

THE LYTLE LETTER

Lytle Lesson: *My Aunt Frieda*

I am asked disclosure questions at least once a week, so let's just review the basics:

Va. Code § 54.1-2131(B) requires listing agents to disclose, in writing, to prospective buyers, material adverse facts pertaining to the physical condition of the property. So, your disclosure calculus is always as follows:

1. Is it Physical Condition? This is usually pretty easy. Now includes physical condition of *the land* e.g. drainage, not just *the improvements* e.g. the house.
2. Is it Material? Would it cause a reasonable buyer to make a different decision with regards to the contract, price, etc.? Recall a jury decides this.
3. Is it Adverse? You really

wouldn't be worried if it was a good thing would you?

4. Is it a Fact? A fact is something that can be proven true or false. Note that an opinion may be considered a statement of fact if the opinion suggests a fact exists. This can be tricky, e.g. two termite letters.

So, I simply work through these for each and every disclosure question. Remember they must be facts actually known by the agent, and you are only obligated to disclose to prospective buyers. If all answers are yes, then disclose.

A simple mnemonic will help you remember 1 through 4: Please Call My Aunt Frieda.

But please call Aunt Donna or Aunt Elaine if you are unsure.



Lytle Law
Integrity. Experience. Results.

Calendar



December 15: (Today!) at 4:00 p.m. Lytle Law conference room. Lytle Law social ... tree is up, come join us for a soda or glass of wine



January 7: 3:30 p.m. Newport News Training Center. Quick Costs '09 release and training followed by a Welcome Social for the new Newport News agents.



January 12: 3:30 p.m. Williamsburg Training Center. Quick Costs '09 release and training followed by a Welcome Social for the new Williamsburg agents.



January 15: Noon. Lytle Law Lunch & Learn on Business Entities (corp, s-corp, LLC, trust, etc.), choices, tax basics, and use of LLC's for holding investment or rental real estate. Feel free to invite your clients and friends.



January 26: 1:00 to 5:00 p.m. Lytle Title and Lytle Law training for the current rookie class followed by the traditional rookie social in Brian's office.

It Depends

random thoughts, observations, and more ...



Argh. I succumbed and started a blog. All my previous letters, FAQ's and Update Articles are there - tagged and searchable. You may check it out at the [Lytle Letter Blog](#). Until spammers and nuts cause me to lock out comments (or I don't have time to moderate) you may comment there. [A Special Smiley](#) to John W for his prodding and thoughts. [Riddle Me](#)

This: Okay, just how smart are you guys? This is one from me personally: What would Escher find interesting about 11801 Canon? [Read This Article](#) Mortgage Bankers Association reports a 39% increase in home purchase loan apps as of 12/09. LMA Williamsburg is growing: [Exempli Gratia](#) four sharp new Williamsburg agents: Tim, Cyril, Andrea and Rolf. Way to go Elaine!