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This month's Distinctive Property, 327 DeVargas Street.

Read more on page 3.



What's Inside? April Showers

By Rey Post, Managing Editor and Associate Broker, Sotheby's International Realty

The beginning of this month offers a small distraction of much needed humor. Practical jokes are a common practice on April Fool's Day.

In 1996, one of the most famous April Fool's Day pranks actually had a bit of a "real estate" spin. Fast food giant, Taco Bell, took out a full-page advertisement in *The New York Times* announcing that it had purchased the Liberty Bell to help "reduce the country's debt" and renamed it the "Taco Liberty Bell". When asked about the sale, White House press secretary Mike McCurry replied tongue-in-cheek that the Lincoln Memorial had also been sold and would henceforth be known as the Lincoln Mercury Memorial.

Certainly not a laughing matter, April also brings us face to face with the efficiencies of the IRS, though I prefer to associate April 15th with a cheerier institution and yet another real estate-related event: McDonald's restaurant dates its founding to the opening of a franchised restaurant in 1955 by Ray Kroc, in Des Plaines, Illinois.

Stealing a word from the lyrics of the famous 1921 song, "April Showers", I would like to "shower" you with a few real estate facts that are intended to bring springtime hope:

- A division of Prudential Financial, Inc., reports in a recent survey that 68 percent of America's potential homebuyers and sellers believe that the real estate market and property values will recover in the next year, or two. The survey also reveals that 86 percent of Americans believe that real estate is a good investment despite the market volatility of the past years.
- In another sign of increased interest in "all things real estate," Experian Hitwise reports in a recent national webinar that traffic to real estate websites increased 27 percent in February—the highest level since the first

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Tune in Every Sunday "All Things Real Estate"

RADIO SHOW

Join host Rey Post and his guests each Sunday at noon on Santa Fe's Talk 1260 KTRC-AM

Sotheby's International Realty's weekly radio show features a variety of compelling stories, guest interviews and listener questions regarding all aspects of the current real estate market.



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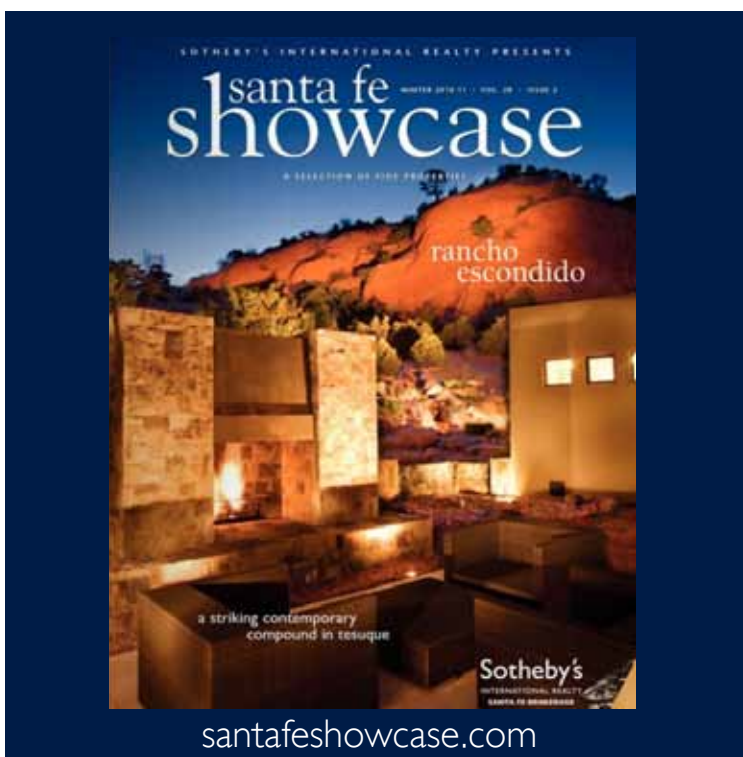
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Distinctive Property

327 DEVARGAS STREET



With massive adobe walls, this amazing historic property appears on the earliest known map of the City of Santa Fe known as the Urrutia Map of 1766-68. A rare example of authentic Santa Fe architecture, the property has a classic rambling floor plan including thick adobe walls, exposed pine and brick floors, vigas, latillas, and cedar plank ceilings, a lovely courtyard with charming portal, and numerous fireplaces.

\$2,200,000 MLS 201101139

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Senate Bill 183 Condo Board Requirements

Property Management Report

By Tom Simon, WestGate Properties LLC.

