Sotheby's INTERNATIONAL REALTY

ALL THINGS REAL ESTATE

Volume 1, Issue 8

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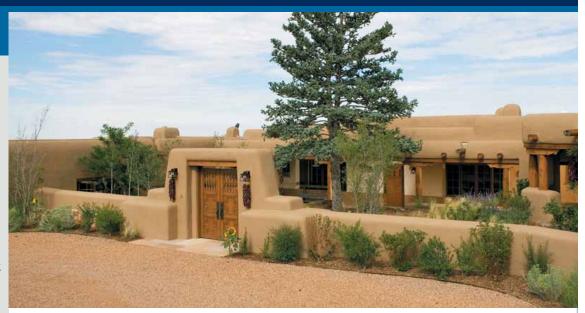
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This month's Distinctive Property, 954 Cerro De La Paz



What's Inside? A Roller Coaster Vs A Ferris Wheel

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

In the 1989 Academy Award-nominated movie "Parenthood," staring Steve Martin and Mary Steenburgen, I fondly remember one of many poignant scenes. Grandma Buckman (Helen Shaw) offers Gill Buckman (Martin) and his wife Karen (Steenburgen) a casual, but wisdom-laced observation that life is more interesting if you consider riding a roller coaster, rather than run for the safety of a Ferris wheel.

To be sure, there is nothing like the heart-pounding and white-knuckled thrill of a really good roller coaster ride. At the same time, it can be scary, unnerving and just plain nauseating...which may be the best way of describing world events over the past few weeks. Whether it's in Washington, D.C., on Wall Street, or in the capitals of Europe, the roller coaster ride of debt debates, the stock market, employment challenges, and simply the state of our general economic condition have left most people wishing for the relative security of a simple Ferris wheel ride. As Grandma Buckman says in the movie: "...it just goes round and round."

All of us are expressing views about what is, or isn't, occurring in our nation's capitol, among the financial markets and around the world. And we have no shortage of self-declared "experts" sharing their opinions about what is going on with our current economy and where things will be in the short and long-term. I am all for seeking the counsel of a real professional when it comes to something I have no expertise or experience in, but at the same time, you don't have to be an economic expert, or a professional pollster to know that there are some fundamental flaws in our country's government and political system that are impacting the average person's economic status. To be sure, many things that also influence this situation are out of our control (the European debt crisis; natural disasters; crazy weather patterns; etc.).

Continued on page 8

Distinctive Property

954 CERRO DE LA PAZ



One of the finest properties in Santa Fe, this offering will please the most discerning buyer. Made of Rastra with hand crafted finishes and great attention to detail, this residence is perfectly sited not far from the Plaza with beautiful mountain views in every direction. Built in classic Pueblo Revival style, it features a living room, family room, library, fabulous kitchen, formal and casual dining areas, guest wing with living area, kitchenette and 2 bedrooms each with bath, luxurious owners' suite with dual baths, dual closets, and portal, generous laundry room, and two powder rooms. Eleven fireplaces contribute to a warm ambiance. Outdoor living spaces are delightful with 3,000 sq ft of portales off the living room, family room and kitchen, lovely landscaped grounds, and an exquisite swimming pool with cabana and hot tub. There is also a separate guest casita with one bathroom. This gated estate flawlessly combines elegance and sophistication with Santa Fe's informal lifestyle.

Offered at \$4,175,000 MLS 201005922

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Mechanics' Lien Issues for the Consumer

Title Insurance News

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

Having some work done on your home, either to improve it or prepare it for sale? New Mexico, as most states, has a Mechanics' Lien statute that allows an unpaid contractor to place a lien against your property. Here are a few basic elements of the law which consumers should consider:

- The lien must be filed by the unpaid contractor within either 90 or 120 days after the project is completed (depending upon what type of contractor they are). It is wise to call your title company representative at that time to make sure liens have not been filed.
- 2. There is no requirement in the law that the contractor must notify you when he/she files a residential lien.
- 3. Only licensed contractors can file legitimate liens.
- 4. You cannot sell, refinance, borrow against or otherwise transact the property unless the lien is released in the county records, except if the lien is bonded over with an action in District Court, which requires you to put up substitute collateral (cash) with the court.
- 5. The debt which causes the contractor to file the lien does not necessarily have to be legitimate. If you fire the contractor, or if he/she did substandard work, they can still file a lien. If you paid a general contractor in full, and he/she does not pay their subcontractors and suppliers, those subs and suppliers can file liens.
- 6. The lienholder has to file suit to foreclose on the lien within two years after recording the lien at the county.

These basic elements should be considered before you begin work on your property. Call Team Fidelity, and let us help you avoid the burdens of a contractor lien.

What You Need to Know About Your Mortgage Loan Officer

The Consumer's Mortgage Handbook

By Ron Blessey, Broker/Owner, Homebuyers Mortgage

On August 1, 2009, the State of New Mexico enacted into law Senate Bill 342, The New Mexico Mortgage Loan Originator Licensing Act. This long-awaited legislation required persons doing business as loan officers to complete a requisite amount of educational hours, submit to credit and background checks, and pass both a national and state test in order to obtain a license. Employees of banks doing business as loan officers were not compelled to meet the same requirements. Additionally, the Federal Government required anyone quoting loan terms to a consumer to be registered with the National Mortgage Licensing System. Your loan officer must meet these requirements to legally assist you with your mortgage financing.

On July 21, 2010, President Obama signed into law the Dodd Frank Bill. This sweeping legislation of the financial industry put into law additional requirements that protects the consumer from unscrupulous practices. No longer can a loan originator quote one set of fees and a corresponding rate and then get the borrower to closing and increase both substantially. Very strict guidelines are in place to prevent this type of practice.

An important question to ask your loan officer is, "How long have you been originating loans?" These days, the assumption would be if a person is engaged in the process, they are educated, licensed and proficient. Referrals from friends, family or your realtor are invaluable. The NMLS website is a resource for consumers to check the current standing of the mortage professional with which they are speaking.

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Get updates and links to real estate information and news from our contributors





Moving From Santa Fe

Consignment Gallery Q & A

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

Q For anyone who finds that they need to move from Santa Fe, can the gallery be of assistance?

A Though our gallery does help a lot of new home owners identify accessories and furniture for a property, we do indeed help Santa Feans who find they need to depart our beautiful city.

Obscribe the ways the gallery assists people who need to move to a different city.

A Depending on the circumstances surrounding a move (reasons, timing, etc.), we often assist home sellers with disposing of some, or all, of their possessions via an estate sale. Of course, using this technique depends on the value and volume of the items to be sold. If this kind of full-service approach is not warranted, then simply placing the seller's possessions on display in the gallery is often the better route.

What is the best way for a seller to determine how best to work with your gallery?

A It's always best to start as early as a seller knows that he/she is going to move from Santa Fe. Often we will work with real estate brokers who are listing a property for sale in planning for the best way to handle the disposition of home items. Also, I always invite sellers to come to the gallery for a consultation on what they wish to achieve and how best we can assist. If it is just a handful of items they wish to sell as part of their move, bringing (or e-mailing) us pictures of the items with a brief description, allows us the opportunity to make a professional evaluation on the best way to market items to the public.

What are some of the other services you offer to home sellers?

A In nearly 30 years of business, we have worked with home owners, sellers, buyers and real estate brokers in a variety of ways. Besides either staging an estate sale for a seller, or offering some items for sale via the gallery, we also have worked

with sellers, interior designers and real estate brokers in the actual staging of homes as they are prepared for sale. Sometimes, we work with others in Santa Fe who represent other galleries or retail operations should we find that a seller is better served bringing what they wish to sell to another company.

What are the costs to a seller to work with your gallery on these kinds of marketing activities?

