### Land and Acreage 200

## What every Realtor should know about selling Rural Property



### Code of the West

- Life in the country is different than life in the city
- Land Brokerage is a specific real estate discipline
- Are you a greenhorn Land Broker?
   http://www.co.stevens.wa.us/pressrelease/press/CodeOfTheWest.pdf



### Pre-Test

Are you a green horn land broker?

### **ANSWERS**

- Your Rating:
- 1-10 correct You are a greenhorn!
- ▶ 10-15 correct You've been down the road a bit.
- ▶ 15-20 correct Country bumpkin!

### Code of Ethics - Article 11

The services which Realtors provide to their clients and customers shall conform to the standards of practice and competence which are reasonably expected in the specific real estate disciplines in which they engage: Specifically residential brokerage, land brokerage.....etc

Amended 1/10

### Code of Ethics - continued

Realtors *shall not* undertake to provide specialized professional services concerning a type of property or service that is outside their field of competence.....unless...

### Code of Ethics - continued

- Realtors shall not undertake to provide specialized professional services concerning a type of property or service that is outside their field of competence.....unless
- "They engage the assistance of one who is competent on such on such types of property or service, or unless the facts are fully disclosed to the client."

Statewide form - L&A22

When should you use it? Residential and raw land?

What does it look like?

### Acknowledgements

How does this protect you, buyer, seller?

### **Contingency Provisions**

- ▶ Who pays?
- ▶ Who is responsible to order work done?
- Fime periods is it realistic?

### Feasibility

- ▶ Is it feasible?
- Should you do the research prior to an offer?
- When is it appropriate?
- Addendum trumps boiler plate

### 3. Additional Provisions

- ▶ Irrigation
- Assignment and assumption
- Attorney review
- Crops
- Accessories
- CRP
- Doc. Review
- Inspections
- > Tax designation
- Onsite sewage maintenance

### Other forms...

What do I do with the other forms? 22R - (well), 22S - (septic)

### Case Study

Read the case study handout and then fill out form 22L&A as if you represent the buyer on the purchase of this property. 15 Minutes

### **Property Boundaries**

### How to read legal descriptions - by Neil Shelton

"If you've ever wondered over the deed to your homestead or the strange designations you've seen in your real estate tax bill, you've come face to face with a legal description.

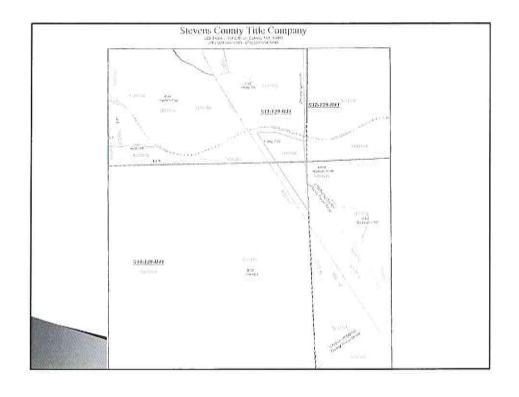
Ever since man started slicing up the earth and deciding which pieces of it belonged to whom, there has been a need for defining exactly where any given piece of land might lay. In early Britain, this was handled in a memorable fashion: the policy was to take a young child from the neighborhood, lead him one by one, to the corners of the tract of land in question, then give him a severe thrashing at each location.

The theory was that the child would long remember each spot (if beaten with sufficient gusto) and could testify to it's location long into the future."

### Legal Descriptions

- Importance of Exhibit A Best business practice!
- Is an Exhibit A from the title company necessary to make the contract binding?
- 3. Can you read the legal description?
- 4. Are they always accurate? The Buck stops here!

