that dear city as soon as events allow for that to occur. In the meantime, please enjoy to the tribute to that fine community and I am looking forward to being with you at our virtual ZOOM Retreat next month scheduled for July 13th. Gail and Seth are working in tandem to put on a great program ... See you then as begin to create some more.

Carl Bosse



**Seth Task**  
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## Comments from **Seth Task**

Hi Gang!

I am so very honored to serve as the Chair of the AREA Advisory Board and look forward to the year ahead. I wish to thank **Gail** and everyone else who proceeded her for the amazing jobs they all have done in making our small group the very special organization it has become. Honesty, integrity, lifetime friendships, collaboration, and loads of wonderful, shared times makes AREA such a unique and special organization. AREA is nothing without you and your participation and I look forward to working with **Carl, Suzanne, Hans,** and all of you to continue to find ways to better connect and make for your membership even more valuable.

We are still planning for the **Cleveland Retreat in 2021**, which will be followed by **Nashville in 2022** with dates still to be decided. It is our special time of the year and my job this year will revolve around making it so. Wishing you all a fantastic start to your summer!

Seth

# There's a New AREA Sponsor in Town

I take great pride in announcing that **Old Republic Home Protection** is now a sponsor of Associated Realty of the Americas.

We were introduced to your organization by **Craig Wilburn** of Gainesville, Florida, who extolled the virtues of becoming part of the organization. Plus, I can attest to the value the agents in AREA bring to their clients from personal experience. I referred a good friend's son to **Kathryn Sanford**. He is a first-time homebuyer looking in Mesa, Arizona. She was responsive and I look forward to having her help him find a home.

From this experience, I believe our relationship will grow to benefit us all because we have similar goals and beliefs about providing exceptional customer care. At ORHP, we believe home is where the heart is. It's the place where people, our mutual clients, build a lifetime of memories to cherish.

*Our goal is to keep our clients happy in the homes that you help them purchase.*

When a covered home system or appliance fails, we repair or replace them quickly with friendly, efficient service, saving clients both time and money. And because you recommended the warranty to your clients, they look to you as their hero.

## A Private Message to All My Friends of AREA

BY CRAIG WILBURN

It was my distinct pleasure, along with several others, to have recommended Old Republic Home Protection to become an AREA Sponsor. I, we, did so because of the wonderful service our clients have received from this fine company over the years. Here is an overview they are as they are being introduced to our community for the very first time in the July issue of the AREA Newsletter.

Old Republic Home Protection has been in business since 1974 and is headquartered in San Ramon, California. The company offers home warranty coverage to homeowners and real estate professionals in 25 states:

A Look at why we have been so successful!

1. Highest BBB rating of "A+" for 20+ years
2. Multiple plans for homeowners and real estate professionals
3. Systems and appliances are covered regardless of age

4. Emergency lodging and home deductible reimbursement

This endorsement is from the heart. Check them out and you will see. And thank you OLD REPUBLIC HOME PROTECTION for being a very strong part in what makes TEAM DYNAMO one of Americas most prolific real estate sales teams.

Sincerely,  
Craig Wilburn



A home warranty leader since 1974, we've provided a well-balanced mix of home warranty coverage, price, and service with genuine care to home owners in 25 states across the country, including the District of Columbia. You can view our footprint here: ORHP States Served

We have experienced Account Executives ready to serve you by answering your questions, explaining available coverage, helping with the rare service issues, sharing marketing tools, and more. You can find your local representative here: ORHP Account Executives

Thank you for the opportunity to create great business together!

### Jeff Velez

Regional Vice President,  
Old Republic Home Protection  
Southeast Region  
orhp.com



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# IN A DOWN MARKET



**Hans Hansson**  
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This is my fourth financial crisis. I started my commercial real estate career in 1984. My first crisis began in 1989 when the San Francisco earthquake hit. I later experienced the 2001 Dot.com Boom and Bust market. Then again the 2008 financial collapse. And now an economic collapse initiated by a global health crisis, COVID-19.

The good news for me is that I feel I know what I need to do now to not only save my business, but take

advantage of the situation and grow it.