As a starting point, we are always happy to have initial consultations, either in the gallery or at a home, at no charge to the seller. I always like to negotiate with a client on any percentage that the gallery receives when items are sold, and of course, depending on how we are customizing services to meet a seller's needs, we will thoroughly discuss any additional charges. At the end of the day, if someone finds that they—regrettably—need to leave Santa Fe, we want to be as helpful as possible, since any kind of move can be full of potential complications and stress.



14 Painted Horse, listed by Marion Skubi and Johnnie Gillespie

Have you Assessed Your Association's Directors and Officers Liability Insurance?

HOA & Condo Association Insurance News

By Vince Marciano, Marketing Manager, SAX Insurance Agency



3101 Old Pecos Trail, #617 in the Quail Run Community, listed by Bob Dunn and Pam Wickiser

Directors and Officers Liability Insurance (D&O) for a home owners or condo association is designed to protect the association as an entity, as well as the individual board members, including association managers, committee members, volunteers and their spouses from lawsuits brought as a result of actions or decisions made while serving on the board.

The most frequent D&O claims are:

- Breach of Fiduciary Duty or By-Laws
- Assessment Disputes
- Discrimination Allegations
- Employment Disputes
- Election Disputes
- Challenges to Architectural Review Decisions
- Insured vs. Non-Insured Disputes
- Third Party Contract Disputes
- Pet Related Disputes

Despite good intentions and the care taken in performing duties, community association boards are being sued with increasing frequency. Furthermore, many associations don't have adequate protection which places personal assets on the line. The good news is that affordable protection is available.

There are no "standard" D&O policies, so look for an insurance agent who specializes in D&O policies for a detailed review and comparison. Also, go for a stand-alone policy. Some insurers handle D&O coverage as an add-on or endorsement to the association's package policy, generating possible inadequacies in coverage.

Because many D&O policies do not provide coverage for nonmonetary claims, make sure the policy provides coverage for:

- the association as an entity
- past, present and future board members
- the property manager
- builders and developers serving on the board
- individuals working at the discretion of the board (e.g., volunteers, committee members, employees, etc.)

Other policy considerations should include the following:

- Provides defense for both monetary and non-monetary (defense) claims;
- Covers defense costs associated with breach of third-party contract claims;
- Pays on your behalf so you don't have to wait to be reimbursed;
- 4) Provides coverage for defense costs that is in addition to the limit of liability, and is not subject to a deductible;
- 5) Contains broadly defined protection for claims related to Employment Practices Liability, such as wrongful dismissal, discharge, termination, and sexual harassment;
- 6) Includes coverage for prior acts; and,
- 7) Enables you to choose your own counsel.

Wisdom Across the Years: It's All About Trust

Trust and Financial Planning

By K.M. Roberts, CEO Santa Fe Trust

A recent chat among long-time girlfriends went like this: "I'm redoing my estate plan and gifting things to my son now, given the current gift tax laws." The friend responded, "Don't you still own property in several states?" to which her friend replied like a bride, "I do." They volley back and forth, "Don't die with things scattered like that. Be sure to get them inside the trust. You don't want probate in several states."

Now, we all know that is true. Doesn't everyone who has an estate plan have a trust? Answer truthfully. Don't let your estate plan be like a beneficiary form—filled out years ago and, upon review, sends you into shock when you find the name of a deceased relative or former spouse.

In my experience like these two friends (like tribal elders) know a thing or two about life and have usually lived through situations they share as a road to success.

Your call to action:

- Check your trust documents when you finish this article.
- Consider the following vehicles to plan for the disposition of your real estate:
 - * A Qualified Personal Residence Trust,
 - * Gifting real estate to Descendent, Child or Charity through a Trust,
 - Holding onto your real estate through a Dynasty Trust,
 - * Protecting your real estate via an Asset Protection Trust,
 - * Place your Commercial Real Estate into a Trust.

Santa Fe Trust can help you meet your needs for handling real estate and also provide favorable tax solutions.