The 50th session of the New Mexico Legislature produced mixed results for those looking to reform home owner association (HOA) and condo laws in New Mexico.

HB 9, known as the *Homeowner Association Act*, sponsored by Rep. Mimi Steward, D-ABQ., died in the last minutes of the session due to a Republican filibuster, frustrating Ms. Stewart's 6-year effort to reform the way HOAs do business. Strenuously opposed by a number of HOA boards and developers and strenuously supported by members of HOAs, the act received 65 Yeas and 2 Nays in its House vote, but the session closed before the Senate could act.

SB 183, which amends the existing *NM Condominium Act*, passed the Senate 36-0 and the House 54-10 and now awaits the governor's signature. Will she sign it? It received a NFI (No Fiscal Impact) designation from the Legislative Finance Committee, so my guess is that she will.

SB 183 also increases the risk for the condo association declarant by increasing the level of care exercised by a declarant appointed board and reducing the time for declarant control. It requires "conspicuous" notice to owners of board meetings and must allow them to be present.

The legislation also stipulates that: "Within ten days after receipt of a disclosure statement a purchaser, before conveyance, may cancel any contract for purchase of a unit from a declarant. If a declarant fails to provide a disclosure statement to a purchase before conveying a unit, that purchaser may rescind the purchase within six months from the date of conveyance."

SB 183 is a must read for all real estate practitioners who intend to provide transaction assistance to a buyer or seller. It can be found online at www.nmlegis.org or contact me and I'll email it to you (tom@westgatepm.com).

Identity Theft

Insurance Matters

By Charlie Wheeler, Senior VP with HUB International

It is important to remember that your personal identity is considered a core asset. While not new, identity theft is evolving. Five of the most common types of identity theft are:

1. Department of Motor Vehicles—Using one's identity to obtain a driver's license. Victims discover they have unpaid traffic tickets and DUIs under their name.
2. Social Security—Using one's Social Security number for employment purposes. Thieves also file taxes under a victim's name in order to obtain a refund.
3. Criminal Identity—Using one's information to escape fines or jail. Victims discover they have acquired a criminal record for bad checks, shoplifting, pornography, prostitution and other crimes.
4. Financial Identity—Using one's information to obtain vehicles, real estate and other goods or services.
5. Medical Identity—Using one's name, Social Security number, or insurance coverage to obtain prescriptions or medical services which reduces the victim's available benefits, damages credit and makes it difficult to obtain an accurate copy of medical records as they may be intermingled with those of the thief.

Insurers and brokers can take an active role in protecting the cyber security of their clients. HUB International recommends finding a policy that protects a person's full financial assets. While the typical loss to a consumer who is victimized by identity theft is less than \$1,000, financial institutions may not reimburse their customers for fraudulent cash transactions. This makes affluent individuals with significant cash resources particularly vulnerable to financial loss when their identity is stolen.

Identity theft insurance and restoration services can be easily added to a homeowners' insurance policy for an additional premium.

The Language of Trust

Trust and Financial Planning

By K.M. Roberts, Chairman and CEO of Santa Fe Trust, Inc.

Every business develops special language or acronyms. ABA to a banker is the American Bankers Association. To lawyers, ABA is the American Bar Association. The trust industry, like all others, has a language and set of acronyms specific to trust.



HEMS Not the bottom of my skirt. HEMS in the trust industry refers to “Health, Education, Maintenance and Support”. Many trust makers will use this language to identify how discretionary funds will be granted. A good corporate trustee learns as much as they can about the trust maker's wishes, especially if they obtain the trust's governing documents and account before the trust maker's demise. The size of the account, main goals and investment strategy will also play a part in how and when funds will be distributed. The trust maker should be specific especially when the trust may provide for the purchase of real estate, a mortgage or down payment on a home or building lot.