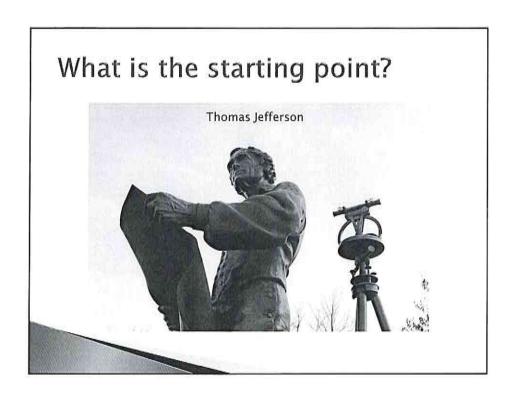
# EXHIBIT A This legal description is bussed on information provided to Stavona County Title Company and is subject to examination and varification by the title company. Parcel: (pt of \$199300 a \$193700) That purt of the SEL/4 of the SEL/4 of Section 14, all in Township 29 Morth, Range 41 East, W.H., in Stavens County, Washington, lying South of the Light of way of the Ovent Morther Relieve Company and Mact of the right of way for Privary State Highway No. 3, Don' Purk to Loon Lake. END OF EXHIBIT A EXHIBIT A Farcel: (pt of \$199300 a \$193700) That part of the REL/4 of the SEL/4 of Section 11, and that part of the REL/4 of the REL/4 of the SEL/4 of Section M, all in recessing 28 Morth, Range 41 East, M.H., in Section 18, all in recessing 28 Morth, Range 41 East, M.H., in Section 18, all in recessing 28 Morth, Range 41 East, M.H., in Section 18, all in recessing 28 Morth, Range 41 East, M.H., in Section 18, all in recessing 28 Morth, Range 41 East, M.H., in Section 18, and East, M.H., in Section 18, and 18, and

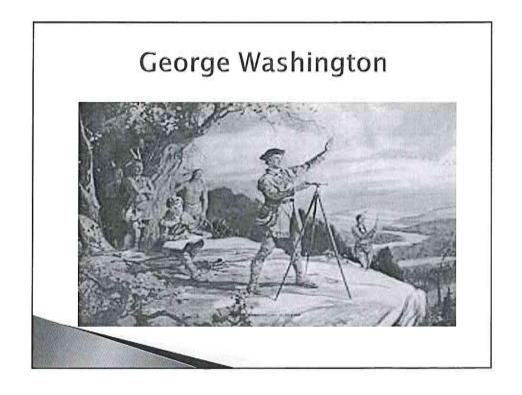


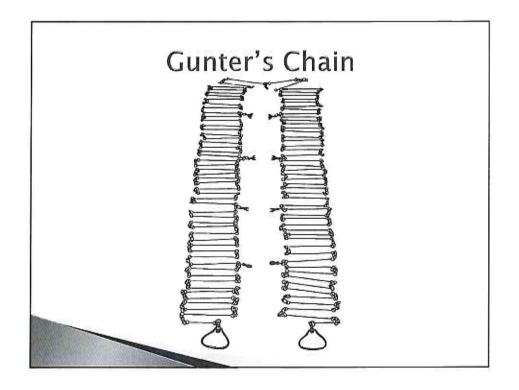


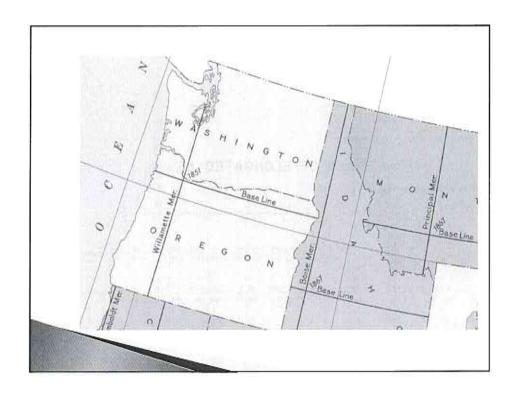
### Types of legal descriptions

- Lot and block: Lots 15, 16, 17 and 18, Block 5, ARCADIA ORCHARDS CO.'S FIRST ADDITION TO DEER PARK, as per plat recorded in Volume "P" of Plats, page 9, records of Spokane
- Metes and bounds: Beginning at the SW corner of said \$1/2 SW1/4 of sec. 15, township 30, range 43, thence north 30ft., thence east 2,637ft., thence south 30ft. To the SE corner...etc.
- Government survey: E1/2 of the NW1/4 of the NE1/4 of Sec. 20, township 27, Range 40





