

REAL ESTATE LEADER

THE OFFICIAL PUBLICATION OF THE MISSISSIPPI ASSOCIATION OF REALTORS®

**In the line of fire
Safeguarding
your career –
and your life**

Risk Management Issue

Mortgage fraud

E&O insurance

Hurricane preparedness tips

MAR Convention & EXPO

Summer 2006



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Real Estate LEADER is the official publication of the Mississippi Association of REALTORS®. The quarterly magazine provides Mississippi real estate professionals with timely information on trends and best practices, tools and resources for professional development, and news about innovative business and community leaders.

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REAL ESTATE LEADER

A PUBLICATION OF THE MISSISSIPPI ASSOCIATION OF REALTORS®

Summer 2006

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PRESIDENT'S PERSPECTIVE



A big part of running a successful, profitable real estate business is sidestepping the risks that can cost you hefty legal bills, your license – or worst of all – your life.

That's why this summer issue of *Real Estate*

LEADER focuses on risk management – everything from safety tips to errors and omissions insurance coverage, mortgage fraud information to hurricane protection strategies for your business. We've put important tools, resources and reminders at your fingertips to help reduce your liability.

In particular, our cover story highlights the importance of REALTOR® safety and how dangerous situations abound in this customer service driven industry. Mississippi REALTOR® Dottie Lanier shares her harrowing and courageous tale of being shot three times while showing a home this past June by a stalker posing as an interested buyer. This story hits awfully close to home and reminds us of the need for safety plans for our offices and our agents.

We also debut some great new REALTOR® resources in this issue, including our online Hurricane Preparedness Guide, new REALTOR® Institute website and *Real Estate 4-1-1: The Mississippi Consumer's Guide to Homeownership*. See page 23 for details.

And we share details of our upcoming MAR Convention & EXPO scheduled for Dec. 5-7 in Vicksburg. I hope you're planning to join us for this high-value, low-cost opportunity to get all of your required and elective CE and network with your colleagues. Learn more on page 21.

I continue to enjoy serving as your President and would welcome any opportunity to visit with your local board. If I haven't been to your neck of the woods yet, please don't hesitate to ask. I'd be happy to join you for a local board meeting or special event. Connecting with members in their communities is a priority, and it allows our association to serve you better.

Hope you all have enjoyed your summers and have stayed cool amidst this heat wave. As we move even further into hurricane season, know that our thoughts and prayers continue to be with our fellow REALTORS® along the Mississippi Gulf Coast.

Pam Beard, ABR, CRB, CRS, GRI, ePro
President

Word on the Street

REAL ESTATE NEWS BRIEFS

Mississippi REALTORS® prepare for NARdigras

More than 150 Mississippi REALTORS® have registered to attend NARdigras, NAR's 2006 Conference and EXPO, Nov. 10-13, 2006, in New Orleans. Conference highlights will include an address by Presidents George H.W. Bush and Bill Clinton, co-chairs of the Bush-Clinton Katrina Fund and entertainment by pianist, singer and bandleader Harry Connick Jr. Make plans today to be part of the excitement by registering online at www.realtor.org.



"Deter, Detect, and Defend" campaign

According to the Federal Trade Commission up to 10 million consumers experience identity theft each year. Because a credit report damaged by identity theft can impede a client's ability to purchase a home, identity theft continues to be a significant concern for REALTORS®. Therefore, NAR and the Federal Trade Commission jointly launched the "Deter, Detect, and Defend" campaign to promote awareness. REALTORS® can provide a valuable service to clients and highlight the positive role REALTORS® are playing in preventing ID theft by having resources available to help consumers avoid identity theft and deal with it should it occur. NAR offers numerous resources for the public at www.realtor.org/idtheft and additional resources are available to REALTORS® at www.realtor.org/libweb.nsf/pages/fg909.

NAR testifies on industry competition

The issue of competition in real estate took center stage in July during a U.S. House Financial Subcommittee hearing examining the changing real estate market and the development of the Internet. NAR President-Elect Pat Vredevoogd Combs told the subcommittee that competition in residential real estate has never been more intense. She cited intense market fragmentation, highly variable commission rates, widespread availability of listings online, and hundreds of multiple listing services as forces driving today's competitive real estate market. She testified as part of a real estate industry panel.

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LEGAL EASE



BY RON FARRIS, ROBINSON, BIGGS, INGRAM, SOLOP & FARRIS, PLLC

Contracting challenges: Offer/acceptance and contingencies



The heart of every real estate transaction is the Purchase and Sale Contract. Experienced REALTORS® know that a well-written contract that addresses all aspects of the deal is the best protection against a deal going bad.

REALTORS® regularly encounter questions relating to basic contract principles, particularly the routine offer and acceptance process and the use of contingencies.

A contract is formed when an offer to sell or purchase on specified terms is unconditionally accepted by someone and consideration is paid or given, and

a meeting of the minds is achieved.

The initial offer from a Seller or a Buyer should be clear and unambiguous, addressing key points, including the identification of the parties and property, purchase price, any contingencies to be resolved before closing, provisions for closing, and breach provisions in case a party becomes unable to perform.

Once an initial offer is made, the recipient may (a) accept it as written, in which case a contract is formed; (b) reject it, meaning there is no contract; or (c) reject it and make a new offer ("counter-offer") to the other party for consideration. A party receiving a counter-offer then has the same response options. The process of going back and forth with offers and counter-offers is the negotiation, and REALTORS® often play a key role in facilitating effective negotiations between buyers and sellers as they seek to strike a deal.

REALTORS® involved in negotiations should remember that all offers and counter-offers should be in writing. REALTORS® should avoid disputes by not communicating terms or acceptance verbally. REALTORS® should also understand that any offer can be withdrawn before it is accepted.

In using MAR's Standard Forms, it is critically important that REALTORS® make use of the right forms for the right purpose, including use of new Form 14 for seller counter-offers and Form 14A for buyer counter-offers, both being designed to stop repeated written amendments on Form F-1, which can lead to a confusing morass of changes and, after serious negotiations and multiple changes, prevent the parties (or a court) from determining the details of the agreement.

When handled correctly, the offer and counter-offer process should result in a clear chain of documents that, taken together, reflect the agreement of the parties in clear and unambiguous terms on each key point. An agreement that is not clear and unambiguous will usually cause trouble, making it critically important that the parties and their REALTORS® strive to achieve clear, unam-

biguous statement of all key terms in the agreement.

Great care should be taken in the statement of contingencies in a contract. Common contingencies include posting of a good faith deposit; qualification of a Buyer for a loan; a requirement that a Buyer secure a particular interest rate; the condition that a Seller sell an existing residence; receipt of a suitable appraisal, survey, home inspection or other inspections that reveal no material issues with the property; or receipt of a commitment to issue title or property insurance. If an item is made a contingency in the contract, it must be successfully resolved before the contract will proceed to closing. Above all, remember that contingencies should be clearly written and not create conflicts with other provisions in the contract, a common error leading to disputes.

Contingencies can be absolute, meaning that the stated contingency must occur in order for the contract to close, or a contingency can be limited or qualified, so that it must occur within a certain time or be waived, allowing for the closing to occur even though the contingency was not met. Both the inclusion of contingencies and limitation on them are a subject of negotiation between the parties to the contract.

Understanding the basics of offer and acceptance and contingencies enables REALTORS® to avoid costly mistakes and keep clients happy. These and other relevant topics are covered in Oliver E. Frasca, Esq., GRI and Katherine E. Reese, CRS, GRI's excellent reference book: *The Digital Paper Trail in Real Estate Transactions* (Rev. Ed., Real Law Books, 2005). ■

Ron Farris is MAR's Legal Hotline attorney and general counsel.

Order your copy



Visit www.realtorinstitute.org and click on the **Frequently Requested Documents** section to download an order form for *The Digital Paper Trail in Real Estate Transactions*. Completed order forms and payment should be faxed directly to the publisher.

Call MAR's Legal Hotline

MAR's Legal Hotline (800-747-1103, ext. 25) offers free and confidential legal information relevant to broad-based real estate practices and applications, including MAR Standard Forms and Contracts, to MAR members, and is available Monday through Friday, 8:00 a.m. – 5:00 p.m. Calls received after 3:00 p.m. will be returned the following business day.

Join the REALTORS® Land Institute

Established in 1944, RLI is the organization for land professionals.

RLI's specialized education, member benefits and network of land professionals don't exist anywhere else. From urban brownfields to suburban subdivisions to farms and timber land to environmental issues, RLI is all about land.

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For more information, contact chapter administrator Beth Hansen at 601/932-5241 or bhansen@msrealtors.org or visit www.rliland.com.

The MS Chapter of RLI presents:

"Land 101" with instructor Keith Morris, ALC

The course addresses various fundamental aspects of land brokerage.

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MS REALTOR® Center, 4274 Lakeland Drive, Jackson, MS

"GPS for Natural Resource Professionals" with instructor Dr. Robert Parker

The course will cover GPS data collection, use, navigation and mapping.

Sept. 7, 2006 from 1:00p.m. – 5:00p.m. AND Sept. 8, 2006 from 8:30a.m. – 12:00p.m.