Reflecting on the down markets I've lived through, my experience with coronavirus reminds me more of a similar financial impact that we had felt in 1989 with the earthquake. At the time, we were enjoying a relatively strong financial marketplace when a natural disaster hit suddenly. Being a broker in San Francisco, our market just stopped in an instant. We could not go back to our offices until buildings were determined safe to reenter. We did not have the technologies we do today to continue business during the crisis. In fact, I recall our cell phone service was cut off, so we could only do calls on our landlines. We could not communicate with our clients at all. We didn't know the what the impact would be on our clients, and we had no way to communicate. The overall fear was thinking maybe another, much larger, earthquake would strike again. Everywhere you looked, you could see our city was broken.

Uncertainty became the norm. The earthquake hit in October 1989, but a perfect storm was about to occur as a serious national recession (some called it a depression) began to unfold in 1990. Now, the market was in serious trouble and all salespeople began to wonder how they were going to survive.

I am a born and raised San Francisco native who never left the city. But at the time, I had a young family and couldn't help but feel fear and hopelessness. We began to look for alternative places to live and came close to moving to Seattle.

I was always a top producer wherever I worked. Instead of leaving San Francisco and giving up, I began a reflection process and my natural instincts of drive and determination began to kick in.

Rather than throw my hands up, I decided to start my own firm with partners who felt the same way. Starboard officially opened its doors in February of 1991. That year, and the following two years, I had the best years of my career. Most people thought we were crazy to start a new brokerage company in the height of such a down market. We all saw it as one very big opportunity.

What I learned quickly as we approached landlords that they saw the situation very different than we had. As a new company, we approached a building owner who had four significant downtown buildings. We spent hours working on our first serious listing presentation to make sure it was perfect.



When we get to the appointment, we expected and hoped for a long meeting with a lot of questions and answers, but instead the meeting lasted less than a half hour.

The owner cut it short and said he was giving us all four of his buildings as listings. We never opened our written presentation. When we thanked him, we asked why he would give us a shot without us letting us tell him our plans to get his buildings leased. His response was, "If you are crazy enough to start a business in this market, you are crazy enough to get my buildings leased. You cannot afford to fail."

Today, reflect on sales challenges you've had and what you did to overcome them. Let your natural determination kick in. If you are sitting on your hands, just waiting for something to happen, you will be out of business (if you're not already out of business as a salesperson).

Call up your existing clients, past clients and show you care. If you can provide any assistance and help your clients right now, you will grow your business in the future with them. Calling new clients today will also pay huge dividends in the future. New clients will pick up the phone and answer your call. They too are desperate to figure out how to survive this crisis. You as a salesperson need to be proactive and help.

To date, as President of Starboard Commercial Real Estate, I have received only two calls from my vendors. My banker and my IT person called to check in. We have received some emails from other vendors, but that's it.

You must call your clients. Don't text or email. They are tired of zoom meetings and trying to keep up the explosion of emails.



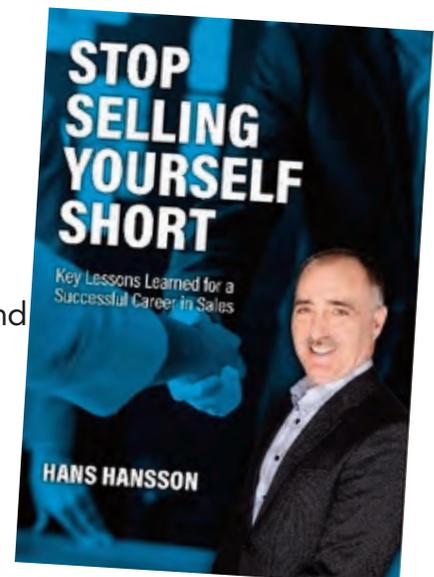
### **The Bottom Line, Texters!**

Call your clients. If my firm is one example, then very few salespeople are doing this. Be different. Bring back your drive. You will not only survive this crisis, but you will come out on top and grow your business by the time it's over.

# STOP SELLING YOURSELF SHORT

Hans Hansson's new, highly recommended, book for newcomers and everyone else. "Great read!" "Perfect for new agents!"