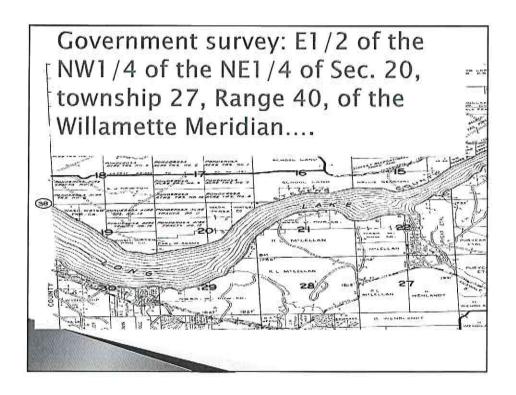




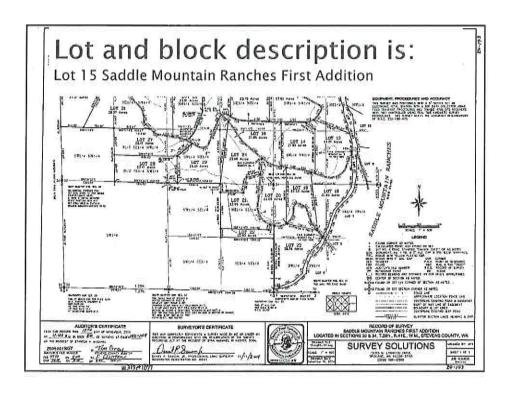


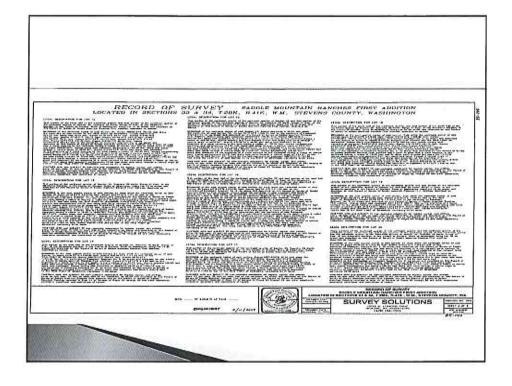


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A rod is 1695 feet. A pole is 1694 feet. (160 ACRES) A chain is 66 feet or four rods. A mile is 320 rods, 80 chains or 5,750 feet.						(80 ACRES)		40 Reds or 660 Pt.	(00 ACRES) 40 Rods or 600 Ft.				
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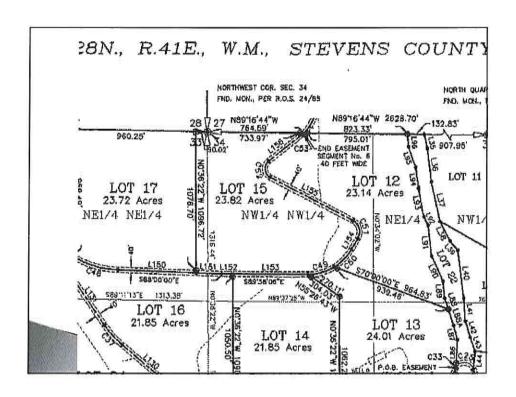


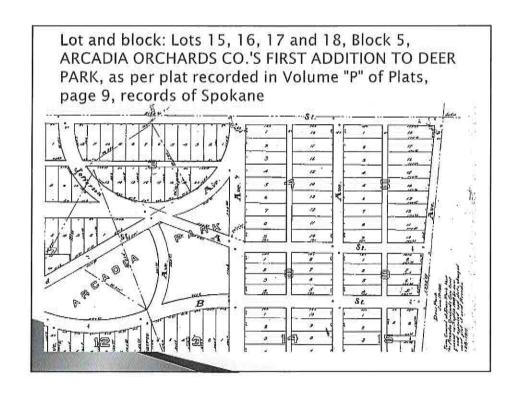
#### LEGAL DESCRIPTION FOR LOT 15

That portion of the northeast quarter of the northeast quarter of Section 33 and that portion of the northwest quarter of the northwest quarter of Section 34. Township 28 North, Range 41 East, of the Williamette Meridian, in the County of Stevens, State of Washington, being Lat 15 as shown and described on this Record of Survey of Saddle Mountain Ranches First Addition, described as follows:

BEGINNING at the northeast corner of said Soction 33; thence N89"18'02"W 90.02 feet along the north line of said Section 33; thence S0"36'22"E 1.096.72 feet to the centerline of Easement Segment No. 6, as shown and described an this Record of Survey of Saddle Mountain Ranches First Addition; thence along sold easement S88'00'00"E 198,20 feet; thance 589'38'08"E 683,55 feet along said easement to the beginning of a curve concave to the northwest having a radius of 400.00 feet; thence easterly and northeasterly 414.81 feet along sold curve through a central angle of 59"25"00"; thence N30'56'54"E 96.30 feet along sold easement to the beginning of a curve concave to the west having a radius of 100.00 feet; thence anotheasterly, northerly, and northwesterly 163.80 feet along sold curve through a central angle of 93"51'00"; thence N62'54'06"W 740.00 feet along sold easement to the beginning of a curve concave to the east having a radius of 75.00 feet; thence northwesterly, northerly, and northeasterly 150.53 feet along sold curve through a central angle of 115'00'00"; thence N52'05'54"E 328.80 feet along sold curve through a central angle of 4'24'31" to the north line of sold Section 34; thence leaving sold centerline of easement N89'16'44"W 764.59 feet along the north line of sold Section 34 to the POINT OF BEGINNING, containing 23.82 acres.

TOGETHER WITH and SUBJECT TO non-exclusive eosements for ingress, egress, and utilities, being 40 feet wide, 20 feet on each side of the centerline, as shown and described on this Record of Survey of Saddie Mountain Ranches First Addition and on the Record of Survey of Saddie Mountain Ranches recorded in Book 24 of Surveys at Pages 65 through 68 and other easements, covenants, conditions, and restrictions of record.