Tara Wildlife, 6791 Eagle Lake Shore Rd., Vicksburg, MS

Email Beth at bhansen@msrealtors.org for more information.



Some Things in Life Demand Total Expertise – A Commercial Real Estate Transaction is One of Them

Less than 4% of the world's commercial real estate professionals hold the coveted CCIM (Certified Commercial Investment Member) designation, the mark of a recognized expert in the commercial and investment real estate world. If you're looking to gain the knowledge and experience the CCIM designation requires, the Mississippi Chapter of CCIM can show you how!

**For more information, contact
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at 601/932-5241 or
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visit www.ccim.com**

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This course provides an overview of every aspect of the commercial real estate investment.

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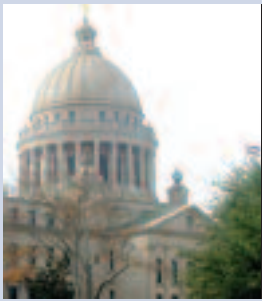
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CAPITOL WATCH

UPDATE ON LEGISLATIVE ISSUES IMPORTANT TO YOUR BUSINESS

MARPAC endorses Carlton



The Mississippi Association of REALTORS® Political Action Committee (MARPAC) has endorsed the candidacy of Virginia Carlton for the Mississippi Court of Appeals 4th district seat vacated by Judge Leslie Southwick.

Currently Virginia represents House District 100 of the Mississippi House of Representatives and is a Lt. Colonel in the U.S. Army Reserves where she serves as a Judge Advocate General (JAG) officer. After leaving active duty in 1998 she served Marion County as a public defender and later was an Assistant District Attorney in the 15th Circuit District.

As REALTORS®, we believe that a fair judiciary is conducive to a thriving business climate. It is important that we support judiciary candidates committed to interpreting the law and not legislating from the bench.

"Mississippi has done a great deal in the past few years to improve its legal environment," said MARPAC Chairman Don Halle. "It is important that we elect judges who will uphold the law and protect the progress that we have made."

The 4th District Court of Appeals includes Copiah, Simpson, Adams, Franklin, Lincoln, Lawrence, Jefferson Davis, Covington, Jones, Wilkinson, Amite, Pike, Walthall, Marion and portions of Hinds counties.

The election will be held Tuesday, Nov. 7. If necessary, a runoff will be held on Nov. 21.

"Voter turnout in this off-year election is expected to be light," said Angela Cain, MAR CEO. "REALTORS® getting to the polls and grassroots support for Rep. Carlton will be critical to her campaign success."

For more information about Virginia Carlton visit www.virginiacarlton.com.

REALTOR® Day at the Neshoba County Fair

REALTORS® from around the state converged on "Mississippi's Giant Houseparty™" on July 27 for the 117th Neshoba County Fair. The fair is well known as the state's premier political forum.

REALTOR® Mark Bounds of Mark S. Bounds Realty Partners in Madison opened his family's cabin to MAR fairgoers for a day of fun, food and politics.

"The Neshoba County Fair is a great tradition in our state and a wonderful forum for REALTORS® to network with leaders from the private sector as well as

our elected officials," said 2006 MAR President Pam Beard, ABR, GRI, ERS, CRB, ePro.

This year's speeches were highlighted by Governor Haley Barbour who focused on Mississippi's improved economic condition.

The 2007 fair will draw an even larger crowd in an election year. Make plans to attend the political speeches next July with your REALTOR® colleagues.

Easley named new Governmental Affairs Director



Derek Easley has joined MAR as the organization's Governmental Affairs Director. He joins the legislative and legal team of contract lobbyist Spence Dye and association attorney Ron Farris.

As the association's Governmental Affairs Director, Easley will monitor all legislation and research, evaluate and propose public policy issues and initiatives that affect MAR's members.

"I am excited to be representing the interests of REALTORS®," said Easley.

"MAR is very well respected in this state and at the Capitol, and I look forward to being part of the team."

Prior to joining MAR, Easley was a Governmental Affairs Advisor for Adams and Reese Law Firm in Jackson and also served as Director of Environmental and Taxation Affairs for the Mississippi Manufacturers Association.

Easley is a native of Ocean Springs and received his Bachelor of Science degree in Business Administration from Mississippi College in 1999. E-mail him at deasley@msrealtors.org.

REALTORS® prepare for 2007 legislative session

MAR's Legislative and Regulatory Affairs Advocacy Group has identified its legislative priorities for 2007. MAR will continue to monitor issues affecting REALTORS®, such as any potential landlord tenant or building code legislation, and will focus primarily on the following issues:

Predatory Lending – The Mississippi Mortgage Consumer Protection Law is set to repeal in 2007. Before the law is reauthorized in the 2007 session, MAR will work with other interested parties to make changes to better protect borrowers and to ensure the prosecution of those engaging in predatory lending or mortgage fraud.

Impact Fees – The Mississippi Supreme Court ruled recently that the Ocean Springs' impact fee ordinance is an illegal tax. They affirmed the decision of Judge Dale Harkey in the impact fee lawsuit filed by the Home Builders Association of Mississippi (with MAR's support) against Ocean Springs. Still, municipalities continue to seek ways to allow for impact fees and may seek leg-

islation in 2007. MAR will continue to oppose impact fees in any form, under any condition, and will encourage government at all levels to refuse to enact impact fees where they do not exist and to discontinue their use in areas where they are now assessed.

Eminent Domain – MAR will continue to monitor any efforts to amend Mississippi's eminent domain laws. The decision of the United States Supreme Court in *Kelo, et al. v. City of New London, Conn.* (June 23, 2005) spurred public debate over government use of the power of eminent domain. Unlike Connecticut and certain other states, Mississippi already provides property owners with protection against abuse by providing procedural requirements and rights for property owners. If properly utilized Mississippi laws afford property owners the minimal procedural rights advanced by NAR and MAR and additional procedural requirements that protect the property owner against an unjustified taking.



FOR THE COURSE OF YOUR CAREER



BY JO USRY

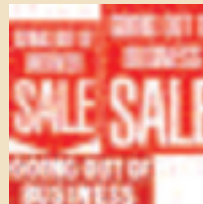
Education is good for business, risk reduction

I'm not going to take that course because I don't need any more hours," says the REALTOR® who leaves good money on the table by taking education courses only to satisfy license renewal.

The fact that the real estate industry is changing might have gone unnoticed by the REALTOR® who "doesn't need any more hours." Buyers and sellers are more sophisticated than ever and expect to hire confident, credible, highly-skilled professionals to meet their objectives. It's a fact that the more real estate education a practitioner has the more the practitioner's bank account is positively affected.

Consider the following four benefits of continuing your education beyond that which is required for license renewal:

1. You'll have options. Continuing your education to a broker-level license means you'll have more immediate choices as to where your license hangs, including on your living room wall. A broker-associate working under the supervision of another broker will never be faced with being "out of business" should an unforeseen event occur that leaves the office with no broker. In such a situation a salesperson is forced to quickly find another broker to avoid being "out of business" for a period of time. A person with a broker's license, however, can get that license reissued to him until a calm, careful decision can be made as to where he wants his license to hang in the future.



2. You'll gain new skills. Designation courses are skills-building courses. The more skills you have the more sales you close and the more money you earn. Designations are not just alphabet soup that



can go behind your name on your business card. They can boost your bottom line. Courses taken that result in a designation such as ABR, GRI, CRS, CCIM, SRS, etc., tell consumers that you have chosen to pursue skills beyond those required to keep your license. Designation course instructors are the best in the business and the course material contains the latest of informa-

tion and the latest skill-building techniques. Just ask any one of the 70 REALTORS® who were in the July Seller Representation Specialist (SRS) course at MAR if they learned skills they planned to put into use. Those long-time, experienced REALTORS® left the course in awe of the skills they did not know they needed to properly represent their sellers.

3. You'll gain confidence, credibility AND reduce your risks. Knowledge is power. The more you know about your chosen profession, the more confidence you have and the more credibility you will project with your clients and the other REALTORS® cooperating in your transactions. Plus, you'll be in a position to better protect your customers, clients and yourself.



4. You'll close more business. Highly-skilled agents know how to prospect, how to work a business plan, how to provide superior customer service and can turn down business when necessary. How did highly-skilled agents get that way? They attended education courses.

Just because you "don't need the hours," doesn't mean you don't

need the skills. With advanced education you learn more to earn more. Can you afford to pass up your next education opportunity? Why not be the best you can be?

For a list of upcoming courses being offered by



the REALTOR® Institute, visit our new website at www.realtorinstitute.org and click on "Course Calendar." ■

*Jo Usry is MAR's Vice President of Professional Development.
E-mail her at jusry@realtorinstitute.org.*

Agents can win the discount game

By Blanche Evans



Evans

In a country where advertising is interruptive, intrusive, pervasive, and pandemic, it's little wonder that consumers want deals. How else can they afford all the stuff they're importuned to buy?

That's only one of the reasons why real estate agents may be encountering more resistance from consumers about commissions.

It doesn't help that there's a steady drumbeat from the press lauding "discount" real estate industry models as innovative, consumer-friendly and timely. Apparently "full-service," which is composed of risk-management, liability-sharing, and facilitation, is a clumsy anachronism consumers don't really need.