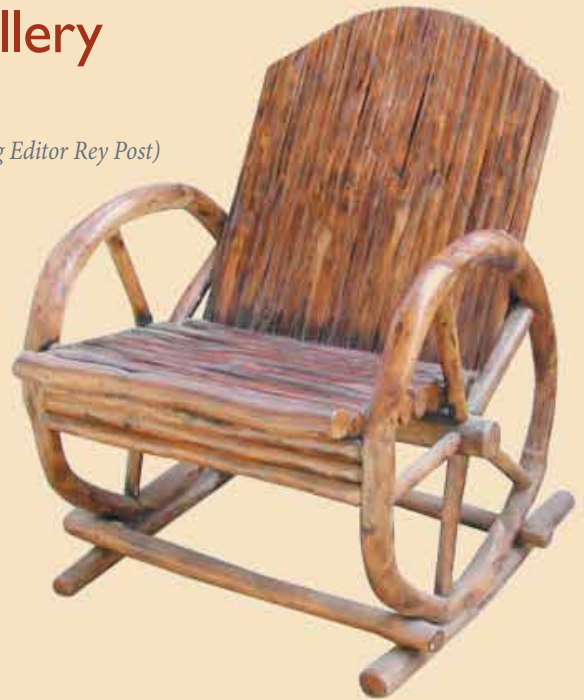
QPRT Not an IQ show. QPRT stands for “Qualified Personal Residence Trust”, an irrevocable trust to own your primary or secondary residence, removing its value from your taxable estate. There are many complexities to a QPRT. To name just a few: estimated time you will retain use of the residence, gift tax exemptions, your potential rental of the property if your needs are past the transfer date, as well as the typical funding of the trust and appraisal of the property.

As always, information in this article is not intended as advice, but as thought provoking ideas as you make your estate plans. Every situation is different. Now is the time to start your estate plan including a corporate trustee like Santa Fe Trust.

The Elements of A Consignment Gallery

Consignment Gallery Q & A

By Stephen Etre, Co-Owner, Stephen's, A Consignment Gallery (An Interview with Managing Editor Rey Post)



Q Isn't one of the reasons that people from around the world are attracted to Santa Fe is because of our abundance of gallery resources?

A Yes. Santa Fe's galleries are diverse in size, style of art and accessories, as well as price range offering locals and visitors options to match every imaginable taste.

Q What makes a consignment gallery unique?

A A consignment gallery offers consumers a marvelous opportunity to view wide-ranging collections of art, furniture, antiques, fine furnishings, silver, jewelry and home accessories. Unlike other galleries, our establishment offers thousands of unique objects: new and old, formal and funky. In addition, we receive new inventory on a daily basis.

Q What's the role your gallery plays in the business of real estate?

A In nearly 30 years of business, we have worked with home owners, sellers, buyers and real estate brokers in a variety of ways. For instance, we have helped new home owners furnish their homes with art, furniture and accessories. At the other end of a transaction, we have aided home sellers and real estate brokers with disposing of the contents of a home via our estate sale services. We also have worked with sellers and brokers in the actual staging of homes as they are prepared for sale. Additionally, we work closely with interior designers who often bring their clients to the gallery and spend hours strolling our 12,000 square feet of inventory in search of the perfect item for their home.

Land Development Primer

Around The County

By Mark Lopez, Owner, Mark A. Lopez Associates, LLC

When building a new home, one begins the process by selecting a preferred location, perhaps with the existence of an available view. Then, of course, price is a factor. The current Santa Fe real estate market offers a number of land purchase opportunities that are, without question, of great value.

If you have found a particular parcel of land, I always recommend that prospective buyers check with their city or county zoning regulations for any building restrictions and/or requirements that relate to it. Additionally, a buyer should ask a few important and very fundamental questions when considering a specific location to build upon:

- Are utilities available at the land site?
- Will building a home require excavation of rock or fill dirt and what is the cost to do so?
- Conversely, is the import of fill dirt required and what will be the associated cost?

Also critical to have is a city or county approved and recorded boundary survey of the property, as well as the creation of a good slope analysis map. City and county codes do not allow for property slopes of 30% or more without obtaining a variance from the appropriate government entity.

Lastly, consider all of the following when it comes to the construction of a new home:

1. Work with a good architect and design build contractor to not only site, but also create the plan for your new home.
2. Make sure you have proper engineering on the site for calculated grading, terrain management and erosion control.
3. Consider handling water drainage via a ponding and/or water catchment system.

February Home Sales

Real Estate by the Numbers

By Abigail Davidson, Associate Broker, CRS, ABR, SRES, CLHMS
Sotheby's International Realty

The following information has been compiled to provide you with updated information on sales in Santa Fe and its surrounding areas from February 1, 2011 to February 28, 2011. These statistics are for all residential home sales including single family homes, condos and townhomes.