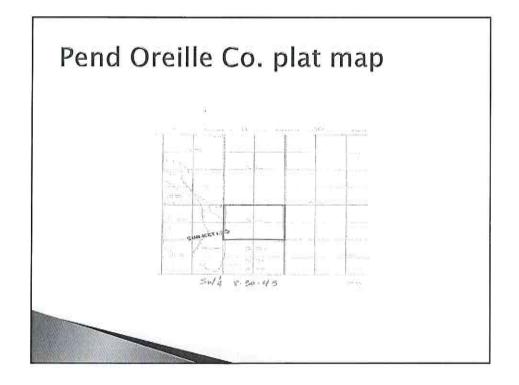


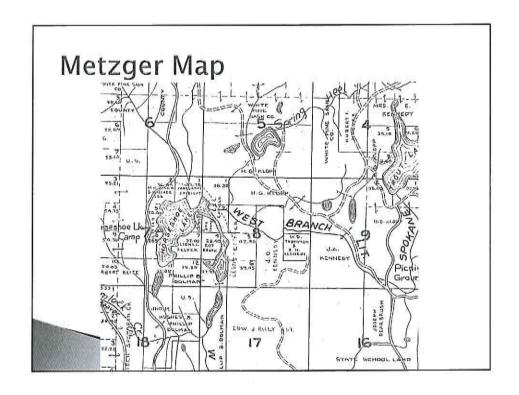


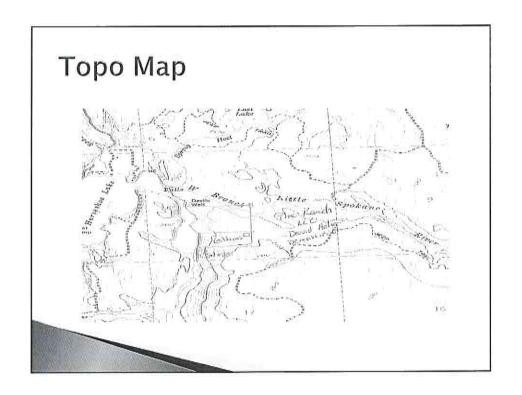
### Property boundaries

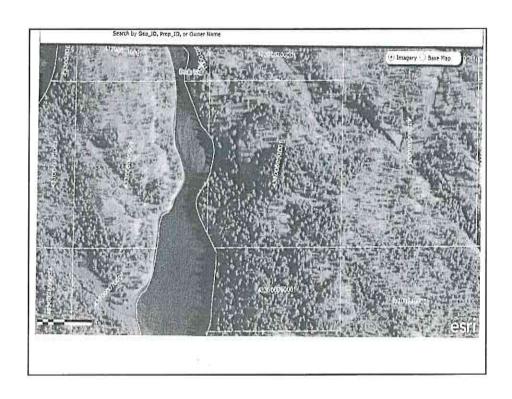
Group activity

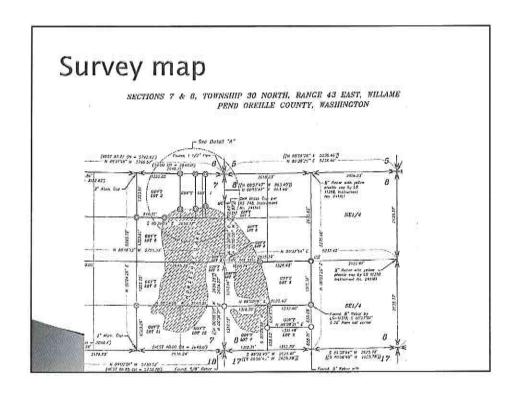
How do you find and represent a property
where the land owner is in another state?

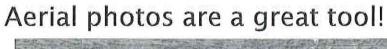














### **Group Activity**

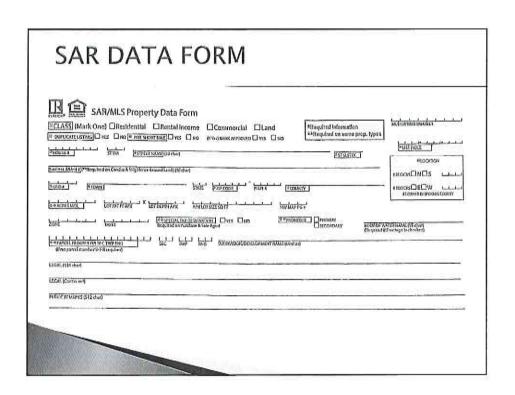
How would you advise your client if you are representing the buyer and there is no survey?





### MLS - issues

- MLS Paragon mapping system Geocodes
- NW Map page number
- Include legal description on data sheet



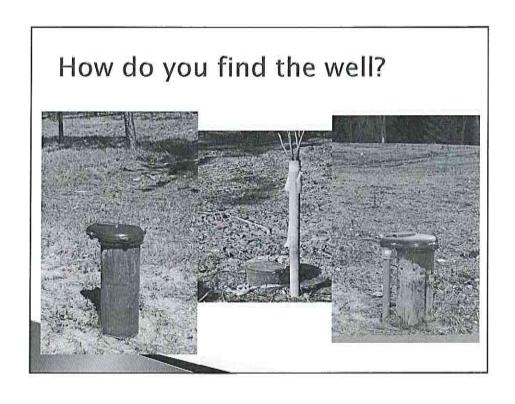
### Property improvements potable water

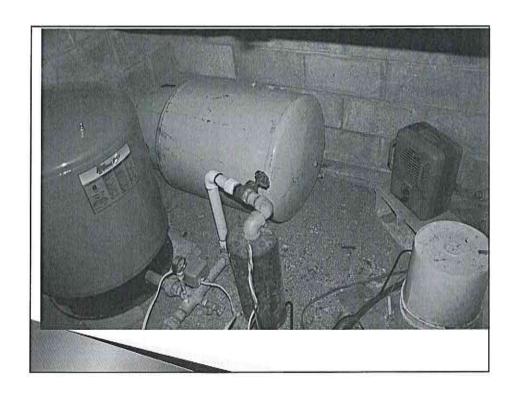
- Well what is a good well? (financeable?)
- What is minimum flow requirement?
- Maximum usage per State Law?



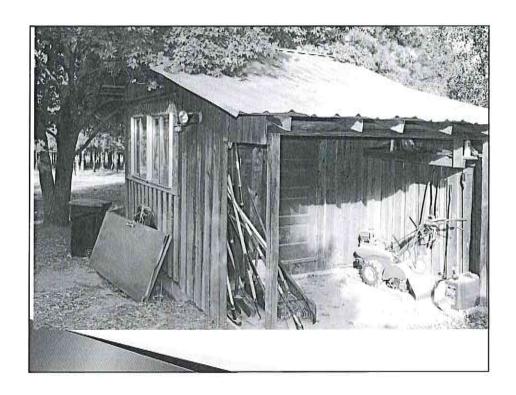
### **Exempt domestic wells**

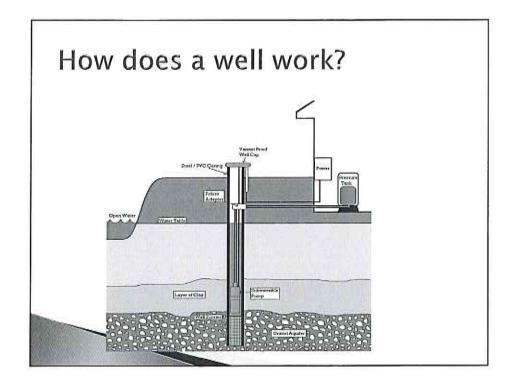
- Permitted for 5,000 gallons per day
   ( 3 ½ gallons per minute)
- Minimum required flow to be legal well
- 1gpm or 800 gallons per day
- Must be 100 feet from septic system