What no one talks about is it's impossible to rewrite the laws of economics.

Discounts can be obtained on any goods or services, but the service provider has to keep an eye on the bottom line. Discounting usually means

cheaper labor, and cheaper labor has an impact on all transactions.

Companies can achieve cheaper labor costs a number of ways, but in real estate, that means less service. Real estate is one of the few service industries left with face-to-face service providers. If consumers don't want that level of service, their only choice is to do some, most or all the work of buying and/or selling a home themselves.

Look at the airlines. Most of the American carriers are facing bankruptcy, except for the low-cost carriers. They don't bill themselves as discounters — they simply perform fewer services. Southwest Airlines has never had to adjust to a lower service level as American Airlines has. American has had to offload meals, pillows and many flights in order to compete with Southwest, JetBlue and other low-cost carriers. In some airports, you even pay to check your bags. Overbooking is rampant. Even if you have a ticket, you might not make it on your flight.

That may be fine with most travelers, but serv-

ice should also be about helping consumers get where they wanted to go. Low-cost tickets aren't much of a bargain if you can't get home.

Consumers always want something for less. They may be right, but they're not always right, because companies may tip themselves into bankruptcy trying to serve them.

One reason commissions are under fire is because people simply don't understand how the system works — so explain it to them. ■

Want to hear more on this topic? Make plans now to attend the Mississippi Association of REALTORS' 2006 Convention & EXPO December 5-7 in Vicksburg. Nationally recognized speaker Blanche Evans will take the stage to teach you everything you need to know to successfully educate your clients and customers on commissions. See pages 20-21 for more details on MAR's 2006 Convention & EXPO including a special \$99 registration rate for Rookie REALTORS®.

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BEEN THERE, DONE THAT

REALTOR® GUEST COLUMNISTS SHARE THEIR STORIES

Preparing your business for the next big hit *Lessons learned from Hurricane Katrina*

By Cynthia Joachim ABR, ABRM, CIPS, CRB, CRS, GRI



Joachim

Charles Dickens, the English novelist, wrote, "We forge the chains we wear in life." Sometimes those chains are the results of our own doing and other times, we are victims of circumstances beyond our control. Anyone who experienced the wrath and the aftermath of Hurricane Katrina would probably agree that it was an event to add to the list of defining moments. As the cliché goes, it's not what

happens to you because we know that stuff happens, it's how you react. How you react will depend greatly on how you prepare.

Coastians live with a mindset that for six months of every year weather rules our lives. We know the routine; can rattle off the things we must do in the wake of a storm; buy and replenish our hurricane supplies and prepare ourselves and our properties for a possible hit. As we now know, we weren't prepared for the greatest natural disaster to hit the mainland United States, but the year following August 29, 2005, has given us an opportunity for new plans of action.

Hurricanes allow us time to prepare and time to evacuate. So, how we live and how we work in anticipation of waking up one day with no house, no office or job, no vehicles, no things other than the clothes on our back is up to us. Monday morning quarterbacking is not nearly as hard as pre-game planning.

There are things that we can all do to minimize the damage. The list is by no means exhaustive and continues to be a work in progress for our office, but the following are things to consider:

Insurance is a necessity of business life. Have you ever thought what it would be like to have an office one day and nothing the next? Know where all of your policies are and have copies somewhere other than your office. Read them and understand your coverage. More importantly, understand what you are entitled to in the wake of a loss whether partial or complete. Meet with your agent to make sure that you have all you need, buy as much as you can afford, ask questions, demand answers.

For those of us in coastal counties, put flood insurance at the top of the list. Buy flood insurance for contents as well as for the structure. Check your policy to see if it covers any type of water damage from sewer back up to street flooding. Buy wind and hail insurance. It doesn't take a Katrina to damage roofs, fences, buildings, out buildings or other structures. Check your policy to see if it covers debris removal. Estimates to have our office cleared of the building contents ranged as high as \$8,000.

Is your lease equipment covered? Who is responsible for any loss or damage? Does your policy cover reimbursement for the removal of the lease equipment? Will it pay for you to have computer hard drives restored? Does coverage include business loss if you have no income or business to return to after the loss? Does the policy provide any emergency funds as you are trying to get back on your financial feet? If you are leasing and hope to get back to your location, does your policy cover any build out which your landlord will not do such as putting in the phone lines, the security system and cable TV? What about electric signs? Does the policy cover that? What about your real estate

signs especially if you store them somewhere other than on site?

Don't forget content insurance and floater coverage for your personal property. Make a list of everything in your office and keep it somewhere other than your office. Insurance companies bank on insureds not knowing what they had, what they lost, what it cost and what it will cost to replace. Take pictures of everything in your office. These are issues that those of us who lost our offices are still dealing with to get our businesses up and running. It is devastating to replace things at today's costs when what you had was running just fine but once the insurance company depreciates it, you won't get enough money to buy new.

The morale of the insurance story is buy as much as you can afford, more than you can afford and be diligent about updating the coverage every year. Know where the policies are at all times and protect them as you would any asset. (It was not easy to get copies of policies from the insurance companies if you can't produce your own and in some instances, we never got a copy of the full policy, only the first sheets.)

How do you plan to run your business if your location is gone along with your equipment, your files, your financials? File storage and retrieval is an essential element in protecting your business and recovering from a disaster. Backup all computers and keep this somewhere other than your office. There are companies that do this. Find out if such a service is available in your location. Ask your CPA about protection of your files and information in the event you have lost yours. Keep a list of all of your service providers, how to contact them and know your responsibility versus theirs. Security companies, the power and water companies, phone company, cable company, internet service companies have to be notified to discontinue services. They will continue to bill you even if there is no physical location. They might be in Seattle and you are in Katrinaville.

What about your office location? How do you store files, financials, and documents on site? Do you know where they are and could you remove them quickly? We should all give more thought to storage for purposes of removal if time allows. Once we get back to our new office, we do not intend to store files in metal file cabinets. We are looking into a plastic storage system which can be carried out quickly and is water protected. Where is your equipment? Is it near windows which could blow out, doors which can blow off and can it be moved or covered if there is time? Plan ahead if you are in storm prone areas for your plywood or shutters to board windows. They won't protect anything from a tornado but it can keep wind and rain out. Do you have a safe, and if so, what do you store in it? A tornado hit our office and among other things, walls collapsed on top of desks and file cabinets which prevented removal after the storm. Have a plan for office evacuation assuming you have time to move files, equipment and financials. Remember to keep your checks, deposit slips, checks stubs, IRS documents in a central location so that they can be moved quickly. You are also responsible for your clients' information and keys as well. If there is time, remove them from the premises.

Hard lessons have been learned about mail service. (We will never use a physical location again for the bulk of our mail delivery.) With the business location gone, mail had to be forwarded to post office boxes and it took

weeks even if you had a box. There was also a waiting list for post office boxes so if you didn't have one, you waited to get one. Many of us never ever got our mail for the month of September. A contract mailed in September was received in our box in December. The post office was not there but if you had a box you could pick up your mail in another location once the post office opened.

Most cell phones did not work after Hurricane Katrina. The towers were destroyed but text messaging worked and that became the only way to communicate. Make sure you have text messaging through your cell phone service. It may be all you have for a while.

Have plenty of cash on hand. In an electric age and an electronic age, if time allows for preparation, get some cash. If there is no power, you will not be able to access ATMs; the banks may be closed. Even if they are open, they may not be able to access their records to allow you to make withdrawals.

If you have a safety deposit box, consider the bank location. Some banks on the Coast went down in the storm. Other banks had 20 feet of water in them. Have a plan to remove the contents of your box, again if you have time to prepare, and decide whether the contents are safer in the bank than with you.

Keeping your business going following a disaster is a challenge. The most difficult part of disaster planning is how to keep your business going if there is no physical location to continue it from and if your business is dependent on the survival of others as it is for those of us in the real estate business. The lack of housing and offices kept the REALTORS incredibly busy, but for those of us without offices, it was the challenge of a lifetime. Even if you had a computer and a cell phone, the DSL lines and phone lines were down. Our office did not get a fax line or a hard phone line until December. Although we moved to a temporary location within five weeks after the storm, the phone service for hard line and fax line was not available.

Be prepared to depend on the kindness of others and to beg and borrow what you don't have but need. No place for pride here. Figure out before a disaster where you will go to buy the things you need, how you will get them to your new location and who will help you set it up. We had to travel to Houston and Mobile to purchase office equipment, computers and supplies and what we learned from that experience is don't wait for anything to come to you. You have to go get it.

Study your investment strategy. Disasters provide an opportunity to look at everything in your world with a different perspective. Something else that we have done is to revisit our investment strategy. It shouldn't take a disaster to do that but if you have been lax in watching your money and your investments, a disaster will quickly point out any deficiencies. Cash and liquidity are still king in this world. Much can be learned from the refugees who fled Europe during World War II. They knew they had to invest in assets that they could move quickly, store easily and liquidate without much trouble.