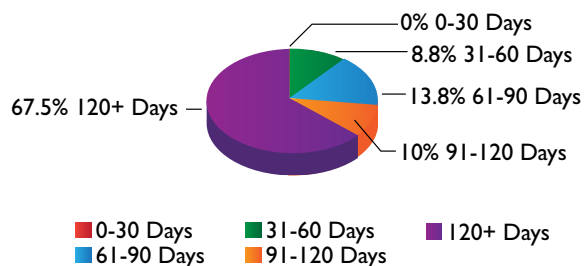
There were a total of 80 home sales during this time period ranging in price from \$85,000 to \$2,400,000. The number of sales this month declined from 110 homes sold in January 2011. The total sales volume for February was \$35,985,890.

The average sales price was \$449,824, down slightly from the January average sales price of \$451,290.

Homes on the market for more than 120 days sold for an average of 92.44% of the list price, and accounted for 68% (the bulk) of all sales. No homes in February sold in 30 days or less.

The average number of days on the market was 210, which is slightly higher from 208 average days on the market for January. As one can see, we still treaded water as new inventory ran neck and neck with price reductions; this kept inventory on the market high and pricing pressured a bit. Naturally, this varied depending on the price point.

Days on the Market



Here is how the number of sales per price band reported in February: 45 homes sold for under \$350,000; 16 sold from \$350,000 to \$500,000; 12 homes sold from \$500,000 to \$1,000,000; and 7 homes sold from \$1,000,000 to \$2,500,000. This translated to 30 fewer home sales across the board in comparison to January 2011. Note, January can be a busy month for Realtors due to fall over sales that do not close in December, or due to buyers and/or sellers who choose to close their transactions in the new year for tax purposes.



Think Pink

Interior Design Today

By Annie O'Carroll, Principal, Annie O'Carroll Interior Design

Honeysuckle. This dynamic shade of pink encourages a sense of

Pink is the happy, carefree color of cotton candy, pastry boxes and party dresses. Being “in the pink” refers to a sense of inner peace, love, and well-being. Pink gem stones such as rose quartz and Inca Rose stone are believed to open the heart to love and friendship. Being “tickled pink” translates to being joyful. Now is the perfect time to bring the power of pink into your home décor.

Honeysuckle pink is the official color of 2011 as declared by Pantone: the color experts. Everything from small appliances, tableware, men’s ties and your accent wall is honeysuckle pink.

Honeysuckle is the uplifting flower that lures hummingbirds by its color. Our happy-go-lucky childhood summers were scented with its sweet aroma. It is a shade of pink that is making its way into our hearts and home design.

The fresh hue of honeysuckle is a vibrant, upbeat color with a hint of red to elevate anyone’s outlook on life. This dynamic shade of pink encourages a sense of fun and energy. A pink powder room or an accent wall is a delicious way to introduce this color of happiness. A pink bedspread and accent pillows bring a lighthearted look to the bedroom. Upholstered furniture in patterns using shades of honeysuckle, chocolate, soft greens and bronze are a rich combination and an easy approach to introducing the “pink of perfection” into your design style.

Think pink! It will warm your heart and home and put a smile on your face.



A wall in the Annie O'Carroll Gallery. Painting by Max Olivas/Box Gallery.

The Landscape Altered State of the Market

By Andrew Hoffman, Advisor to "All Things Real Estate"

Recently, investors have become more attracted to rental properties. Additionally, in the past two years, it is reported that as much as 25% of all previous home owners have impaired their credit through involvement with foreclosure or short sales, or just missed payments as a means of getting a loan modification; many have given up their homes and now need to rent.

It is also being reported that the passion for home ownership, that was a mainstay of our national psyche since WWII, has waned and many younger buyers have opted for renting, finding some of the benefits of home ownership eroded (e.g., increase in equity, tax deduction). With this increase in rental demand, rents appear to be rising across the national landscape, as well as in Santa Fe.

On top of the increased rental demand, the fact that there are plenty of properties either in foreclosure or available as short sale linked to very low rates, sets up a perfect storm for an investor.

Financing guidelines have also changed: an investor must now put down 75%, and can presently own no more than four financed properties (although this is set to change in the near future). Nevertheless, a rental property should be able to carry itself on the investor's financial statement. For example, a \$225,000 property should cost about \$1,150/month, but can rent for \$1,400/month. A wise investor will look at this positive cash flow, along with the benefits provided by depreciation, property appreciation, as well as the amortization of his loan by his tenant's payment.

