Sotheby's INTERNATIONAL REALTY

ALL THINGS REAL ESTATE

Volume 1, Issue 6

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This month's Distinctive Property, Circle Drive Compound



What's Inside? Putting Things in Perspective

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

When you look at the news headlines, so many things in our highly interconnected world operate at their own speed and seemingly out of anyone's control: the price of gasoline at the pump, or the cost of groceries; the evolving debt crisis in Europe; government instability in the Middle East; the challenges of our U.S. economic condition; let alone the constant onslaught of natural disasters around the world, and in our own backyard that are obviously out of any mortal's control. However, when it comes to the state of our national housing market, it's important to keep things in perspective, especially for those of us in the trenches every day as licensed real estate agents and brokers. With perspective comes an understanding and appreciation of opportunities that might otherwise be hidden by the daily dose of less-than-positive news.

For instance:

In data recently compiled by several polling organizations on behalf of the National Association of Home Builders (NAHB) 75% of voters say that owning a home is the best long-term investment they can make; 73% of voters who do not own a home say that it's a goal of theirs to eventually own a home; 95% of home owners say they are not only happy to own a home, but that doing so is important; and, 75% of those polled said that owning a home is worth the risk of fluctuation in the market.

"Despite the current housing downturn, Americans still see homeownership as a core value and a key building block of being in the middle class and creating strong jobs in their communities," states Celinda

Continued on page 8

Tune in Every Sunday "All Things Real Estate"

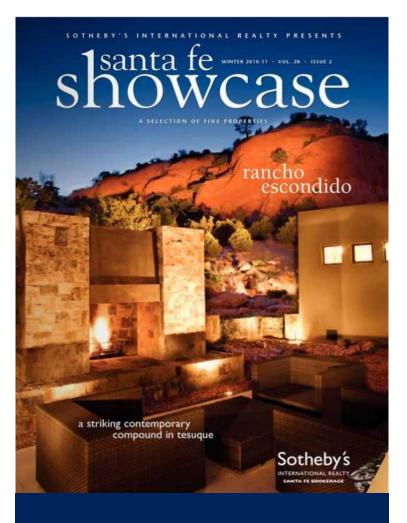
RADIO SHOW

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.



2011 Santa Fe Chamber of Commerce Business Excellence Award Nominee



View the Winter 2010-2011 Issue Online santafeshowcase.com

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14 Destierro Trail, listed by Darlene Streit and Paul Duran

The Beast That Lurks

State of the Market

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

The Federal Reserve is considering creating two classes of mortgages: either a qualified residential mortgage (QRM) or not.

QRM eligible loans must be amortizing, first lien mortgages. The borrower's credit history must not currently be 30 or more days past due on any debt obligation; not 60 or more days past due on any debt obligation within the preceding 24; and not engaged in a short sale within the preceding 36 months. QRM eligible loans LTV's may not exceed 75% on rate and term refinances and 70% for cash-out refinances. For purchase transactions, QRM requires at least a 20% down payment.

In this definition, non-QRM mortgages are the issue because the Fed will require that lenders of those loans retain at least 5% of the risk. This means that on a \$200,000 loan a lender must retain a \$10,000 reserve. While this is not a problem for one loan, imagine the impact of thousands of loans. There are very few lenders who are able to establish this much reserve.

We are at the end of a comment period prior to enactment, but if QRM is enacted it will become more difficult for "the rest of us" to get a loan and, if available, these loans will surely become more expensive.

All of this represents a noose that has continued to be tightened around the mortgage industry that may make our lives more complicated. QRM is one in a series of beastly regulations that attempts to reduce abuse by mortgage lenders, yet seems to make mortgages more expensive to the borrower.

Director as Fiduciary Property Management Report

By Tom Simon, Owner, Westgate Properties, LLC

Fiduciary Duty results from a director's responsibility for making decisions on behalf of others. This duty requires that the director act in the best interest of the association using ordinary care and good business judgment. If a director makes decisions with this level of care, he/she will generally not be personally liable, if sued. The New Mexico Non-Profit Corporation Act states that a director shall not be personally liable for any damages resulting from actions taken unless the director has breached or failed to perform the duties of his office and the breach or failure constitutes willful misconduct or recklessness (paraphrased from 53-7A-3.F). Unfortunately, this doesn't stop people from suing directors, thus the need for Directors and Officers Insurance.