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

There were a total of 132 home sales during this time period ranging in price from \$90,000 to \$2,027,000. The number of sales this month was essentially 'flat' from 131 homes sold in May 2011. Total sales volume for June was \$63,323,742, up \$8.7M from May.

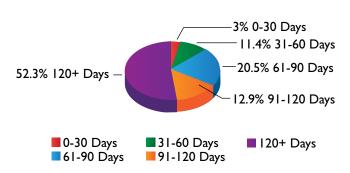
The average sales price was \$479,725, up slightly from the average sales price of \$416,570 for the month of May due to several higher-dollar sales.

Homes on the market for more than 120 days sold for an average of 93.52 % of the list price at the time of sale, and accounted for 52.27% of all sales. Four homes sold in 30 days or less.

The average number of days on the market was 212, which is slightly higher from average days on the market for May, which was 208. Here is how number of sales per price-band reported in this month:

- 71 homes sold for under \$350,000;
- 18 sold from \$350,000 to \$500,000;
- 30 homes sold from \$500,000 to \$1,000,000;
- 13 homes sold from \$1,000,000 to \$2,250,000.

Days on the Market



Rancho de Jaconita: Pastoral Abundance

Homes With History

By Angela Gutierrez, Associate Broker, E-PRO/Admin. ABR, Sotheby's International Realty



It's a romantic setting as you approach the Jaconita property situated amid the expanse of the Jacona Land Grant and the soft banks of the Pojoaque river; the cottonwoods and russian olive gather thick along its edges in the summer, and your senses seem to puree in a whirl of earthy scent and palette of cool greens and sky blues.

Set back from the jaggedness of the Barrancas to the north, this "rancho estate" is more than a home covering over 11,000 sq ft of bedrooms and workspaces, its triple adobe walls and flagstone floors connect to a familiarity of Old World Spanish charm, sewn together by the ancestral thread of acequia water that has washed the land for hundreds of years.

Time stands still as you move across aged bricks that have had the privilege of being danced upon, once by the ambassador of Mexico, another time by famed ballet/Zozobra fire dancer Jacque Cartier. As your eyes look up in spiritual meditation, you can envision the sculpting of corbels that were once lovingly cared for by its previous owner and sculptor, Allan Clark. The home once offered a glimpse into its antiquity when a crumbling cabana room wall revealed pink pigmented adobe, indicative of previous restoration dating back over 100 years.

Enchanting, it is quite understandable how even the wildlife want to call Rancho de Jaconita home. Undeniably, it's the vein of water that calls the migration of foxes, badgers and raccoons through to its reach. But it's in a quiet corner of the gardens where the hum of bees foraging the local spirits in the Rio Grande Valley have been asked to stay to produce an elixir of honey that harvests in the gallons, exemplifying the home's charming abundance.

Dermot Monks

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REAL ESTATE TOPICS

What's Inside, continued from page 1.

Long before I entered the field of real estate, I managed political campaigns for U.S. House and Senate members, worked on Capitol Hill and directed the state operation of a U.S. Senator. I also worked with White House staff on numerous policy issues and—for what it's worth—instructed American Federal Government when serving as a university Graduate Teaching Fellow in political science. For many years, I have also been an Associate Broker of real estate in New Mexico, as well as a Licensed Realtor in Washington, D.C. I am not an "expert" on the legislative process, U.S. politics, or the White House, nor am I the most knowledgeable or experienced practitioner of real estate, but I do have a better-than-working knowledge of all these things and that affords me the latitude to share some comments and suggestions.

When I worked in Congress, "gentlemen/women politicians" ruled the two chambers. Hard working and committed House and Senate members would have principled, thoughtful and vigorous debates on the issues of the day. For the most part, they never thought of compromising their beliefs, or what they knew were important issue positions to the people of the states they represented. At the same time, what prevailed was a sense of achieving the common good for the nation and an embrace of the classic definition of politics as the "art of the possible." Sadly, these days are long gone and the polarization that exists today between the two major parties, members of Congress and the White House is producing little in the way of good public policy.