The storm has given us all an opportunity to think about our financial future when anything like this happens. Americans spend the most, save the least and have the most to lose in any economic downturn. Diversify your portfolio and besides real estate investments, stocks, bonds, etc., look at assets that you could rely on if all of your rental property was destroyed. We are looking with great interest in assets which we know something about, have a genuine interest in and have already invested in for greater protection for liquidity. How you spend your money is a very personal and individual choice, but it should be on your radar screen.

Finally, keep your sense of humor. You will need it. Every day is filled with challenges and disappointments. We have a dance step here that locals call the Biloxi Shuffle. When people would ask how everyone is doing, we'd tell them it's the Biloxi Shuffle, one step forward and two steps back. Plan on it.

Don't take anything for granted in your planning. We all have an opportunity now after Katrina to live and work differently since so many of us have set the learning curve for the rest. Make use of your time before a disaster strikes. Disasters are equal opportunity. No one is immune, but we can surely do better in controlling our destinies. ■

A fourth generation Coastian, Cynthia Joachim ABR, ABRM, CIPS, CRB, CRS, GRI has over 20 years experience as a Mississippi real estate broker and instructor. Joachim's Biloxi business sustained substantial damage during Hurricane Katrina.

Errors and omissions insurance: Are you covered?

By Carol Stern

In an increasingly litigious world, Errors and Omissions (E & O) Insurance may provide a safety net for brokers and agents. The protection it provides is the equivalent of the professional liability insurance carried by physicians, attorneys, and other professionals who have seen significant increases in liability claims in recent years. The coverage protects against financial loss if a lawsuit is filed as the result of an agent's work in the real estate profession. To an agent or broker, it is one of the costs of doing business today.

While an increasing number of companies realize the wisdom of carrying this protection, some real estate professionals are still operating with no professional liability coverage. Regardless of how carefully an agent does his job, he is at risk, even from lawsuits that may be unfounded or frivolous, and legal fees must be paid no matter who wins in court. A claim filed against an agent who does not have E & O coverage may result in professional and financial disaster. Liability limits vary depending on the policy, so be sure that you understand your coverage. The policy may have two deductibles, one for defense costs and another for damages if you are found at fault.

Typical Errors and Omissions coverage pays claims that come as the result of error or omission in regard to a real estate agent, and pays claims that are

made during the policy period. Common claims result from misrepresentation of a property's physical condition. In fact, according to Stewart Prather of Rice Insurance Services, LLC, the E & O insurance carrier approved by the Mississippi Real Estate Commission. "Sixty-five to seventy percent of the claims we receive from Mississippi allege that the agent knew of property issues that they failed to disclose to the buyer."

According to Prather, common exclusions include claims resulting in dishonest or criminal acts, including fraud by the agent, claims associated with polluted property or environmental claims such as mold, claims against the agent if they cause bodily harm or death to another person, claims arising from disputes over the return of good-faith deposits, and claims arising from damage the agent caused to someone's property. Additionally, Prather said that many agents do not realize they have no coverage when buying or selling for their own account.

If you are sued, there will probably be a complaint filed with the Mississippi Real Estate Commission. Meticulous record-keeping can serve you well, should a lawsuit arise. For example, if you recommend a home inspection and the buyer decides against it, write that down and put it in the file. Have

Errors and omissions continued on page 18

Stiffer penalties, greater protection needed against mortgage fraud

By Carol Stern

Mortgage fraud is defined by no specific statutes: however, mortgage fraud schemes typically contain some type of “material misstatement, misrepresentation or omission relied upon by an underwriter or lender to fund, purchase or insure a loan,” according to the Federal Bureau of Investigation. The FBI compiles data on mortgage fraud through suspicious activity reports filed by financial institutions, and the Department of Housing and Urban Development Office of Inspector General. They also receive complaints from the industry at large.

A significant portion of the mortgage industry is exempt from mandatory fraud reporting, and mortgage fraud in the secondary market, where mortgage loans are sold by the originator, is often under reported. Therefore, the true level of mortgage fraud is largely unknown. Based on various industry reports and FBI analysis, mortgage fraud is pervasive and growing.

However, this is not news to those in the real estate and mortgage banking industries.



Magee-Praytor

REALTOR® Lynette Magee-Praytor, general manager of Crye-Leike in Ridgeland, chaired a recent working group on Mortgage Fraud for the Mississippi Association of REALTORS®. Working with the Attorney General's Office, the Mississippi Department of Banking and Consumer Finance and the Mississippi Real Estate Commission, the group proposed action to address mortgage fraud in Mississippi, including:

- Providing more information on the MAR website as an educational tool to make REALTORS® more aware of red flags that might indicate mortgage fraud
- Joining the effort of the Mississippi Mortgage Brokers Association to enact legislation to provide greater consumer protection and prosecution of offenders and, through that legislation, push for stricter licensing and penalties for offenders.

Currently, state penalties for mortgage fraud are limited to fines and revocation of license. Magee-Praytor says there must be criminal penalties: “Most pro-

fessionals in the industry are competent and ethical, but there are unethical individuals and unethical practices in the marketplace. You must report unethical behavior.”

According to Morris McCall of the Mississippi Department of Banking and Consumer Finance, “the agency often investigates for fraud after receiving an anonymous tip.”

McCall says: “Of course, if files have been cleaned, we won't find anything; however, if we know a corporation is following practices that are not kosher, we look deeper.” McCall says that the situation is only getting worse with the ever-increasing quality of reproduction equipment and technology. “It's easy to produce a W-2 Form, verification of employment, income statement or credit report that looks authentic, when it is not.”

McCall echoed Magee-Praytor's assessment that the vast majority of those in the industry are good, ethical professionals who provide excellent services to the public. He advises that everyone involved in a real estate transaction must be alert for any practices that they find questionable.

Magee-Praytor stated that “mortgage fraud is so rampant; the typical case requires two years to develop and go to trial. FHA has finalized new Anti-Flipping Rules for properties involving financing with a FHA insured loan. A property must be held a minimum of 90 days before a resale can occur. Sales that occur between 91 and 180 days where the sales price is more than 100% of the original price require an additional appraisal to support value.” This is just one step in addressing this growing problem. The state of Georgia has passed a law regarding residential fraud that sets fines and prison terms; a model that Magee-Praytor feels is worthy of consideration.

She emphasizes that every ethical professional in the real estate industry must assume responsibility to police themselves. “Everyone realizes that there is a problem. Often REALTORS® are involved innocently, particularly when the unethical “professionals” that structure the deal say everything is legal,” she says. “We look to them to provide the expertise and guidance for our clients. We can no longer be as trusting. We must question more often.”

Two types of mortgage fraud

1. Fraud for property involves the borrower as the perpetrator on a single loan. The borrower makes misrepresentations, usually regarding income, personal debt and property value or there are down payment problems. The borrower wants the property and intends to repay the loan. Sometimes industry professionals coach the borrower so that he can qualify. Fraud for property accounts for about 20 percent of all fraud.

2. Fraud for profit involves industry professionals. Typically multiple loan transactions with several financial institutions are involved. Misrepresentations often include overstated income, assets, collateral and length of employment, or fictitious employment is reported, and employment is backstopped by co-conspirators. The borrower's debt and credit history are not fully disclosed. Often the borrower assumes the identity of another person (straw buyer). The borrower states he intends to use the property for occupancy when he/she intends to use the property for rental income, or is purchasing the property for another party (nominee). Appraisals almost always list the property as owner-occupied. Down payments do not exist or are borrowed and disguised with a fraudulent gift letter. The property value is inflated (faulty appraisal) to increase the sales value to make up for no down payment or to generate cash proceeds.

Typical fraud schemes

- **Backward application.** After identifying a property to purchase, a borrower customizes his/her income to meet the loan criteria.
- **Air loans.** These are non-existent property loans where there is usually no collateral. A broker may invent borrowers and properties, establish accounts for payments and maintains custodial accounts for escrows. They may set up an office with a bank of telephones, each one used as the employer, appraiser, credit agency, etc. for verification purposes.
- **Silent seconds.** The buyer of a property borrows the down payment from the seller through the issuance of a non-disclosed second mortgage. The primary lender believes the borrower has invested his own money in the down payment. The second mortgage may not be recorded to further conceal its status from the primary lender.
- **Nominee loans.** The identity of the borrower is concealed by using a nominee who allows the borrower to use the nominee's name and credit history to apply for a loan.
- **Property flips.** Property is purchased, falsely appraised at a higher value and then quickly sold. The schemes normally involve fraudulent appraisals, doctored loan documents and inflation of the buyer's income.
- **Foreclosure schemes.** The subject identifies homeowners who are at risk of defaulting on loans or whose houses are already in foreclosure. Subjects offer to save their homes in exchange for a transfer of the deed and up-front fees. The subject profits by re-mortgaging the property or pocketing the fees paid by the homeowner.
- **Equity skimming.** An investor uses a straw buyer, false income documents and false credit reports to obtain a mortgage loan in the straw buyer's name. After closing, the straw buyer signs the property over to the investor in a quit claim deed which relinquishes all rights to the property and provides no guaranty to title. The investor does not make any mortgage payments and rents the property until foreclosure takes.