The director also owes a duty of undivided loyalty and honesty, which is why a prudent one avoids conflicts of interest as much as possible. Avoiding a conflict of interest altogether is impossible because the director is also a member of the association and is affected by budgetary and other decisions it makes. However, if a director relies on the recommendations of its manager and other experts, it goes a long way to avoiding the risk of being accused of acting in its own interest.

If prudence and rational decision-making results in a threat of a lawsuit, you or your manager should contact your association attorney and directors, as well as officers insurance carrier so they can assist you in managing a prudent reply.

Galleries as Destinations in the Summer

Consignment Gallery Q & A

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

Q People who visit Santa Fe in the summer benefit from a variety of leisure-time activities. Our city's collection of galleries are among some of the biggest attractions, aren't they?

A In the 30 years I have been in business, no matter the condition of the economy, I have always marveled at how Santa Fe's galleries are consistently popular to not only out-of-town visitors, but the local population.

Q Is it the diversity of art in Santa Fe that makes this a reality?

A Yes, that is certainly a contributing factor. Not only every medium of art, but also, as is the case with our consignment gallery, the array of antiques, and one-of-a-kind artifacts and accessories that are available to satisfy just about every point of view and budget.

As a real estate broker, I am always impressed how many sellers in Santa Fe use art to help showcase their homes. It gives real estate purchasers an enhanced experience during home touring buying process.

A Yes, that is a "value-added" element that buyers may not experience as often in other locations around the country. I have the opportunity to view some pretty amazing art collections via all of the estate sales our gallery manages this time of the year and a considerable amount of the art featured for sale often comes from one, or more of our local galleries.

O So, I guess you could say that the large number of galleries our city offers provides home owners, sellers, buyers, and real estate brokers with a unique outlet for furnishing properties, correct?

A Without question. We have helped countless people make the best use of the art-related resources Santa Fe has to offer and I believe in our small way, have contributed to the real estate experience. Also, our estate sale services have aided not only real estate brokers, but also lawyers or trust companies handling the disposition of an estate, via the family members of a home owner.

What is the best way for anyone to take advantage of those art resources you reference, given we have so many galleries to choose from?

A Well, I can't tell you how many people who come to our 12,000-square-foot gallery for the first time simply focus on one small area, coming back over the course of a several days. They may alternate between our gallery and strolling Canyon Road galleries, or those located near the Railyard or downtown Plaza. In other words, take your time, soak in the variety of art and realize that fully appreciating the Santa Fe gallery experience may take you more than one visit to our terrific city!



418 Canyon Road, listed by Kelley Owen



6 Altazano Drive, listed by Susan Shields

Why Consider Landscaping for Your Home? Landscape Design

Thomas Williams, Designer/Owner Thomas Williams Design

Did you know that landscaping is a certain way to increase the value of your home?

The facts:

- According to the Gallup organization, a "great" landscape can increase the value of your property by 15%.
- A Clemson University study found that homes with "excellent" landscaping result in a sale price 10% to 12% higher than equivalent homes with "average" landscaping.
- Money magazine found that among home improvements, landscaping returns 100% to 200% of the investment, whereas kitchen remodels return 75% to 125% and bathroom remodels 20% to 120%.

Not only does landscaping add to the beauty of your home, but it can also save you money. By utilizing the principles of xeric design one can save up to 25% on yearly heating and cooling costs. During the winter, strategically placed trees and shrubs shield your home from cold winds, reducing heat loss. Additionally, in summer months, shade trees can reduce the need for cooling.



Xeric landscape design and planning can also help reduce water use by 60% while creating a lush landscape. Xeric is NOT gravel, boulders and a few plants. Use of gravel can create more water consumption than a full landscape of drought tolerant plants. For example, outside gravel can increase the internal temperature of the home by 10-15 degrees creating a greater need for air conditioning which uses more water than a properly designed xeric landscape.

To increase the value of your home, decrease costs and reduce water consumption—landscape!

April 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 April 1, 2011, to April 30, 2011. These statistics are for all residential home sales including single family homes, condos and townhomes.