**Tune in Sunday at noon for Andrew's
State of
the Market Report on "All Things Real
Estate"**

To License, or Not To License? Home Inspection Corner

By Paul Norris, WIN Home Inspection

New Mexico State Senator Tim Eichenberg introduced Senate Memorial 2 at the start of the 2011 legislative session. The memorial headline read: "A MEMORIAL REQUESTING A STUDY, REPORT AND RECOMMENDATIONS REGARDING STATE LICENSING OF HOME INSPECTORS". The memorial passed the Senate Rules Committee, the Senate Public Affairs Committee, and was passed by the full New Mexico State Senate by a 34 to 0 vote.

We at WIN Home Inspection are in favor of a study and meaningful licensure of our trade. As a matter of fact, our chief reason for opening a franchise home inspection business rather than going it alone was that we recognized the need for oversight of our business. There is, however, one thing that we do take exception to in Senate Memorial 2.

While any law that might result from this Memorial will directly affect the businesses of home inspectors, their representation has been excluded from the study group membership. The group will be made up of representatives from the New Mexico Regulation and Licensing Department, the New Mexico Real Estate Commission, and the REALTOR Association of New Mexico. It is our belief that home inspectors should be included in this study, perhaps with one member from each of the three largest national associations of home inspectors.

We would appreciate if you contact the working group to request inclusion of home inspectors in this study.



Double D Ranch. For more information: Rick Green 505.954.5537

From Mountain Blizzard To Friendship

Ranch Lifestyle

By Steve Ziegler, Co-Managing Partner, Canyon Ridge Ranch Conservation Development



It was February 2008 and the Ziegler family was spending its first winter at our alpine ranch, 8,600 feet high in the Colorado Rockies. We were hit hard by a blizzard the night we arrived and because we had planned to go to town the next day, we had brought minimal supplies; a mountain rookie mistake.

The next morning the wind was still howling and about half of our mile-long driveway was drifted over with three feet of snow. The plow service we hired was snowed in; so at seven o'clock in the morning, I began shoveling. My wife Heather called all the people around us to see if any of them could help (most of whom we had not yet met). For nine hours I shoveled the tightly packed snow, or should I say, I cut cubes out of the tightly packed snow.

At four o'clock I made it from our house to a grove of trees about 300 yards down the driveway. Because there was no drifting in the trees, I could drive our ATV to where the pasture was, about another 200 yards from the highway. My plan was to pack up and drive our SUV down to the pasture before the upper drive blew over with snow again. I could shovel until I couldn't, and then spent the night in the car and resume the next morning. When I got to the pasture, I called Heather on the two-way radio to let her know that there was no way we were getting out because of the drifting in the pasture. Music to my ears, Heather told me that she just got off the phone with a neighbor who could help: his name was Justin. I did not know Justin, but I was soon to meet one of my best friends.

I sat and waited in the protection of the trees with my parka pulled over my head. After about 50 minutes, I saw a green, John Deere tractor heading my way through the blowing snow. A 30-something man with his coat opened at the collar sporting a stocking cap, his beard frozen with ice, appeared (in contrast to me in my new, hooded mountain parka). My first thought was that either Justin was nuts, or I needed to toughen up.

I walked up to the man and shouted above the wind: "Hi, I'm Steve! Are you Justin?" He replied, "Yes, I am and I am really sorry, Steve." Confused, I thanked him and then asked, "...but why are you sorry?" I will never forget his reply. "I walked to my neighbors' house to get his tractor, and then about halfway here I ran out of fuel so I had to walk back to my house to get a can. Sorry it took me so long." Stunned, I could not believe that someone who had never heard of our family would go through all this trouble.

Justin then went to work carving a path through the snow for our car. When he was done I went up to him with an open wallet and said, "What do I owe you?" Justin said, "Nothing." I replied, "Absolutely not! How much for getting us out of here?" Justin yelled over the wind, "Look Steve, you are a neighbor. The first one is free."

I learned three lessons that day: mountain weather is unpredictable; be prepared; and some of the nicest people I've met are around our mountain ranch. Today, Justin Dunn is not only one of my best friends, but he is our ranch manager in Colorado, as well as the ranch manager at Canyon Ridge, in Chama, New Mexico.

A Post from Rey, continued from page 1.

half of 2009. Traffic coming from social networks to real estate sites increased 61 percent year-over-year in February, while traffic to real estate sites from Facebook alone increased 42 percent.

- Lawrence Yun, chief economist with the National Association of Realtors, observes that though existing home sales fell in February, they still remain 26.4 percent above the cyclical low of July 2010.
- In recent testimony before the U.S. Senate, National Association of Realtors President Ron Phipps reminded lawmakers that research shows that homes sales in the U.S. generate more than 2.5 million private sector jobs in an average year. “For every two homes sold, a job is created,” Phipps said.