Watch for red flags

- Contract kiting
- Unknown changes to the contract by the originator
- Secret second mortgages or bogus seconds cancelled after closing
- False gift letter
- False down payment
- A HUD I reflecting down payment was paid out of closing side (POC)
- Concealed concessions
- False buyer qualifications
- Fraudulent state of owner occupancy

Look for continuing coverage of mortgage fraud in the next issue of *Real Estate Leader*.

Portions of the information used in this article are from the Federal Bureau of Investigation, National Association of REALTORS®, and the Justice Department. Material from NAR is used with permission. Other material is from public records.

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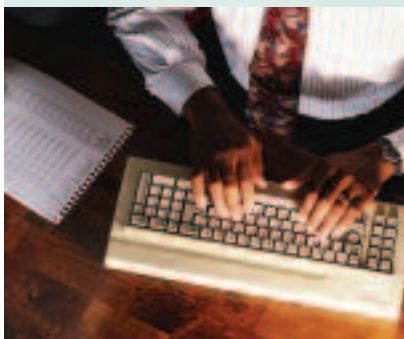


ROOKIE REPORT

It's Not Easy Being Green

Risk-reduction tips for Rookies

• **Knowledge is power** and the more you know the better you can represent your buyers and sellers. Take every education course that comes your way. Classes like those offered by the Mississippi REALTOR® Institute will boost your skills and your confidence. Designation courses, in particular, such as GRI, ABR, and SRS, are especially valuable in terms of providing risk reduction information.



• **Put it in writing.** Don't be tempted to work with oral agreements (such as contract extensions). Although verbal agreements are legal, they are not

enforceable and a client can lose a sale if their agent does not protect them by insisting upon written agreements.

• **Understand your obligations.** Learn early the "true" meaning of representation and what obligations an agent has when representing a buyer and seller client.

• **Stay up-to-date on ethics.** Be aware that the REALTOR® Code of Ethics is likely to be revised every year. REALTORS® are obligated to know the changes. Not knowing is not an excuse if charged with a violation.

• **Know that Mississippi License Law is subject to change.** Agents must be responsible for keeping up with these changes. Again, not knowing is no excuse if found in violation.

• **Communicate fully, early and accurately** with clients and the other agents in the transaction. Misunderstandings often occur because an agent does not communicate important facts of the transaction properly or in a timely manner.

• **Stay plugged into technology.** Clients today are technologically savvy and expect their agents to be as well. Learn to use technology that will help you manage your transactions and better represent your clients.

• **Obtain your broker's license.** Telling a client that you are a real estate broker reinforces your credibility and demonstrates that you have earned the highest license in your chosen profession. A broker's license does not mean you have to open an office. It can be just another way to say that you are committed to your business.

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Wiggins	210 Varnado Ave	601-528-8686

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In the line of fire Safeguarding your career – and your life

By Carol Stern

On the cover:

REALTOR® Dottie Lanier of Prudential Gardner, REALTORS®, in Wiggins survived an attack by her client while showing a home.

As she lay on the floor, trying to relax, trying to appear dead, REALTOR® Dottie Lanier of Saucier prayed silently. She could hear the killer's heavy footsteps as he ran back down the hall and into the room, and she wondered, "Is today the day I die?" He ran past her out the door, and she picked up the cell phone and told the 9-1-1 operator, "He's gone."

A man, whom police believe is Gregory Glen Ferguson of Biloxi, had called Lanier several times regarding a specific house he wanted to see in Stone County. She said he sounded so humble, like a sweet man searching for a home for his wife and himself. After nearly a week of telephone conversations, an appointment was scheduled and missed.

Another appointment was made for 8:45 a.m. on that fateful Thursday this past June. Lanier, the homeowner and the homeowner's nephew waited for the client.

Ferguson came up the steps, grabbed the door and slung it open. Surprised, Lanier said, "Hello." In a gruff voice he said, "Hey, baby." He then shot Lanier and the homeowner's nephew twice. The homeowner ran to a back bedroom.

"I heard Lisa [the homeowner] begging for her life, begging him not to hurt her, so I picked up the phone and quickly called 9-1-1 and said, 'There's a man in the house. We're on Colville Street and he's shooting all of us. Hurry!'" Lanier recalls. "When I heard the three shots, I put the phone back under the chair

and tried to relax, tried to appear dead. He came back through and he clomped on out. I opened my eyes as he hit the door and watched the door close. I picked the phone up and told the operator he was gone, that he had shot all of us."

Initially, paramedics thought Lanier had been hit at least four times because one bullet passed through both breasts. One shot entered near her navel, traveled diagonally, and took out the top of her hip. Lanier was transported to Forrest General Hospital where doctors determined she had been hit with three shots and was missing a significant amount of breast tissue, four inches of intestine and bone fragments from her damaged hip.

REALTOR® Glenda McQueen, manager for Prudential Gardner, REALTORS®, in Wiggins where Lanier works, says the firm has policies in place to safeguard its agents. Agents are to have the client come to the office for an initial needs assessment meeting. This not only allows the agent to get an understanding of the client's requirements, it also allows other staff members to meet the client as well.

Agents are to make photocopies of driver's licenses, make a record of the car tag, make and model of the automobile and leave it on the counter near the copy machine. They are to inform the secretary or a colleague of their itinerary, including a list of each property they will visit. If agents are uncomfortable being alone with the potential client, they should take along an associate. If the agent

has been gone longer than would be expected to show the properties listed, someone from the office calls on his or her cell phone to check the status. A "code phrase" has been developed that, if said, alerts the office that there is trouble and help is needed.

McQueen says the attack has reinforced the importance of adhering to the policy. Now, more than ever, the importance of getting clients into the office is evident to everyone. She warns agents to not be so eager to show a property that shortcuts are taken. McQueen said, "If they [potential clients] refuse to come into the office, it's a red flag. There's something wrong; let them pass. Put a policy in place and make sure agents follow it. Get those clients in."

Still, both McQueen and Lanier agree that having Ferguson come into the office probably would not have changed the outcome. He had stalked and harassed the homeowner and was determined to murder her. Dottie stated, "He was determined to kill us. He shot me, Andrew [the nephew] twice, there were two stray bullets and he shot her [the homeowner] three times. I didn't think it was my client. I was thinking, 'This is somebody else.' It was after it had all happened that I realized, well, that was my client."

Unfortunately, Lanier's experience is just one tragic example in a growing number of violent crimes committed against REALTORS® while on the job. In 2003, the National Association of REALTORS® Marketing Research Department conducted an online Safety Survey for members to find out REALTORS®' experiences with personal safety. Out of over 4,337 respondents, over half reported experiencing safety concerns, incidents or harassing situations while working as a REALTOR®.

The overwhelming response, over 70 percent from female REALTORS®, constitutes a "better response than we've ever had on any other survey," said a spokesperson, demonstrating that agent safety is top of mind with REALTORS®.

According to the report, most incidents reported by participating REALTORS® involved open houses or showings of vacant property. Open house concerns range from assault, robbery, sexual harassment and theft of homeowner items such as prescription drugs.

Vacant home safety concerns include threats posed by squatters, vandals, rapists and violent criminals.

Lanier has yet to be released by the doctor to return to work. She doesn't know if she'll ever show homes again. She has some lingering issues, but is addressing them and hopes to be back at work soon. Her advice is, "If the hair on the back of your neck stands up, run." The homeowner died at the scene, and the nephew may not regain full use of his leg and remains in physical therapy. Ferguson was arrested by police the next day and remains in the Stone County Regional Correctional Facility in Wiggins awaiting trial.

Safety tips

Download a copy of MAR's REALTOR® Guide to Etiquette & Safety at www.msrealtors.org where tips can be found on the following:

1. Know your client
2. Tell someone who, where & when
3. Take transportation precautions
4. Make your open house a safe environment
5. Let your client lead the way
6. Get a buddy, be a buddy to other REALTORS®
7. Have a distress code
8. Limit personal information in your marketing
9. Dress for safety
10. Keep your cell phone by your side
11. Decide quickly whether to flee or fight
12. Trust your instincts



Safety checklist for meeting potential clients

Here are 10 steps to follow to help take the risk out of meeting prospects and clients:

1. Make sure you are not alone in the office when meeting someone. If you are alone, call a "buddy" before the prospect or client is due to arrive and ask her to call and check on you 15 minutes into the visit. Then call her back when the person has left your office.
2. Ask each new client or prospect to stop by your office and complete a Prospect Identification Form, preferably in the presence of an associate.
3. When prospects or clients arrive, get the make, model and license number of their car. Check this information yourself – don't just take the person's word for it. You can do this discreetly by watching them drive up, glancing out at their car, or checking it when you leave the office.
4. Use a registration book for all clients and other visitors. Make certain that everyone signs in.
5. Photocopy the client's driver's license and retain this information at your office. Legitimate clients should not mind you copying their driver's license. People freely show their licenses to the clerk at the grocery store when they write checks and show their IDs to rent a movie.
6. Get personal references as well as employment and home information. Then, check all references and verify employment and current address. Check county property records to confirm ownership.
7. Introduce the prospect to someone in your office. A would-be assailant does not like to be noticed or receive exposure, knowing a person could pick him/her out of a police lineup.
8. Always let someone know where you are going. Leave the name and phone number of the client you are meeting.
9. When talking to any client or prospect, be careful not to share any personal information – specifically, details on where you live or information that can allow the person to pinpoint your home.
10. When showing a property, always leave the front door wide open while you and the client are inside. As you enter each room, stand near the door.