There were a total of 111 home sales during this time period ranging in price from \$43,900 to \$2,200,000. The number of sales this month was up slightly from 107 homes sold in March of 2011. Total sales volume for April was \$50,944,005, down \$4.7 million from March, due mostly to the notable \$10.1 million sale of a Tesuque property.

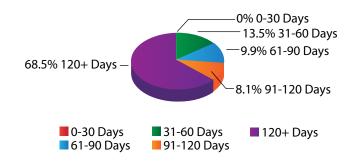
The average sales price for April was \$458,955, down from the average sales price of \$519,897 for the month of March, also due to the sale of the Tesuque property.

Homes on the market for more than 120 days sold for an average of 91.05% of the list price at the time of sale, and accounted for 68.5% of all sales. There were no homes that sold in 30 days or less.

The average number of days on the market was 242, which is slightly higher from average days on the market for March, which was 233. Here is how number of sales per price-band reported in this month:

- 53 homes sold for under \$350,000;
- 23 sold between \$350,000 to \$500,000;
- 28 homes sold between \$500,000 to \$1,000,000;
- 7 homes sold between \$1,000,000 and \$2,250,000.

Days on the Market



Stewards of the Land

Ranch Lifestyle

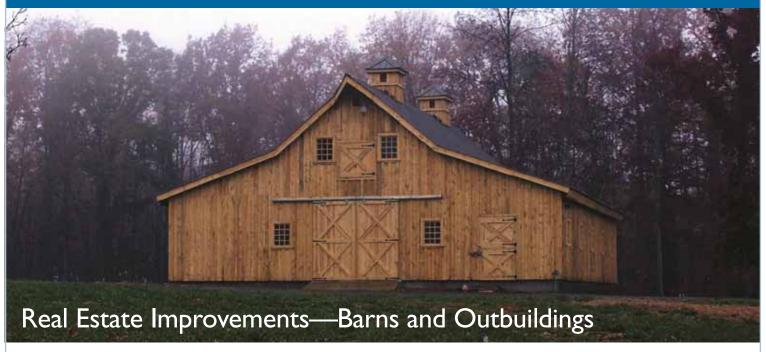
By Steve Ziegler, Co-Managing Partner, Canyon Ridge Ranch Conservation Development

It is a true passion for the spirit of the land that drove the Rare Earth New Mexico team to set aside more than 4,000 acres of Canyon Ridge Ranch in conservation...forever. From the community's inception, the founders have joined with environmental specialists and land planners to create a comprehensive plan that protects not only the unspoiled spaces of Canyon Ridge, but the migratory corridors of its native inhabitants.

This dedication to preservation has led the Rare Earth New Mexico team to receive national recognition for their conservation efforts at Canyon Ridge.

Stay tuned for Steve Ziegler's next Ranch Lifestyle installment...





Around the County

By Sonja Howle, Dealer, Sand Creek Post & Beam

USLegal.com defines "Improvements to real property" as generally developments of land or structures on property that do more than merely replace, repair or restore the original condition. Improvements are characterized as being permanent and adding to the value of the property.

As you consider adding a barn or outbuilding to your property, in addition to consulting your banker or accountant, here are other factors to consider:

- 1. Environment, Size and Style: Where is the site? What is the architecture of other structures on the property? What function will it provide?
- 2. The Increased Value of the Property with a Barn or Outbuilding: How will it impact the property in relation to comparable properties?

Many of my clients have other considerations: One CEO from Houston said he wanted his barn in Northern New Mexico to look like it had been there for 100 years, or the Harley owner who built a special "Hog Barn" for his motorcycles inclusive of workshop and Sunday-afternoon football viewing area (with a full loft for storage upstairs).

Sand Creek Post & Beam is America's leading barn manufacturer with the ability to design a barn based on classic, historical barn

styles such as the Gambrel, Ponderosa, Prairie Carriage House, Western or Eastern Horse Barns; or constructing one based on architectural plans. Because the structures are prefabricated they save the purchaser time and money on site.

Watch for the launch of www.FamousBarns.com this month, highlighting a different barn each month. On the calendar are the Historic Pearl Stables in San Antonio and the Grand Canyon's Mule Barn.