[PURCHASE YOUR COPY HERE](#)





*for you...*

FROM KATY AND DON BULLOCK

*Heart*

*felt* SALUTE

TO ALL OF FRIENDS OF AREA

Ten years ago, we became members of AREA at the request of an old high school chum, Carl Bosse, with whom, in our younger years, we, both, shared many a wondrous adventure together.

Over these past, very wonderful years with AREA, Katy and I have found this to be one of the finest group of folks we have ever encountered; and are so pleased to be considered not only members but good friends of so many. For my part, working with Carl on many fronts, we have produced a whole lot of business through Carl's international contacts as well as mine, from around the world, and elsewhere, that have also involved a significant number of Florida AREA members, as well as members, elsewhere, both commercial and residential wherever they may be.

So, we actually have the best of all worlds' in my opinion: Honesty, Integrity second to none; all the while, as we carry on with business on a very high and principle level, sharing leads doing all we can to help one another and being among the best friends we've ever had the pleasure of joining with in work, fun and mutual love and respect.



Elizabeth Allardice



Moana Andersen



Ryan Asao



Colleen Badagliacco



Dennis Badagliacco



Deborah Baisden



Barbara Bardack



Daryl Baskin



Brad Bergamini



Jennifer Bergamini



Alex Bikov



Annie Blatz



Shad Bogany



Brad Boland



Holly Booth



Chris Bornhoft



Marianne Bornhoft



Sharon Bowler



Betsy Bradley



Ronna Brand



Gary Brasher



Leigh Brown



Diana Bull



Cindy Bulla



Gloria Cannon



Staci Caplan



Tommy Choi



Dale Chumbley



Quincy Clayton



Sharon Cohan



Anita Colletti



Kathy Colvin



Jef Conn



Suzanne Cooper



Meri Crandall



Mercedes Duenas



Miriam Dunn



Patti Fitzgerald



Kathy Fowler



Ellen Francisco



Tom French



Anjanette Frye



Evan Fuchs



Vicki Fullerton



Franco Garcia



Rosana Garcia



John Glaab



Steve Goddard



Wes Graham



Carlos Gutierrez



Hans Hansson



B.J. Harris



Gail Hartnett



Kerri Hartnet



George Harvey, Jr.



Carole Horn



Chelsea Hough



Nate Johnson



Marvin Jolly



Linda Jones Neil



Larry Keating



Sharon Keating



Keith Kelley



Patti Kelley



Jo Kenney



Leil Koch



Heather Kopf



Peter Kopf



Ruth Kruger



Alejandro Kuri



Nancy Lane



Michael Langford



Steve LaRue



Patty Lawton



Ken Libby



John Lin



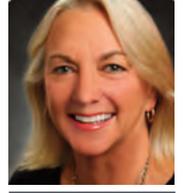
Kaki Lybbert



Tim Lund



Vince Malta



Joan Mantecon



Jason Marquis



Susan Martins  
Phipps



Chris McElroy



Mike McGraw



Kathleen McIver



David McKey



Andrea McKey



Jewell McKinney



Sherri Meadows



Elynn Mendhym



Dee Dee Miller



Bill Millikin



Colin Mullane



Gary Nelson



Audrey Novoa



Cheryl O'Brien



Pat Ohmberger



Eileen Oldroyd



Axel Parekh



Peter Patout



Mark Peterson



Janelle Pflieger



Ron Phipps



Dave Pike



Pat Pipkin



Dennis Porter



Marion Proffitt



David Pullen



Jeanne Radsick



Gary Reggish



Randy Reynolds



Heidi Richard -  
Rizzo



Agnes Rivera



Mary Roberts



Gary Rogers



Vernice Ross



Leslie Rouda Smith



Craig Sanford



Kathryn Sanford



Phil Schaefer



Michael Schoonover



Adair Senn



Janice Shows



Dan Site



Bonnie Smith



Brian Smith



Donna Smith



Keith Smith



Sally Sparks



Derek Sprague



Jeremy Starr



Hagan Stone



Cindy Sweeney



Yoshiro Takita



Angie Tallant



Seth Task



Jim Taylor



Fiona Theseira



Brian Thompson



Cindy Tischey



Andy Twisdale



Mike Vachani



Christy Vail



Lisamarie Wand



Trinkie Watson



Tom Wescott



Jay West



Craig Wilburn



Theresa Wilson



Vicky Wilson



Terry Wunderlich

Chris Wunderlich



Christian Zarif



Judy Zeigler

all of whom Katy and I consider some of our very wonderful and dearest friends. We will miss each and every one of you this year on the occasion of the postponed 2020 AREA Retreat, while raising our glasses in toast to all.