Reprinted with permission from NAR's 2006 REALTOR® Safety Week kit. REALTOR® Safety Week is September 10–16, 2006.

YOUR NECK OF THE WOODS

Local Board & AE Forum

In Mississippi, there are 21 local boards servicing REALTORS® in every corner of the state. Here's what's going on in their communities:

Biloxi-Ocean Springs

No information provided.

Clarksdale

No information provided.

Cleveland

No information provided.

Four County

No information provided.

Golden Triangle

The association proudly announces the selection of Melanie Mitchell, Broker/Co-Owner of Prudential Starkville Properties, as GTAR 2006 REALTOR® of the Year. Mitchell currently serves as President-Elect and Program Chair and will be the 2007 Board President. She has worked on many state and local committees and currently serves as a Director-at-Large for MAR. In June, we held our annual social and raised over \$2,600 for MARPAC through a silent auction. This puts GTAR over both the monetary and participation goals.

Greenville

The Greenville Board is proud to announce that member John Dean has been named the new chair for the Mississippi Real Estate Commission. He is the Commissioner for District 2. Also, we were pleased to have David Ingram teach Contract Law and License Law during our June meeting. Attendees earned four hours of CE. Special thanks to AmSouth Bank for donating meeting space for this event.

Greenwood

No information provided.

Grenada

The Grenada Board of REALTORS® would like to thank Kristian Dambrino, Miss Mississippi 2005. Kristian represented our hometown and Mississippi with true grace and dignity during one of our state's most trying times. Even though her reign has ended, she will always be our "Miss Mississippi." Thank you, Kristian!

Gulf Coast

Coast REALTORS® Leadership Alumni and our Affiliates jointly held a fundraising barbeque to support the CRL leadership program. At press time our RPAC Committee has raised more than \$30,000. Our Community Development Committee is preparing for our Fourth Annual Charity Golf Tournament scheduled for October 13. We will be welcoming fellow REALTORS® from the Arkansas AOR when

they arrive in Bay St. Louis to work on a Habitat project. Even though our members are toiling endless hours putting their lives back together, they continue to give freely of their time to support their association. They are the best!

Hattiesburg

The Hattiesburg Area Association of REALTORS® has been working with the Mississippi Scholars Program. The goal of the program is to motivate students to complete high school courses that prepare them for college and careers. Members have made presentations to students encouraging and challenging students in the study of math, science, language arts and social studies. REALTOR® Teresa Montgomery of Mike Garvey, Inc. in Hattiesburg is chairing this year's community service committee.

Jackson

The Jackson Association held its first Broker's Round Table meetings during July and more are planned in the coming weeks. The Jackson MLS is beta testing a closed, appraisers-only database for our appraiser members. Fall elections will be conducted electronically with voting online the week prior to the October General membership meeting.

Laurel

The Laurel Board of REALTORS® would like to welcome new members, Janet Kent, with Woodland Realty; Joy Mauldin and Zach McRaney, with Holston Real Estate, and new affiliate - Cellular South with affiliate members Russell Delk and Tiffany Parrish.

Meridian

Thanks to everyone who helped with Operation Home Delivery. Donations are still being accepted. Don't miss our meeting on September 12th where we will elect new officers, announce REALTOR® and Affiliate of the Year winners as well as some other very special awards. Also don't forget to register for Contract Minefield & Multiple Offers and Quadrennial Code of Ethics classes to be held in Meridian on Sept. 19. Register today by clicking on the "Register for a Classroom Course" icon at www.realtorinstitute.org.

Natchez

Natchez is pleased to show that home sales doubled in June with 46 reported MLS sales. In June of 2005 we reported only 20 sales. We are also excited to report a tie for the REALTOR® of the Year. Van L Stewart of Coldwell Banker in Natchez and Sybil Wroten of River Park Realty in Vidalia will both be

honored this year. Both of these individuals have been tremendous assets to the real estate business.

North Central

No information provided.

Northeast

No information provided.

Northwest

Northwest Mississippi Association of REALTORS® continues to process new members in an active market. The following are recent residential stats from our MLS: Sales for the first six months of the year are up 6.9 percent over 2005; Average Listing Price is up 10 percent over June 2005 at \$173,462; Average Sale Price is up 10.4 percent over June 2005 at \$172,677; Average Days on Market is down 10 days from June 2005 at 97; and Residential Inventory is up 9.5 percent over June 2005 at 2,373 listings.

Pearl River

It has been almost a year since Hurricane Katrina, and Pearl River County has grown by leaps and bounds. There are currently over 60 new planned subdivisions registered with the county. We also have upgraded our MLS system by installing Navica Revolution and are looking forward to the extra benefits this system has for all of our members.

Southwest

No information provided.

Vicksburg/Warren County

The Vicksburg-Warren County Board of REALTORS® will host an Education Extravaganza this fall with "How to Measure with ANSI Standards" offered free to members on Sept. 12 and 18. "Computer Technology Tour," GRI credit, will be offered on Sept. 7 and required law courses on Sept. 20. Appraisers can attend USPAP on Oct. 19. For more information visit www.vicksburgrealtors.com or call 601-638-6667.

Mississippi Commercial Association of REALTORS®

MCAR recently partnered with the Mississippi chapters of IREM, CCIM and BOMA to present a seminar on LEED (Leadership in Energy and Environmental Design). The meeting brought together professionals from a wide variety of fields including property management, development, architecture, interior design, appraisal and building management. Participants discussed energy efficiency in existing buildings and in new construction. ■

Errors and omissions continued from page 11

the buyer sign a statement that they declined your recommendation. If the air conditioning system goes out shortly after the buyer moves in and your files contain a signed waiver, it is not your problem. Document as many facts as possible during each transaction for your own protection.

Prather, who will present an in-depth and comprehensive discussion at the License Law CE session at the MAR Convention & EXPO in December, said those who serve as dual agents in Mississippi are in "extreme danger." He

added, "The courts are hostile" to an agent serving in that capacity, and when litigation is brought, judges tend to rule against the agent.

When asked his advice to agents in avoiding litigation resulting from real estate transactions, Prather said, "Disclose. Disclose. Disclose."

To learn more about the value of E & O Insurance, don't miss Prather's CE course during the MAR Convention & EXPO in December. ■

Final 2007 Slate of Officers/Directors announced, Online voting opens Sept. 1

In accordance with the Bylaws, the Mississippi Association of REALTORS® will conduct online voting for its slate of 2007 Officers/Directors. Online voting will be handled by Internet Crusade, a leader in association online voting systems. REALTORS® will access online voting via www.msrealtors.org. Voting access begins at 12:00 a.m. on September 1 and closes at midnight on September 15. (Important note: The ballots will be completely confidential as information will be gathered by a secure third party, not directly by MAR. MAR will receive the information necessary to allow the strict verification and tally of the results, but in no instance will MAR be able to determine how a particular member voted.) Results and the final 2007 slate of MAR Officers/Directors will be announced on September 18.

Final Slate of 2007 MAR Officers and Directors

President:	Chris Wilson, ABR, Laurel
President-Elect:	Gwen James, Hattiesburg
Southern District :	Watkins "Noggin" Wild, CRB, CRS, McComb
First Vice President/Central District:	Lynette Magee-Praytor, Ridgeland Janice Shows, Jackson
Northern District Vice President:	Tony Jones, Olive Branch
Secretary Treasurer:	Russell Wilcox, Ridgeland
Immediate Past President:	Pam Beard, CRB, CRS, GRI, Vicksburg

Directors-At-Large – Terms expire 2009

District 1 Director-at-Large:	Pat Pearce, Tupelo
District 2 Director-at-Large:	David Griffith, Cleveland
District 3 Directors-at-Large:	Cathy Feltenstein, GRI, Meridian
District 4 Director-at-Large:	Pat Jefcoat, CRS, Hattiesburg

VOTING INSTRUCTIONS

1. To vote, go to msrealtors.org.
2. Click on the "VOTE" icon on the MAR home page.
3. Use the login and pin that was provided to each REALTOR® member via mail (For security purposes, MAR staff will be unable to provide this information to you via telephone or e-mail. If you lose your login or pin, MAR staff can mail the information to you only at the current address on file in the NRDS database. No exceptions.)
4. Vote by clicking the appropriate box next to the candidate. You may unmark a box by clicking on it again. You may abstain from voting for any candidate.
5. Review your ballot carefully. You may review your ballot and change your vote at any time prior to clicking the SUBMIT button. Once you click the SUBMIT button, your vote is counted and cannot be changed by you or an MAR staff member.

Operation Home Delivery - LMAR class needs your help

The *LeadershipMAR* Class of 2006 has undertaken a significant class project to assist the National Association of REALTORS® in Operation Home Delivery, a challenge issued to each of the 50 states to raise \$70,000 to build a Habitat for Humanity home in a box to be delivered to the Gulf Coast region to benefit victims of Hurricane Katrina.