What's Inside, continued from page 1.

Lake, president of Lake Research Partners and one of the firms participating in the NAHB national survey.

The Pew Research Center found in a recent poll that of homeowners whose homes lost value during the economic downturn, 82% still favor owning a home, while 81% of renters aspire to own a home in the future. And in a national survey of Americans this spring, the Gallup organization found that 69% of respondents say now is a good time to buy a house.

Combined, these survey results should suggest to real estate practitioners that in spite of our challenges in the housing market, there remains a considerable amount of consumer optimism in home ownership and with that comes opportunity. As John Featherstone, president and CEO of RISMedia, said last month at a national conference in New York of real estate professionals: "Recovery doesn't just happen, you make it happen. You have to take advantage of opportunities in your respective marketplaces."

Sales trainer and business motivational coach, John Boe, suggests that every challenge, setback and personal difficulty you encounter in life also brings with it the seed of equivalent or greater benefit. Put another way, Scott Sambucci of Altos Research believes that we are heading into "the single best time to make money in real estate" for those who understand the factors that drive their local markets and are equip to deal with the volatility that exists everywhere.

As my colleagues in the real estate trade understand all too well, we as professionals are constantly seeking ways to con-

nect with our clients and prospects. We understand that an improved consumer experience is essential to market recovery. We very much appreciate that in the current environment, consumers—more than ever—are looking for (and desperately need) full-service experiences from their real estate agents for what is the largest financial transaction most will ever make. As practitioners, we recognize that our success is measured by a thorough knowledge of the real estate transaction process; our ability to communicate effectively with our clients and a full-fledged embracing of the power of technology and unique marketing techniques—things that all buyers and sellers expect at a minimum.

Taking another pointer from business coach John Boe, it is perhaps useful for every practitioner of real estate (or any trade for that matter) to realize that belief is an incredibly powerful state of mind. Your belief system not only defines who you are, but it also determines your potential. As Henry Ford once observed, "Whether you think you can, or think you can't—you are right!"

So in the spirit of putting things in perspective for all of us practicing real estate, here's a little "inside baseball" advice from psychologist Dr. Maya Bailey that I think our buyer and seller newsletter readers will appreciate too: "If you as an agent are convinced that this is the best time to buy, then your clients will be too. People can sense the depth of your conviction, so convince yourself first then you will be attracting your ideal clients."

So, for now—and until next month—I wish you good luck and fortune in *All Things Real Estate*.



I I Entrada Descanso, listed by K.C. Martin



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Price upon request.

Marilyn Foss 505.231.2500

505.231.2500 marilyn.foss@sothebyshomes.com



A "Charitable" §1031 Exchange Alternative

Trust and Financial Planning

By Steve Bone, EVP Santa Fe Trust

Most real estate investors are no stranger to tax-free "\$1031 exchanges," often negotiating multiple exchanges as they upgrade their portfolios. Significant, unrealized capital gains often result when the low cost basis on the first property carries over to successor acquisitions. A dilemma arises when the exchanger needs to sell a highly-appreciated property, does not want to do another "1031," and certainly wishes to avoid paying taxes on the realized gains.

Here is one solution that significantly reduces the tax problem (if the commercial property is debt-free or the debt is easily liquidated): The property can be transferred to an irrevocable, tax-exempt trust that sells the property tax-free.

The trust will pay a lifetime income to the transferor that must be at least 5% of the property's value. This income can replicate the net rent upon which the transferor has been living. The transfer also generates an immediate income tax deduction that can be used to offset other realized income. As a bonus, the trust's value at the transferor's death will generate a federal estate tax deduction. This "triple win" has one important "catch:" the trust's remainder interest must be distributed to qualifying charities selected by the transferor. This wonder tool is betterknown as a "charitable remainder unitrust." If disinheriting one's heirs is a concern, a portion of the tax savings can be used to purchase life insurance policies in trust that will replace the value distributed to charity when the transferor dies.

Laws are changing all the time. Therefore, it is imperative that your specific situation be handled by a trust professional so that your long term goals and strategy are kept in mind.