*Don and Katy Bullock*



This is a paid advertisement.

Your clients deserve the best home warranty coverage!

Visit [ORHP.com](http://ORHP.com) or contact us to learn more



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People Helping People™





# SPOTLIGHT: Cleveland



**Seth Task**  
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The City of Cleveland, is a major city in the U.S. state of Ohio, and the county seat of Cuyahoga County. The city proper has a population of 381,009, making it the 53rd-largest city in the United States and the second-largest city in Ohio. Greater Cleveland is ranked as the 33rd-largest metropolitan area in the U.S., with 2,057,009 people in 2018, however the entire metropolitan area, which includes Akron and Canton, had a population of 3,515,646 in 2010 and is ranked 15th in the United States.

The city is located on the southern shore of Lake Erie which has lent to the often used nickname, "The North Coast". Cleveland is approximately 60 miles (100 kilometers) west of the Ohio-Pennsylvania state border and a two hour drive from Pittsburgh, PA and Columbus, OH . It was founded in 1796 near the mouth of the Cuyahoga River by General Moses Cleaveland. It became a manufacturing center due to its location on both the river and the lake shore, as well as being connected to numerous canals and railroad lines. Cleveland's economy relies on diversified sectors such as manufacturing, financial services, healthcare, biomedical, and higher education, home to the world famous Cleveland Clinic and Case Western Reserve University.

The city's major cultural institutions include the Cleveland Museum of Art, the Cleveland Orchestra, Playhouse Square, and the Rock and Roll Hall of Fame. The famed theatre district of Cleveland is the largest

outside of New York City. Known as "The Forest City" among many other nicknames, stemming from its incredible metro park system that forms a continuous necklace around the city.

Due to its architecture, history, culture, food, and summertime weather, Cleveland has recently been named one of the top travel destinations in the world by National Geographic, Travel Magazine, the LA Times and The NY Times.



## This letter was received in early June from Dee Dee Miller, of Annapolis... and, AREA would like to share this

Dear Carl and Suzanne:

Let me say how much I enjoy this group of fine professionals. I do believe things happen for a reason and running in to you a, while walking into Vince's Inaugural in San Francisco was definitely a right place right time chance meeting.

I am truly honored that you, after the endorsement from Craig Wolfe, working with Gail and the Membership Committee, extended the invitation to me to join as the Maryland connection. At the time, I wasn't totally sure where the invitation for membership would lead me, but I am incredibly thankful to "see" this group on the zoom calls and hear what everyone is doing across the US and beyond. Being able to hear, especially during this strange time of COVID, firsthand what others are experiencing within the industry across the globe is invaluable to me.

The positive spirit and comradery coupled with the welcome I have received is so reassuring as our industry continues to be in a constant state of flux. I hear the words "rare air" a lot and I look at this group and think how lucky I am to be a member. So, I would like to thank you, Craig, Suzanne, Gail and everyone else for your support and allowing me such a wonderful opportunity to collaborate with the best of the best.

Warm regards to all,  
Dee Dee Miller



**Dee Dee Miller**  
*Annapolis,*  
deedee@LNF.com  
443-995-2297



### WHAT IS COST SEGREGATION?

Cost Segregation is an application by which commercial property owners can accelerate depreciation and reduce the amount of taxes owed. This savings generates substantial cash flow that owners often use to reinvest in the business, purchase more property, apply to their principal payment, or spend on themselves.

### HOW DOES COST SEGREGATION WORK?

Cost Segregation Services, Inc. (CSSI®), an experienced and qualified company, performs the engineering-based cost segregation study on your property. The study accelerates the depreciation of your building/renovation components into shorter depreciation categories such as 5-, 7-, 15-year rather than conventional 27.5- and 39.5-year schedules.

These 5-,7-, 15-Year items now qualify for expensing in the first year under Bonus Depreciation Rules. Five and 7-year items might include decorative building elements, electrical for dedicated computer equipment, and carpet. Fifteen year items might include site utilities, landscaping and paving.