And with a tip of the hat to first-time homebuyers, both Mollie Carmichael, principal at John Burns Real Estate Consulting and Steve Berkowitz, CEO of online real estate company Move, Inc., advise that young adults, 31 to 45, are likely to lead the home-buying recovery as it gets underway.

According to Carmichael’s survey of thousands of Generation X potential buyers in 27 metro areas, more than 85 percent say it is a good time to buy a home, while 70 percent say they are willing to pay thousands of dollars more for a “green” home. Berkowitz observes that “...while homeownership may not be for everyone, it is the right choice for hundreds of thousands of people. Today’s housing market, especially for first-time buyers, makes it almost impossible not to think about the possibilities.”

A coalition of trade organizations, including the American Bankers Association, American Financial Services Association, Community Mortgage Banking Project and the Housing Policy Council of the Financial Services Roundtable just released its top principles for restoring stability to the nation’s housing finance system. Their first stated principle, in my view, really says it all when it comes to the real estate market: “A stable housing sector is essential for a robust economic recovery and long-term prosperity. Housing, whether through homeownership or rental, promotes social and economic benefits that warrant it being a national policy priority.”

In spite of all our challenges, there are some solid and positive signals for a recovering real estate market. Maybe the optimism of the lyrics of the famous 1921 song says it best:

“And where you see clouds upon the hills
You soon will see crowds of daffodils
So keep on looking for a blue bird
And list’ning for his song
Whenever April showers come along”

For now—and until next month—I wish you good luck and fortune in
“ALL THINGS REAL ESTATE.”

Indemnity Contracts and Financial Strength

Title Insurance News

By Steve Riemann, Santa Fe Area Manager, Fidelity National Title Insurance, Co.

Title insurance is a contract of indemnity; which means that if an insured suffers—or is threatened with a loss—the title insurer is obliged to defend the insured, and pay any loss which might result.

This is an example of a financial indemnity: making the insurers’ financial strength critical to the indemnity. The title policy is only as good as the insurer that stands behind it. The insurer must be able to pay the loss or the policy is worthless.

How about escrow or closing claims and losses? Those are not always the indemnity obligation of the title insurer. The answer depends, in large part, on the contract the title insurer has with that agent. Most local agents have to stand behind their own escrow losses, with their own financial reserves, or an errors and omissions policy (not required). They need to have the financial wherewithal to cover their losses, mistakes and misdeeds.

Fidelity National Title’s Santa Fe office is directly owned by the insurer. Fidelity has over \$4 billion in ready reserves to defend our insured against claims and losses, both on the escrow side, as well as title claims. We believe that should matter to buyers, sellers and the brokers that help put the transactions together. Transactional parties and their broker should always ask about the financial strength of the companies they are using. An indemnity contract is only as good as the money that stands behind it.



Rancho De Jaconita. Call Dermot Monks for more information: 505.470.0639

Visiting Santa Fe?



Santa Fe Lifestyle

By Donna Jones White, Santa Fe Vacation Rentals, LLC

If you are visiting Santa Fe this spring or summer, then it's time to get on the Web and use the search keywords "Santa Fe vacation rentals" to find a place to stay. By using these keywords, you will find that there are many wonderful property management companies to choose from that have an inventory of incredible homes for your selection.

Santa Fe is one of the great destination cities of the world. It is known for its art, rich history, outstanding climate, wonderful restaurants and healthy environment. Our reputation as a world-class destination has created a strong tourist and art economy. For instance, Canyon Road and its art gallery district is not only a colorful, pleasant walk, but truly breathtaking when you see the beauty residing within the walls of the galleries, the buildings, the people, and everywhere in between.



Summer is our peak season starting around May 15th and usually ending the weekend of Indian Market (which begins on Friday, August 20th and continues through Sunday). Time flies and before you know it, your Santa Fe travel plans could be postponed because everything you want may already be booked. So plan ahead during the peak season and don't let this scenario happen to you.

I suggest that you get on the Web, find the home you want, pick up the phone and book it. Don't procrastinate or you'll miss out on a good time. Also, don't forget to let your friends know when you'll be here (because they may be here at the same time!). Make dinner reservations at one of our fabulous restaurants and meet up with them. What a memorable time that would be. Enjoy! Enjoy! Enjoy!

Andrew Hoffman

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