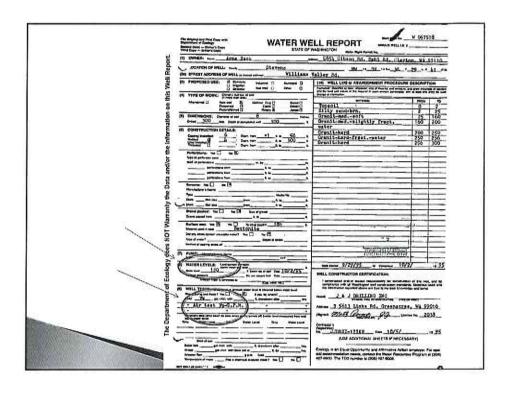






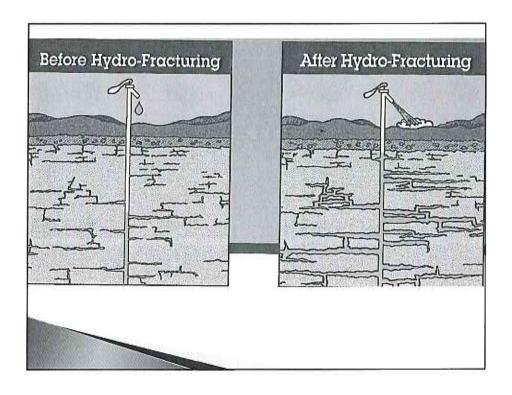
### Link to Dept. of Ecology well logs

https://fortress.wa.gov/ecy/waterresources/m ap/WCLSWebMap/textsearch.aspx?newsearch =true



### What if it is low producing?

- Hydro fracture
- ► CO2 -fracture
- ▶ Holding tanks



### 22L&A

- Quality tests Purity
   Lead, arsenic, nitrates, coliform, uranium
- Puantity What do you put in the blank?
- ▶ How much time do you need?

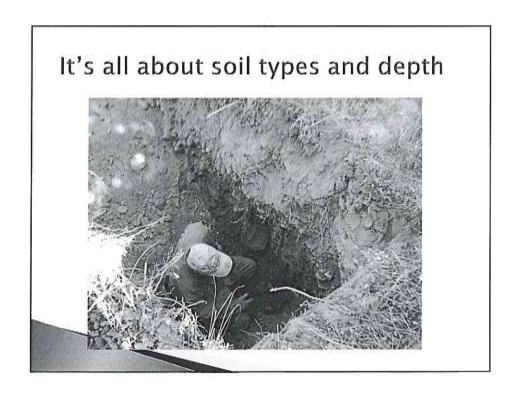
### Onsite sewage system

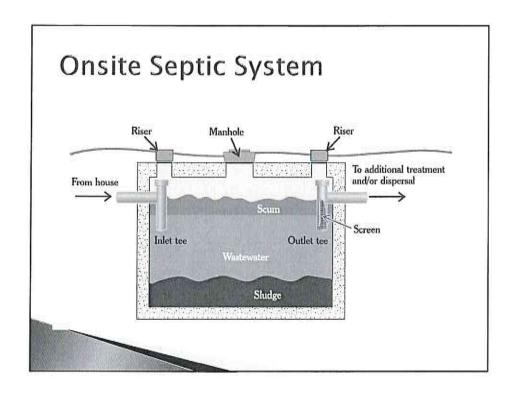
- Septic is it approved? Does that matter?
- Purge test
- Perc test

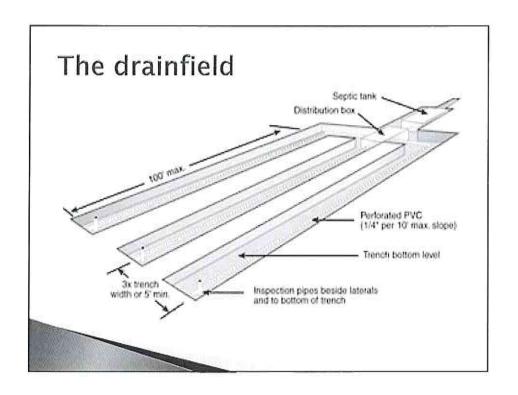
### What is a perc test?

