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Seller, former real estate agent do battle over commission

Q. I am in a big fight with my former real estate agent. I had my property listed with her for about six months last year. I received no offers. I took the house off the market in December and told her I no longer required her services.

A short time later, a couple that saw the house while it was listed contacted me. We quickly came to a sales agreement. Their attorney prepared a contract that I signed and we closed a few weeks ago.

My former real estate agent has contacted me claiming I



Tom Resnick
Law talk

owe her a commission. She claims that under the terms of the listing agreement, the commission is due because the buyers originally saw the house while it was listed. I spoke to my buyers and they tell me they were just looking when they first saw the house and didn't become serious about buying until shortly before they made their offer.

Do you think I owe her a

commission and what will happen if I refuse to pay her?

A. I cannot answer whether or not a commission is due without reviewing your listing agreement. I can tell you a common provision in listing agreements is that if the property is sold to anyone within a specific period of time after termination of the listing contract, and the buyer originally came in contact with the property during the listing period, a commission is owed.

I would suggest having an attorney review your listing agreement to determine the strength of the real estate

agent's claim. As for what may occur if you don't pay her, her options would be to walk away or file a lawsuit against you. I would imagine that decision would depend on the amount of the potential commission. If we're talking about a \$2 million property, it's likely you will find yourself in court. If it's a \$60,000 condo, maybe not.

Q. My dad had two children, me and a daughter with his second wife. My half-sister doesn't live far from me and we speak occasionally. She has no husband or children or other brothers or sisters; however,

her mother is still alive.

She (my half-sister) is very ill and is not expected to live much longer. I am curious if I have any rights in her estate. She has owned her house for many years and I'm pretty sure the house is paid off. I have had numerous medical issues over the past few years and could really use a few bucks to pay some bills.

A. Presuming the property is in Illinois, section 2-1 of the Illinois Probate Act may apply. This section provides that half-brothers/half-sisters inherit as if they were full brothers or sisters. This

section is only relevant, however, if your sister does not have a will or trust or has not otherwise made provisions for the property. If the property is owned in joint tenancy by your sister and her mom, for example, the property will pass to her mom upon sister's death. If she leaves the property to charity in her will or in a trust agreement, that bequest will prevail.

• Send your questions to attorney Tom Resnick, 345 N. Quenerty Road, Palatine, IL 60067, email tom@thomasresnicklaw.com or call (847) 359-8983.

Surge suppressor may not save a computer

Q. My home was built in 1958, in the days when electric outlets were ungrounded. When I purchased the property last year, my home inspector mentioned this could pose a problem for my computer, but I've always used a surge protector to make up for the lack of a ground. I didn't worry about grounding because I thought my system was protected. That turned out to be a costly mistake. Last week a spike in the power supply "cooked" my computer, in spite of the surge protector. Could you please explain why the surge protector did not save my system?

A. Computer users often assume surge suppressors provide unconditional protection from electrical mishaps. What every cyber user should know is that suppressors are not magical devices. They cannot make an electrical power surge disappear. The best



Barry Stone
Home inspector

they can do is to send the power to a safe place.

When a sudden flow of high voltage electricity enters the wiring in your home, it must be diverted to a place where it cannot cause fire or damage. The purpose of the surge suppressor is to channel the power away from your computer. This is accomplished by sending the excess current into the earth by way of a ground wire. If no ground wire is present, the surge suppressor is useless.

Homes built prior to 1963 were typically wired without grounded outlets. Anyone using a computer in a home of this age would be well advised to consult an electrical

contractor.

However, grounding deficiencies can be found in homes of any age. All it takes is a small wiring error at the time of construction. Therefore, verification of grounding for all outlets serving computers is a wise precaution.

Q. Now that I'm selling my house, the buyer's home inspector noticed an unused gas valve in the laundry room. My clothes dryer is all electric, so I've never needed to use the gas connection. The inspector says the gas valve is unsafe and should be capped. This seems to me like a lot of needless bother. The valve has been just as it is for the past 10 years without any problems. Do you see any reason to install a cap?