This engineering-based cost segregation study results in a much higher depreciation expense and significantly reduced taxable income for the property owner. Best of all, the U.S. tax code states cost segregation can be applied to categories of buildings purchased or built since 1986, including renovations, and there is no need to amend your tax returns.

**For further information, direct from the pros, please contact** Vice-President David Deshotels, [deshotelsd@cossegserve.com](mailto:deshotelsd@cossegserve.com); or Na'Varo Johnson, [expertmgmtpros@gmail.com](mailto:expertmgmtpros@gmail.com).

## On the **Lighter Side** with **Trinkie**

Featuring Tahoe's Trinkie Watson and her wit and wisdom.

### *When Insults had Class:*

A member of Parliament to Disraeli:

"Sir, you will either die on the gallows or of some unspeakable disease.

"That depends, Sir," said Disraeli,

"whether I embrace your policies or your mistress."



**Trinkie Watson**  
*Lake Tahoe, CA*  
[twatson@chaseinternational.com](mailto:twatson@chaseinternational.com)  
530-582-0722

## How to unlock a Commercial listing that you may not otherwise have had!

Whether or not you are aware, you probably know clients or prospective clients looking for a way out of being a landlord, but do not want the tax burden of capital gains and depreciation recapture that comes with a sale.

Maybe they have reached retirement age, want to travel, are tired of managing properties, and would like a passive income while deferring capital gains tax.

Sure, a traditional 1031 will get them out of their current property but puts them back into the landlord role on the new property. There are many property owners doing nothing to change their circumstances for that very reason, and they have no interest in selling.

If you could show them an option that fits their needs, they may be inclined to list that property!

Delaware Statutory Trusts (DST) investments are recognized by the IRS as like/kind real estate investments for 1031 and 1033 exchanges. They are similar in nature to T.I.C. investments but provide more investor protection including non-recourse financing.

The properties are operating and leased prior to client investment. Income starts on the close date. The same rules apply as conventional exchanges regarding use of an intermediary and 45/180-day exchange rules. DST shares offer easy division to heirs and retain step-up in basis at death. DSTs can be used as the only exchange property or as a filler for unspent "boot."

Exchanging a property with debt is an option. Many DSTs include leverage that is passed to the buyer without qualification or loan application. Unlike a T.I.C., the investor does not need to form an LLC or provide their own financing or cash to replace relinquished debt. The process is much simpler and affords additional consumer protections.

Additionally, if the internal leverage in a DST purchase exceeds their debt requirement, the buyer obtains additional real estate creating a new depreciation schedule.

An investor can sell one property and purchase several DSTs to gain further industry and geographic diversification.

### A Summary of DST Features and Risks:

- Defer taxes on rental or investment property sale
- Provide steady monthly income from professionally managed properties
- Avoid the need to add cash or qualify for debt to meet exchange numbers. Leveraged DSTs can solve financing problems

- Identify a back-up property in case a 1031 purchase fails
- Provide a "filler" to complete an exchange and avoid boot.
- Eliminate day to day management of rental properties
- Help solve reduced income problems due to vacancy, high tenant turnover, rent control and increasing expenses.
- Provides simple estate planning. Shares are divided among beneficiaries while retaining step up in basis.
- For those retiring and selling their business property, they provide tax deferral and income.
- For 1033 involuntary transfers sales via imminent domain
- Sell a single property and diversify into multiple real estate sectors and locations, all while deferring taxes and retaining step-up in basis at death
- DSTs are securitized investments. Investors must meet Accredited Investor Requirements as defined by the SEC: In the United States, to be considered an accredited investor, one must have a net worth of at least \$1,000,000, excluding the value of one's primary residence, or have income at least \$200,000 each year for the last two years (or \$300,000 combined income if married) and have the expectation to make the same amount this year. The term "accredited investor" is defined in Rule 501 of Regulation D of the U.S. Securities and Exchange Commission (SEC).