The Importance of Reviewing Your Insurance

Insurance Matters

By Robin Schritter, Regional Vice Presdient, HUB International

The unprecedented destruction of wealth due to a recessive economy with its lingering effects have forced affluent consumers to do something they rarely like to do—take a hard look at their personal insurance program.

Though motivated, at first, by a desire to reduce cost many discover that the policies they've had in place year after year are not only full of wasteful spending, but plagued by dangerous gaps in coverage as well. Many find that they've been overinsuring against minor threats, while under-insuring against major ones. The problem is especially heightened when an affluent consumer insures their property and vehicles with massmarket policies designed for the average consumer. In that case, according to a survey of 600 independent agents and brokers, affluent consumers are most likely to be inadequately protected against:

- financially ruinous liability lawsuits;
- the total destruction of their home; and,
- damage to or loss of jewelry, fine art, and other valuable collections.

At the same time, they are most likely paying too much in premiums because they are:

- over-insuring against small losses by carrying low deductibles;
- missing the opportunity for discounts earned by consolidating their policies with one carrier; and,
- missing credits for alarm systems and other loss-prevention devices.

Finally, they are unlikely to have the correct amounts of coverage for the general contents of their home and other structures on their property such as fences, driveways, and detached garages.

Because the degree and complexity of risk grows with wealth, discerning the areas of over- and under-insurance requires a careful review of each client's assets, activities and lifestyle by an expert risk consultant, typically an independent insurance agent or broker such as one at Hub International Insurance Service. Once these areas are identified, the agent or broker can deliver a comprehensive personal insurance program that cost-effectively protects the affluent consumer's family and long-term financial well-being.

Positioning for the New Cycle

Title Insurance News

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

Nothing lasts forever; every cycle changes. While the present economic situation may mean that this is not the most opportune time for you to sell your home, you need to at least use the present time to get positioned for the next upswing. It will happen, it always does. And many of us believe that it has already begun to turn.

Positioning for the next swing can mean many things financially and house-wise. But what does it mean title-wise? For many of us, it means taking care of the small situations which exist now, so that there are no market-ability issues with your property when the market improves. Examples could include the following:

- Getting the road maintenance agreement with your neighbors recorded;
- Getting the fence or shed encroachment agreement in place;
- Recording an easement agreement to 'firm up' the joint driveway you presently share with your neighbors;
- Making sure the Mortgages which you have paid off have been released of record;
- Making sure any probate issues have been cleared up, so that title shows the current status of ownership;
- Locating your septic permit;
- Registered your well with the State, and making sure that the well-sharing agreement is recorded.

Knowing the status of all these scenarios will create a peace of mind so that when you do decide to market your home, you're prepared. Tying those loose ends now may make the difference between a smooth and timely closing, and a problematic one. Consider Team Fidelity to be a resource for you today and let us discuss the status of title with you.



Change Your Walls, Change Your Life

Interior Design Today

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

Change your walls and change your life: definitely a dramatic statement, but rest assured that painting is the easiest step in transforming your environment. Surrounding yourself in the vibration of beautiful color promotes a positive atmosphere.

Keeping the process of painting simple, when working with a client, I consider their furniture and artwork. We observe how the light and shadows pass through the home. Then the ideal colors are chosen and we are ready to paint.

Is the space a high or low-traffic area of your home? Knowing the space will help you to choose a satin, flat or semi-gloss paint. Flat will hide imperfections, semi-gloss is easy to clean in kitchens and bathrooms, while satin combines the best of both for resisting stains and durability.

Zero or low VOC paints are worth considering for a "green" home. Volatile organic compounds, known as VOCs, occur in our atmosphere. VOCs come from everything—from natural sources such as tree pollen to man-made substances including paint fumes, and may cause respiratory problems. Knowing this, the leading paint companies have developed "green" pigment, binding agents and solvents for interior paint.

Benjamin Moore, Behr, Martha Stewart, Sherwin Williams or the luxury company of Farrow & Ball, offer enticing paint choices. Beyond rich color, look for one-coat coverage, superb fade and stain resistance from a long list of these favorite brands.

Color is a powerful enhancement to inspire and nurture you. Your color preferences will change throughout your life and it's natural to bring those changes to your home. The harmonizing effect of painting your environment is easy, affordable and creative.

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