A. Unused gas valves are common in laundry rooms where electric clothes dryers are installed. In such cases,

most people don't even realize they have a latent hazard. This doesn't mean that such an accident will definitely occur, but it could.

Imagine what would happen if an object were to bump against the valve handle. Just a slight turn could start a gas leak in your home with potentially disastrous consequences.

People with electric clothes dryers should check behind their machines for unprotected gas valves. Capping an open valve is a simple and inexpensive way to eliminate an avoidable household hazard. To be sure the job is done properly, delegate the work to a licensed plumber.

• To write to Barry Stone, visit him on the web at www.housedetective.com, or write AMG, 1776 Jami Lee Court, Suite 218, San Luis Obispo, CA 94301.

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Got skunks in your home? Don't use a smoke bomb

Associated Press

FERNDALE, Mich. — Authorities say a man destroyed a suburban Detroit home this week while trying to use a smoke bomb to rid a crawl space of skunks.

The Detroit Free Press reports the man's attempt sparked a fire Monday that quickly spread from the crawl space to the first floor. The fire eventually spread through the walls and attic of the rental

property.

Ferndale Fire Chief Kevin P. Sullivan says the house was a complete loss. He says no skunk carcasses were found.

Sullivan says the department advises that people hire pest control professionals for such work. But he says if someone is "an absolute die-hard do-it-yourselfer, please read and understand the directions and warning labels" on such devices.

Forecast: Spring sales

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active townhouse communities in Naperville and in the South suburban market with communities in Joliet, Channahon and Shorewood that range from entry-level to move-up single-family homes. All townhouses can be three bedrooms or two bedrooms with loft.

Merit Home Builders

The builder has seen an increase in traffic at its two communities in St. Charles and Addison, said Jay Dula, executive vice president of Merit Home Builders. "Buyers are definitely out there and feeling confident in the market. In the last 60 days we've written five contracts, meaning people are feeling good about purchasing a new home. Unfortunately, though, we're dealing with some people who see the value on their existing homes below what they expected."

The Enclave at Mill Creek in Addison offers new ranch designs and maintenance-free living just minutes from I-355 and I-290, yet tucked into natural surroundings. The Reserve in St. Charles offers luxury ranch and two-story living on estate homesites among ponds and prairie grasses.

North Mark Homes

North Mark Homes, a division of Revco Ventures Inc., is poised for an outstanding year, said Jeff Pelock, president of the company. "Traffic has been up even through the winter months when it's normally a little slower. And we've had a lot of success already in January and February with a lot of traffic. We're in the preconstruction phase at Springfield Pointe in Bloomingdale, and our local signage is bringing people in even before we've started our full campaign."

Situated adjacent to Stratford Square Mall, the community features ranch and two-story homes with two- and three-car garages and some premium lake-view lots. Six designs can be modified with flex spaces as add-ons.



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SPRING HOME SHOW

Featured Home



Builder: Plote Homes

Plote Homes is offering a country club ambiance and low-maintenance lifestyle at The Lakes of Boulder Ridge in Lake In The Hills where homeowners enjoy easy-living ranch designs. Four duplex plans with 1,710 to 2,254 square feet of space, two bedrooms, two baths, and two-car garages are available for base prices that start in the low \$300s. In addition, four designs for detached, single-family homes offer 1,710 to 2,243 square feet of space, two bedrooms, two baths, and two-car garages for base prices that start from the high \$300s. All yard work in the warm weather and snow removal in cold months is handled by the homeowners' association.

The country club setting and incredible scenery truly are what set this community apart; however, only a limited number of homes still are available with stunning golf course or water views. The ability to personalize their new home is one of the main attractions for buyers at The Lakes of Boulder Ridge. In fact, with so many options to choose from these homes have a real custom feel. Screened-in porches and finished basements are two of the most popular options. While buyers are able to add their own personal touches and build homes from the ground up, Plote Homes also offers a selection of homes ready for quick move-in for those who prefer a shorter timeline.

Whether building a quick move-in home or one specifically for a client, Plote Homes is dedicated to providing excellent service and a superior level of craftsmanship.

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