### Securities Disclaimers

- An investment in the Interests of the Trust involves significant risk and is suitable only for Investors who have adequate financial means, desire a relatively long-term investment and who will not need immediate liquidity for their investment and can afford to lose their entire investment.
- The Interests are subject to legal restrictions on transfer and resale and Investors should not assume they will be able to resell their interests.
- There is no public market for the Interests.
- Investors may not realize a return on their investment for years, if at all.
- There are various tax risks, including the risk that an acquisition of an Interest may not qualify as a Section 1031 Exchange.

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# WATER QUALITY IN THE HOME

Municipal water systems are required to test and monitor drinking water supplies to ensure safe and good-tasting water. But what happens once that water has been piped into towns, neighborhoods, and homes? Older homes may still have service lines made of lead going into the home, which can cause lead to leach into the water. The local water supplier should be able to confirm the presence of lead service lines for homeowners. Older fixtures that contain lead, or lead that was used to solder pipe joints, can also cause elevated lead levels. Whenever possible, pipes and fixtures containing lead should be replaced with new materials.

Many homes built before the 1960s have galvanized steel pipes. While galvanized pipes do not create chemical contaminants on their own, they are susceptible to severe corrosion which can flake off and clog taps

and faucets. In some instances lead can build up inside galvanized pipes, especially if the service line into the home is or was made of lead. To be on the safe side, it is best to have all galvanized piping replaced.

Another water quality concern is what are known as emerging contaminants, which, if present in a home, usually occur in very low level amounts. These fall into two general categories: health effects and aesthetic effects. Emerging contaminants affecting health include detergents, pesticides, and medications. Other contaminants that don't affect health may adversely alter water taste, odor, and/or color. Home filtration systems are the most common means of reducing emerging contaminants. Options include faucet or pitcher filters, plumbed, and reverse-osmosis filters that treat the entire home's water supply. Any filtration system installed should be listed as meeting national standards for reducing multiple contaminants.



## Well Water Quality

While most people in North America get their water from municipal water systems, there are also millions who rely on well water at home. Water sourced from a well should be tested on a regular basis for contaminants such as bacteria and metals. If well water coming from the tap tests high for lead, it could be that the water in the well is too acidic, which causes lead to leach from pipes and fixtures. An acid neutralizing system can usually alleviate this problem without the need to replace pipes and fixtures. Other

possible well water quality problems can be avoided by making sure wells are located away from septic tanks, livestock, and pooling water runoff. Well maintenance should be on a regular schedule so that any issues can be addressed before they cause health problems

for the home's occupants.

Water quality can easily be tested for metals, bacteria and other contaminants. Contact your local Pillar To Post Home Inspector for more information about this and other added services available.

*A water quality test can detect a range of issues with the in-home supply.*

*Stephanie Bowling  
Director of Marketing, Pillar To Post Home Inspectors Inc.*



# COVID-19 Portal Disruption

According to global real estate tech strategist, Mike DelPrete, real estate portals around the world are seeing a decrease in traffic due to COVID-19\*.

Portals include SeLoger (France), Zoopla (UK), Zillow (US), Funda (The Netherlands), as well as unnamed US and Europe portals.

## +40%

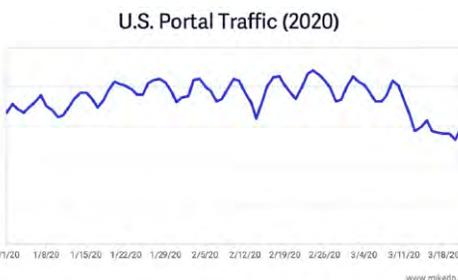
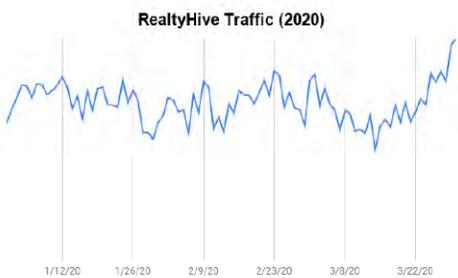
traffic to RealtyHive (as a weekly moving average) since the beginning of 2020.

## -30%

traffic to real estate portals (as a weekly moving average) as a result of the pandemic.