Class members are selling \$100 tickets to win a grand prize of \$2,000. The grand prize will be awarded at the MAR Convention & EXPO to be held in Vicksburg this December; however, NAR would like to have the bulk of the funds raised by September.

Sales got off to a good start during the June MAR Board Meeting. With continued sales, the class has raised more than \$6,000 thus far. REALTOR® Linda Maloney of Winstead Realty, Meridian, donated the entire amount of a commission to the cause.

If just 700 REALTORS® contribute \$100 to this worthy effort, our state will reach its fundraising goal and be a part of a larger NAR initiative to place 50 homes along the Gulf Coast over the next two years. Send a check made payable to the "REALTORS® Relief Foundation" to: Mississippi Association of REALTORS®, P.O. Box 321000, Jackson, MS 39232. A *LeadershipMAR* class member will then send you a ticket stub for your entry into the grand prize drawing.



LeadershipMAR '06 classmates participate in a Habitat for Humanity build in Bay St. Louis. Pictured front row, left to right: Habitat Construction Manager; Lisa Burnett, Southaven; Dawn Stolz (homeowner), second row: Andy Estes, Tupelo; Trish Fleming, McComb; Dina Naron, Lucedale; Sherry Pullens, Picayune; Andrea Cummins, Oxford; Corie Stewart, Southaven; and Lisa Moorer, Ocean Springs back row: Darin King, Oceans Springs; Bethany Harless, Jackson; and Lisa Bradley, Tupelo.

Funding available for hurricane-damaged residential rental properties

The Mississippi REALTOR® Hurricane Relief Fund has designated a small portion of funding it provided to the Lutheran Episcopal Disaster Response Group to be used for rebuilding residential rental properties along the Mississippi Gulf Coast. Application procedures and requirements for this funding were distributed to coastal REALTORS® in August. The remaining relief funds are being used to purchase building supplies to assist in the rebuilding of single family homes.

RED CARPET RENDEZVOUS

SELLING STRATEGIES FOR SUPERSTARS

Mississippi REALTOR® Convention & EXPO

December 5-7, 2006 • Vicksburg

Get ALL of your required AND elective CE, EXPO admission, two lunches, breakfast and a dinner reception all for just \$129!

Register NOW at msrealtors.org.

Star in your own success story

Let the Mississippi Association of REALTORS® treat you like the star that you are. Join us for three days of VIP learning designed to put you ahead of the competition and on the REALTOR® fast track to fame and fortune.

There's no business like the real estate business. That's why you won't want to miss our Winter Convention & EXPO where you'll learn more to earn more with career-enhancing products, services and education courses focused on trends and best practices. Join us on location in scenic Vicksburg where you can step up your selling and step out in style. Your red carpet awaits...

CE Spotlight

Learn more, earn more

Successful REALTORS® know that CE is more than just a licensing requirement. It's good for business. That's why the Mississippi Association of REALTORS® has compiled an all-star cast of nationally recognized real estate instructors to provide timely training on risk-reducing issues that matter.



Jerry Rutledge
DREI, CREI



Marcie Roggow
ABR/M, CCIM, CRB, CRS,
DREI, GRI, SRES



Mitch Wolverton



Terry Watson
ABR, ABRM, CFS, CIPS, CRB,
CRS, DREI, e-PRO, GRI, LTG,
SRES

Where real estate takes place

Schedule of Events*

Tuesday, December 5, 2006

7:00 a.m. – 1:00 p.m.	REALTOR® Golf Tournament - Vicksburg Country Club (Additional fee)
7:00 a.m.	Golfers depart from Vicksburg Convention Center
7:30 a.m. – 8:00 a.m.	Sign in/Continental Breakfast
8:00 a.m.	Tee time
Noon – 1:00 p.m.	Lunch/Prizes
8:00 a.m. - 5:30 p.m.	Cyber Café Open
9:00 a.m. - 5:30 p.m.	Convention Registration Open
9:00 a.m. - 5:30 p.m.	Coffee Service
1:00 p.m. - 5:00 p.m.	Local Board Management Conference (By invitation only)
1:00 p.m. - 2:40 p.m.	Commercial CE - "Conflicts of Interest in a Commercial Transaction" (Marcie Roggow) (Two hours required Agency CE)
2:00 p.m. - 5:00 p.m.	Exhibitor Move-in
3:00 p.m. - 4:40 p.m.	CE - "Personal Skills for Professional Excellence" (Marcie Roggow) (Two hours elective CE)
3:00 p.m. - 4:40 p.m.	CE - Avoiding Fraud in the Real Estate Transaction (Jerry Rutledge) (Approved for Appraisal & Real Estate CE)
5:30 p.m. - 7:30 p.m.	Leadership Reception (By invitation only)
7:30 p.m.	Commercial Real Estate Dinner (Additional fee) (By invitation only)
7:30 p.m.	Free Evening

akes center stage... ...On location in scenic Vicksburg

Wednesday, December 6, 2006

8:00 a.m. - 6:00 p.m.	Registration Open
8:00 a.m. - 6:00 p.m.	Coffee Service
8:00 a.m. - 6:00 p.m.	Cyber Café Open
8:00 a.m. - 10:30 a.m.	Board of Directors Meeting
9:00 a.m. - 10:40 a.m.	CE - "How To Get More Listings and Buyers" (Blanche Evans) (Two hours elective CE)
9:00 a.m. - 10:40 a.m.	CE - "Digital Photography: It's All in the Special Effects" (Mitch Wolverton) (Two hours elective CE)
11:00 a.m. - Noon	General Assembly Part I: Annual Membership Meeting & Awards Presentation
Noon - 1:30 p.m.	"Lunch-On-The-Go" in the EXPO
Noon - 5:00 p.m.	EXPO Open
1:30 p.m. - 3:10 p.m.	CE - "To Tell or Not to Tell: When Multiple Offers are on the Table" (Adorna Carroll) (Two hours required Agency CE)
3:30 p.m. - 6:00 p.m.	General Assembly Part II: Awards Presentation & CE "You Can Win The Commission Game" (Blanche Evans) (Two hours elective CE)
6:00 p.m. - 6:45 p.m.	CRS Happy Hour (By invitation only)
6:45 p.m.	Buses depart for Champagne & Diamonds Dinner Reception
7:00 p.m. - 10:00 p.m.	Champagne & Diamonds Dinner Reception/Officer Installation Ceremony (Cocktail attire recommended)

Thursday, December 7, 2006

8:00 a.m. - 3:00 p.m.	Registration Open
8:00 a.m. - 5:30 p.m.	Coffee Service
8:00 a.m. - 5:30 p.m.	Cyber Café Open
8:00 a.m. - 9:00 a.m.	Continental Breakfast in the EXPO
8:00 a.m. - 2:00 p.m.	EXPO Open
8:00 a.m. - 9:00 a.m.	MARPAC Trustees Meeting
9:00 a.m. - 10:40 a.m.	CE - "You Don't Get What You Deserve in Real Estate, You Get What You Negotiate!" (Terry Watson) (Two hours elective CE)
11:00 a.m. - 12:40 p.m.	CE - "Are You Covered?" (Stewart Prather, Rice Insurance Company) (Two hours required License Law CE)
12:30 p.m. - 2:00 p.m.	Lunch in the EXPO
2:00 p.m. - 3:40 p.m.	CE - "Effective Strategies for Practicing Dual Agency" (Terry Watson) (Two hours required Agency CE)
4:00 p.m. - 5:40 p.m.	CE - "Contracts: Damage Control" (Terry Watson) (Two hours required Contract Law CE)

**Dates and times are subject to minor changes. A final schedule will be sent to all registrants in advance of the event.*

Registration Rates:

	Regular Through Dec. 1	Onsite After Dec. 1
REALTORS®/REALTOR® ASSOCIATE	\$129	\$149
NON-REALTOR® LICENSEE	\$149	\$169
ROOKIE REALTOR®	\$99	\$119
NON-LICENSED SPOUSE/GUEST	\$99	\$99
COMMERCIAL REAL ESTATE DINNER	\$35	\$35
CRS HAPPY HOUR	\$15	\$15

(All REALTORS® who earned their license between January 1, 2005 and December 4, 2006 qualify for a Rookie REALTOR® registration discount.)



Stewart Prather
Rice Insurance Company



Adorna Carroll
ABR, ABRM, CRS, E-Pro, GRI, SRS



Blanche Evans
Editor of Realty Times

Win a diamond!
Win \$2,000!

Register NOW at msrealtors.org



Computer security a must

Risk management doesn't end with physical precautions. It extends into the digital realm. Protecting your network and data should be at the top of your list of things to do.

1. Protection your PC.

- Use **STRONG** passwords. Passwords should be at least eight characters and should use a combination of upper and lowercase letters, numbers and symbols, and should be changed regularly. You should never use the same password more than once.

- Anti-Virus software. AV software is a **MUST**. Not only will it protect your pc, it will help protect the rest of the network and the internet as well by making sure you are not unknowingly sending virii to your contact list.

- Be extremely wary of downloading free software. If there is any doubt whatsoever, **DON'T** download.