Because it's obvious that the presumed sophisticated, knowledgeable and experienced minds that occupy our political and government systems are collectively failing us, I want to offer a simple suggestion: revisit the "old" ways that worked well for our nation. Put aside political gamesmanship and embrace a moderation of absolute views, no matter the side of the aisle you come from. The country deserves it, your constituents are asking for it and the future requires it. This is still a great nation, with huge opportunities and—at least from my perspective—an optimistic future. There comes a time when seeking consensus is the way to go. We have reached that point and the test of true leadership is a willingness to put selfish and strident viewpoints aside and seek what is best for the nation as a whole. This applies to everyone in elective office.

And if you accept the often cited axiom—as the housing market goes, so goes the economy—then putting on my realtor hat for a moment, I urge all of our government leaders to help every real estate practitioner, home owner and buyer/seller (which, by the way, is most of the people in our nation), by doing the following:

- Don't reduce, or eliminate the current mortgage interest deduction income tax provision.
- Don't impose additional stringent requirements on the home lender process.
- Genuinely work in collaboration with the private sector to focus
 on any form of job creation for our nation. The more people
 are working, the more they are likely to become home buyers.

Lastly, all of us can play a role in taking us from the current upsand-downs of a roller coaster existence to the calm of a Ferris wheel world. Urging our elected officials to "play nice" is one way of helping. Also, if each of us could find just a single way to contribute to bettering the lives of those who are especially burdened by the evolving economy, that translates into millions of acts of kindness.

And finally, though it's hard in the current environment to do so, maintaining a belief that better days are around the corner is certainly healthier than riding that fearful roller coaster of nay-sayer uncertainty.

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



Working Long Distance Around The County

by Deb Auten, Architect

"Location, Location, Location" is a real estate mantra. Now, more than ever, mine is "Communication, Communication, Communication." Occasionally, clients who are building elsewhere want to hire me. The challenge becomes: How do we work together when I am in Santa Fe and you are somewhere else?

It used to be that the answer was mailing documents back and forth, having some phone meetings, but mostly relying on whatever face-to-face interaction I could get. This is still the most ideal of all architectural processes, but technology has now given me a decent, second-best option. Faxes followed by the blossoming of e-mail was a great step up from snail mail. Now, however, there's Skype.

I can now, for free, video conference with my clients and then share my desktop. The critical part is being able to look at my desktop and see exactly what I see in real time. This means I can share my CAD designs, look at wall materials, suggest plumbing fixtures, surf the Web, and view satellite maps of the site as though we were sitting at a table with my laptop propped open between us.

Over the year or so that I've been using this tool, there's been a very interesting side effect: I thought I'd always been good at presenting ideas and listening to my client, but now I had to become even better at communicating. I still get to watch the face of my client as I present an idea, but the biggest limitation of video conferencing is that the natural hand-off of the pen to someone sitting across the table can't happen, not easily at least. Now, when the person on the screen has an idea, words have to show the idea and I have to listen harder.

It's also transitioned into documenting meetings as we go. I photograph images to portray ideas that I think are interesting and pertinent, creating online presentations of images, for final inspiration image files. It's meant that instead of meeting once every few months with a long distance client, we can schedule weekly meetings, thus creating weekly goals for myself. It has made me work harder than I have before to overcome the flatness and the anonymity communicating primarily via technology can put on any relationship.



Tile—4,000 Years of Design Style Interior Design Today

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

Welcome the use of decorative tile in your living space. The beauty and durability of tile as art will complement any décor style.

On a stroll through downtown Santa Barbara I was inspired by the architectural statements punctuated by the tile work adorning buildings, water fountains, doorways, windows, and entire walls. Seeing the lush color palettes mix beautifully with any neutral backdrop, I was inspired!