Zillow stated traffic on its site was down 20% from last year. ▼

Meanwhile, RealtyHive has seen a traffic increase year-over-year of +96.5% (March 2020 vs March 2019) ▲



It's normal for web traffic to fluctuate over the course of a week, month and year. Understanding the impact of events requires looking at the trends over a longer period of time to differentiate between patterns and statistical anomalies. RealtyHive helps developers, agents and brokers be heroes to their clients, close faster and better deals and streamline operations.

**Preliminary information indicates marketing properties is more important than ever as traditional real estate portals see a downturn in activity.**

RealtyHive's top tier Time-Limited Events, paired with massive levels of marketing exposure, generate millions of property impressions per month and thousands of property visits from more than 200 countries around the world.

\*more information can be found on [mikedp.com](http://mikedp.com)

# EXAMPLES OF ADS THAT WORK FROM AREA MEMBERS

Well, that is not exactly what we had in mind, so how about these?

#719714 CBR.08 SOLD

c1 DET Br 3 Bth 2

St C  
Age 99  
St 1  
Styl  
Gar 2+CPT, DET  
Din SEP  
Fp WB  
Pool NO  
Roof COMP  
Rms DEN, BON,  
Lot LVL  
40X125

OLD WORLD CHARM IN DESIRABLE HAYWARD PARK-UPDATED KITCHEN & BATHROOMS 1993 FORMAL DINING ROOM-TONS OF STORAGE UNDER THE HOUSE-2 CAR CARPORT-DO NOT GO TO THE EAST SIDE OF THE HOME WITHOUT PERMISSION-CEILING IN LR WILL BE REPAIRED CALL BOBBI AT 342-9070 FOR MORE INFORMATION - A LOT OF HOME FOR THE MONEY

7 \$392,000 CBR.03 CASH

Lo COLDWELL BANKER  
La  
Ks SUP Show GO  
Oc V/  
TL \$206,000 CS/CN  
Pg Hz 000 Vr 000 Ez R Fa R Es 000 Ms 000  
Hpp 50/50  
Apr 034-288-060  
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Area 419

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# Legal Update

with Dennis Badagliacco past Chair of the Legal Advisory Committee of the NAR

A San Francisco firm that operates a private network for real estate agents sued the National, California & San Francisco associations of Realtors over a policy implemented May 1 aimed at reducing the number of homes sold without being advertised on a Multiple Listing Service.

In the suit, Plaintiff Top Agent Network (TAN) calls itself "in effect, a private MLS and says the new rule is intended to undercut. TAN'S entire business model." Filed in U.S. District Court in San Francisco on Monday it alleges violations of federal and state antitrust laws and contract law...

More than 80% of homes put up for sale are listed on an MLS, and the vast majority of them are controlled by local Realtors associations, according to the suit. SF Chronicle 5.12.2020.

Subsequently, TAN filed a motion for an injunction to stop NAR from implementing the "Clear Cooperation Policy". NAR filed a motion to block TAN's additional request for a temporary restraining order against implementation the Policy. The court denied TAN's request for a restraining order.

### ***This is a report on NAR's Legal Action Funding:***

"NAR's Legal Action Committee provides financial assistance to support litigation of significance to the Association, including matters relevant to the practice of real estate, the operation of real estate associations, ownership and use of real estate, and private property rights. Financial support provided by NAR to litigants must be used exclusively to pay the legal fees, costs, and expenses, incurred in connection with the litigation for which assistance is requested and provided."

- 1.NAR funded up to \$65,000 for an Independent Contractor Case. The Case is James Kennedy, II v. Weichert Co...The plaintiff filed his action claiming that Weichert had misclassified him as an independent contractor instead of an employee. The significance of the case is obvious. Should the plaintiff win our industry may potentially have to restructure how we operate.
- 2.NAR provided funding of up to \$140,000 for the legal fees incurred by the Defendants in the cases Design-works Homes Inc. and Charles Lawrence James v. Boone Group, etc. The plaintiff claims that posting of floor plans for his homes violated his copywrites for designs. The area MLS requires floor plans to be included with the listings.
- 3.NAR provided funding for \$19,337.16 for the legal fees incurred by Plaintiffs in the case Kempa 3105, LLC, etc. v Sauk Village. Illinois passed an ordinance requiring property owners to apply for and receive a certificate of re-occupancy prior to the sale or rental of a property. Again, the national implications are obvious.



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