- Do **NOT** click links in popup windows! Unscrupulous sites can utilize vulnerabilities in your browser to install software without your permission or knowledge just by you simply clicking a link. This nefarious act is most commonly used in popup windows.

2. NEVER click links in SPAM e-mail.

- Clicking links (like the unsubscribe link) in e-mail is how spammers harvest e-mail addresses and verify that the addresses are accurate so they can build mass mailing lists.

- No legitimate business or financial institution will **EVER** ask you to e-mail them personal information such as Social Security number or account numbers. If you are ever in doubt, look up the phone number in the phone book, and call the company. Don't trust phone numbers or web addresses (URLs) in SPAM e-mail.

3. NEVER send personal or private information via e-mail.

- E-mail is **NOT SECURE**. All e-mail is sent in plain text and can easily be intercepted by anyone who wants to read it. Never e-mail passwords, account numbers, credit card numbers or any other vital data.

4. Look for the lock.

- When shopping online, **NEVER** give out your credit card number or any other private data unless you see a lock icon at the bottom of your browser window. Another way to tell is to look at the address line and see if the address starts with https. The 's' at the end means it's a secure socket.

The days of mediocre computing diligence are long gone. We can no longer afford to take the risks that were once acceptable. Security is paramount and ensuring the integrity of the data you possess must be included in your daily regimen. With the abundance of security risks online today, it is crucial that proper steps are taken to ensure that your data and the data of your clients and customers is being handled and secured properly. Can you afford to risk your livelihood? Can you afford to risk your identity? Can you afford to risk your clients' sensitive data? The truth is, in this day and age, no one can. Be diligent and save your business time and money by implementing the necessary training and safeguards needed to keep your valuable data just that... Valuable. ■

Mike Delamater is MAR's Systems Administrator. E-mail him at mdelamater@msrealtors.org.

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MAR launches new REALTOR® resources

From weathering the storm to educating clients, customers and yourself, MAR's new lineup of online resources has you covered.

2006 Online Hurricane Preparedness Guide

Are you prepared for the 2006 hurricane season? MAR's new website hurricaneguide.msrealtors.org can help you ready your business and your family for what may come during and after another storm by putting critical information at your fingertips now. PLUS, this is a helpful resource that you can provide to your clients simply by adding a link from your website.

The online preparedness guide contains a compilation of tools and information from numerous weather-related organizations and government agencies.

Features include:

- Developing a family disaster plan
- A disaster supply checklist
- Protecting your home and business
- What to do before, during and after the storm
- And much more

The Hurricane Forum/Message Board section of the site provides an interactive forum where members can post questions. MAR encourages those who have endured prior storms to share their insights here. Should a storm occur, the message board would function as a centralized location where REALTORS® could report how they weathered the storm, check on the status of fellow members of the REALTOR® family and post needs.

Ensure that you and your business are prepared for the 2006 hurricane season by visiting hurricaneguide.msrealtors.org today.

Enhance client services with Real Estate 4-1-1 Online

By now you have likely seen *Real Estate 4-1-1: The Mississippi Consumer's Guide to Homeownership*, one of the latest member benefits brought to you by the Mississippi Association of REALTORS®.

In late June, MAR mailed all REALTORS® a copy of the 60-page guide that promotes the value of using a REALTOR® and offers tips and tools for home buying and selling.

As a companion to the printed version, an electronic version of the publication made its debut at 411.msrealtors.org. Like the print version, the electronic version is an education resource that arms consumers with crucial knowledge they need when buying or selling a home.

The guide is also an effective marketing tool because it stresses the value and benefits of using a REALTOR® for all real estate transactions. Begin enhancing the services you provide to clients and customers by offering a link to 411.msrealtors.org on your company's website today.

To obtain additional print copies or learn about advertising in the next edition, contact MAR staff member Krissa Brown at kbrown@msrealtors.org or 601-932-5241.

REALTOR® Institute site sets new course

The Mississippi REALTOR® Institute's new website makes choosing and registering for your next professional education class easier than ever. Visit the new, user-friendly site at realtorinstitute.org and discover why continuing education is more than just a licensing requirement. It's also good for business.

In addition to registering for classes, use the site to find answers to frequently asked education questions, learn about CE requirements and discover the Institute's wealth of professional designation programs.

Education from the Mississippi REALTOR® Institute does more than just fulfill basic licensing requirements. Studies show that REALTORS® who invest in advanced training earn approximately 35 percent more than those who do not. Keeping abreast of the latest industry trends and best practices helps reduce your risks and enables you to respond quickly to changing business models. All of which boost your bottom line.

Browse realtorinstitute.org.

Changes ahead for MAR website

Construction is underway on MAR's website: www.msrealtors.org. Guided by feedback from members, MAR staff members are busy organizing, updating and adding information crucial to your success as a REALTOR®.

The new site will include a new design that will improve functionality and navigation thereby making the site more user-friendly. Watch www.msrealtors.org in the weeks ahead to see the transformation.

MISSISSIPPI ASSOCIATION OF REALTORS
Online Hurricane Preparedness Guide makes its debut
New REALTOR® resource
Important information for REALTORS® – and your customers and clients!



Tips and tools for protecting your family, home and business during the 2006 hurricane season.

hurricaneguide.msrealtors.org

Promote greater housing opportunity and the value of using a REALTOR® in a real estate transaction.

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- Great marketing tool for REALTORS®
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Click on "Course Calendar" to learn about upcoming courses

Learn more to earn more with professional designation courses!



MISSISSIPPI ASSOCIATION OF REALTORS®

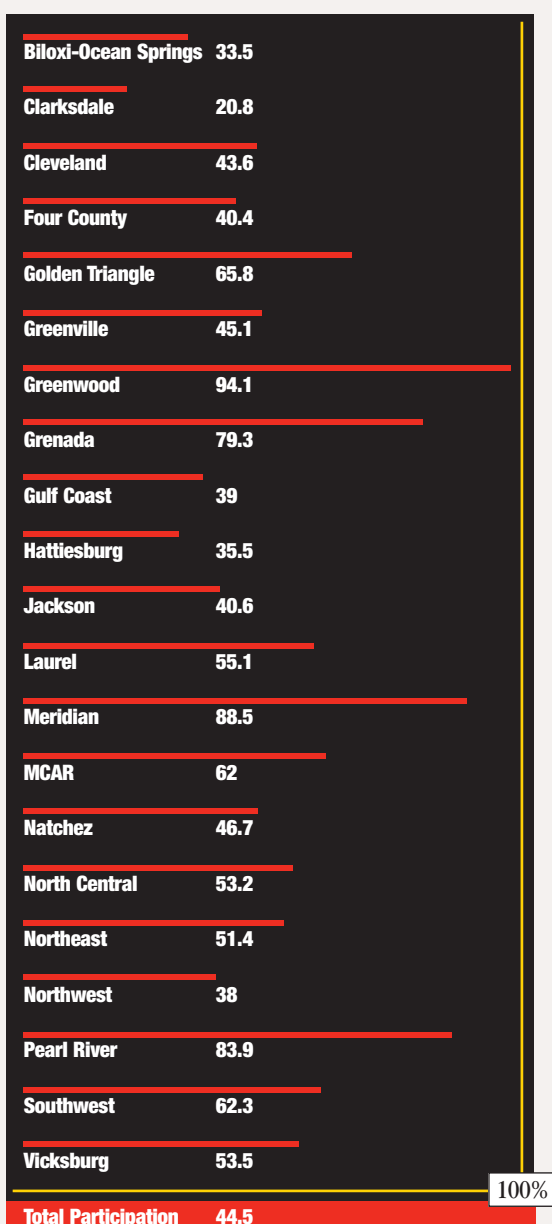
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Local Board MARPAC participation levels

As of July 31, 2006

MARPAC has reached 96 percent of its 2006 fundraising goal with \$168,427 of \$175,000 and 44.5 percent of its 50 percent fair share participation goal.



2006 Extraordinary MARPAC Contributors

*As of July 31, 2006

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\$5000**



Pam Beard
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Jesse Davis
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Judy Glenn
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Janice Shows
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Melanie Mitchell
Starkville



Rodger Motz
Southaven



Donald Nace
Hattiesburg



Dina Naron
Lucedale



Keiko Palmero
Gulfport



Lynette Magee-Praytor
Ridgeland



Vicky Reel
Olive Branch



C.R. (Bob) Ridgway
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Gregory Ryan
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Ellen Short
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MAR Affinity Partners

A.B. Dick Southeastern

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601-664-6777

(Dustin Carmean)

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These products will be offered to MAR at a special rate of 8% above dealer cost.

Venture Technologies

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Venture Technologies joins MAR as its newest affinity partner, offering networking; telephony; managed services; web design, development and hosting. Virus-free and SPAM-FREE e-mail and application hosting is available through Venture's secure data center. Focus on real estate – not on your network. Take advantage of exclusive REALTOR® savings.

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Fred Salvo Associates

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Fred Salvo Associates offers free insurance consulting to all Mississippi REALTORS® to identify their specific needs and offer quality solutions.

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- Support Mississippi's economy by doing business with a MS company

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