This fine art began 4,000 years ago in the near east, moved through Persia, Turkey, the Ottoman Empire, Morocco, Portugal, and Europe. Unique shapes and motifs can be traced back to different cultures and locales and linked to historical happenings of the time. Delftware is the recognizable blue and white tile from Holland and is seen as far away as Brazil. Maiolica from Italy and Spain was a lively use of color. A demand for architectural fine art of the past was in demand in the Arts & Crafts movement and we saw the revival of decorative tile.

The varieties of design styles and material inspire me to incorporate tile throughout your home. I often frame a fireplace opening with decorative tile, include a mosaic accent in a floor, add a high-relief decorative design as a backsplash in a kitchen, and create an interesting shower wall of tile. Tile work is open to the imagination. Decorative tiled surfaces can be a "picture," single motif, creative pattern, or a simple or complex mosaic. This ancient tradition is yours to enjoy today.

FHA Eligibility Madness

Property Management Report

By Tom Simon, Owner, Westgate Properties, LLC

The FHA, Federal Housing Administration, was formed in 1934 to create a national financing system by insuring mortgages for a fee paid by the lender. The insurance is only available if the loan meets certain requirements. At least 30% of mortgages are insured by FHA, so their eligibility guidelines are important and are shaping the way condominiums conduct business. Recent changes to the eligibility rules make it more difficult, and even unlikely, that a condominium will be eligible for FHA financing. Here are some of the new requirements:

- FHA requires that at least 50% of condos must be used as primary or secondary residences. Vacation rentals are no longer considered a secondary residence. Now, a secondary residence is defined as a dwelling where the mortgagor maintains a part-time place of abode which is not a vacation home and a person may have only one such secondary residence.
- New rules regarding fidelity insurance will add significant expenses to the budgets of the association, which will pay for their own plus the management company insurance, through costs passed onto the association directly or through increased fees.

A Certification is required, signed by an association representative that states, in part, that the project meets all state and local condominium laws and all FHA condominium approval requirements; whether there are circumstances that may have an adverse effect on the project or cause a mortgage to become delinquent including, but not limited to, construction defects, substantial disputes or dissatisfaction among unit owners about the operating of the project or the owner's association; and disputes concerning unit owner's right, privileges and obligations. The submitter must also agree to inform HUD of any material changes after approval.

The penalties for knowingly and willfully making false statements or entries in a HUD application is a fine of not more than \$1,000,000 and/or imprisonment for not more than 30 years, making the stakes very high for any misstatements.

Contact me for a copy of the new eligibility requirements and an FHA/FNMA/FHLMC matrix.

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...



Individual Castle or Community

Real Estate Advice Corner

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



6 Plano Arbolito in the Heartstone Community, listed by Jan Hamilton and Cristina Branco

Many people want to live as separate as possible from their neighbor. Often, they want 5 or 10 acres so as not to see or hear a neighbor. They are generally in the million plus range for their home. The Canterbury Subdivision, just a few miles west from the Plaza, is a good example of this type of convenient, high-end, individual lot community. A smaller home on less than an acre just doesn't feel right. Sometimes buyers purchase into a deluxe condo for economic reasons, and still try and create as much separation from their neighbor as possible. In this situation, they also feel that condo meetings are a necessary evil.

Intentional communities are for people who experience themselves as part of a larger group. Synergy is an important element in these forms of communities and the personal interaction is a joy, not a burden. Generally, families with children (like those living in the Commons on the Alameda) and retired or semi-retired people (Heartstone Community dwellers) seem to flower in an intentional community. A good design has good private space, semi-private space and communal space giving people the choice of how they want to interact with their neighbors.

Often, families where there are no children or the children are in school and the head of the house is primarily involved with an outside business, the isolated home of 5 acres is more attractive than living in an intentional community. This sometimes quickly changes when one member of the household finds that they are alone.

On a financial note, it appears that the value of homes in intentional communities have held up better than the large individual estates. This may be telling us something about our present and/or future economy.

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