

YODA ON MEGAN'S LAW

Just participated in a Night Court, I have. Much debate, dissension, and desire to kill to Jedi lawyers, there was. Good thing I had my light saber, it was. Anyway, compiled some of my wisdom for you, I have.

From the Dark Side of the Force:

SPRINGDALE, Ark. (AP)· A developer who says sales in a subdivision stopped after a sex offender and his wife bought a home has sued the couple and the real estate company that arranged the purchase. NGI Rental filed the \$2 million lawsuit Friday against Randall Dee Collins and his wife, as well as the real estate company that arranged their new home purchase. Randall Collins, 39, was convicted of molesting young girls and is listed on the Arkansas Crime Information Center Web site. According to the lawsuit, his wife hired a real estate company to sell her old home, saying she had married a sex offender and that her home was too close to a school. A day after the couple bought a home in a new subdivision, the police department distributed fliers detailing Collins' case. The lawsuit claims residents indicated they would move if Collins did not leave the neighborhood, and that sales came to a standstill because the developer was required to tell potential buyers about Collins. The lawsuit also alleged Collins called the developer and offered to move for \$250,000, "or he would stay there and kill their subdivision."

LUBBOCK, Texas (AP) - The sales pitch for this planned subdivision goes beyond the usual vision of attractive homes and amenities - homeowners will be required to pass criminal background checks and no convicted sex offenders will be allowed. It's a concept that might prove right for the times, said first-time developer Clayton Isom, one of three partners in a company creating Milwaukee Ridge on the outskirts of this West Texas

© Brian D. Lytle, Esq., Lytle Law, P.C. www.lytlelaw.com Reprinted with permission of the author. This article was originally published in the *Realtor Update*, a publication of the Virginia Peninsula Association of Realtors® The law may have changed since this article was written and published so caution is advised.

Legal Corner

city. Isom said he will penalize any builder who sells a home to a sex offender. He also said he will attempt to enforce the covenant on home buyers who later re-sell their homes, and that he will attempt to extend the background checks to juveniles living with their parents.

GOSHEN, AR (AP) - A new subdivision in northwest Arkansas is banning registered sex offenders from purchasing homes. A developer in the northwest Arkansas town of Goshen plans to run background checks on anyone who wants to purchase a lot. Developer Lonnie Graham says he's preventing registered sex offenders from moving into his subdivision to protect both the neighborhood and his investment. The McDonald family will soon break ground on their new home in northwest Arkansas.

In light of these developments, what should the Jedi do with respect to Megan's Law in our local solar system? The Jedi Code provides, at § 54.1-2131, that agents are obligated to exercise "ordinary care" in the exercise of the Jedi's duties to his or her client. (The Jedi Code also provides that leave a trail of bread crumbs near your clothes dryer, you should. That way, get lost, your socks will not. But digress I do.) Ordinary care defined as "that degree of care which ordinarily prudent and competent persons engaged in the same line of business or endeavors should exercise under similar circumstances." In other words, what a reasonably prudent agent would do under the same or similar circumstances, ordinary care is.

Does the reasonably prudent Jedi Buyer Agent check the neighborhood for sex offenders for a buyer? Not, I think. Perhaps you feel the Force compels you to do so. Hold up as a defense in court, "Stupid is as stupid does" will not. Trust me, tried this on more than one occasion Kenobi has. Explain and point them to the web site, you should. Take other opinions seriously you should not.

Does the reasonably prudent Jedi Site Agent check prospective buyers for sex offender status to protect their builder and developer client? Troubles me, this question does,

© Brian D. Lytle, Esq., Lytle Law, P.C. www.lytlelaw.com Reprinted with permission of the author. This article was originally published in the *Realtor Update*, a publication of the Virginia Peninsula Association of Realtors® The law may have changed since this article was written and published so caution is advised.

Legal Corner

because of the articles noted above, and a ripple in the Force, there is. But with no local practice by site agents to check buyers, the answer and the standard of care is not, I think. But discuss with your client, your broker, and your lawyer for guidance, instructions, and clarity, you should.

No doubt, much wiser you feel now. Welcome, you are. May the Force be with you.

At bdlytle@lytlelaw.com, contact Yoda, you may.

© Brian D. Lytle, Esq., Lytle Law, P.C. www.lytlelaw.com Reprinted with permission of the author. This article was originally published in the *Realtor Update*, a publication of the Virginia Peninsula Association of Realtors® The law may have changed since this article was written and published so caution is advised.