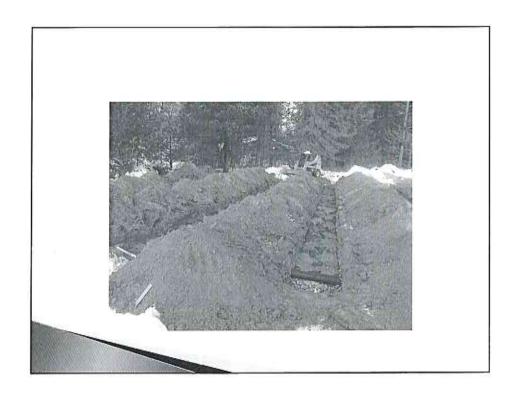


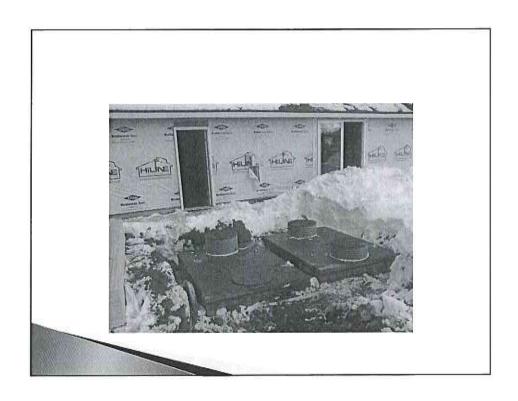










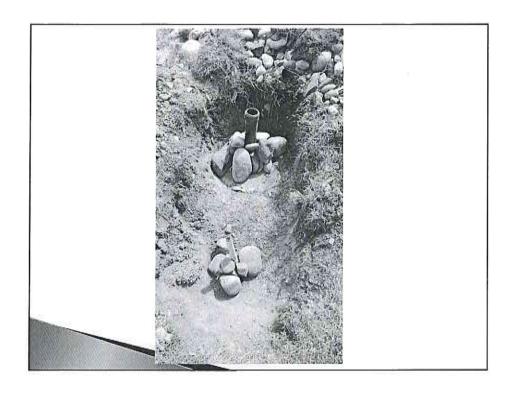


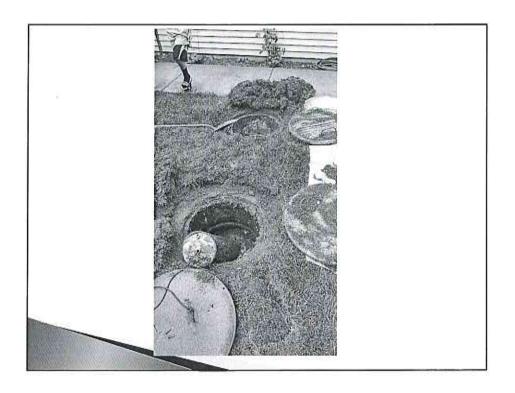
### Septic - Pump and certification

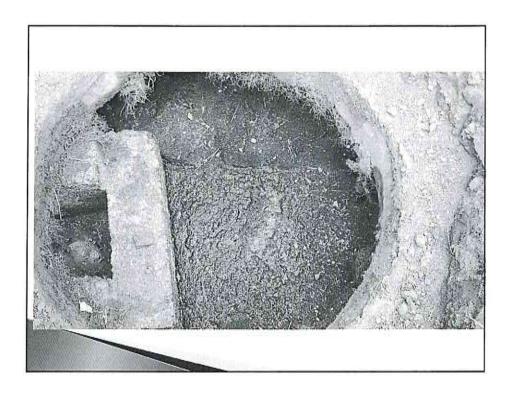
- How does the septic sucker tell if it is working?
- What do you get to verify?
- What are the red flags? ("slowly accepting affluent")

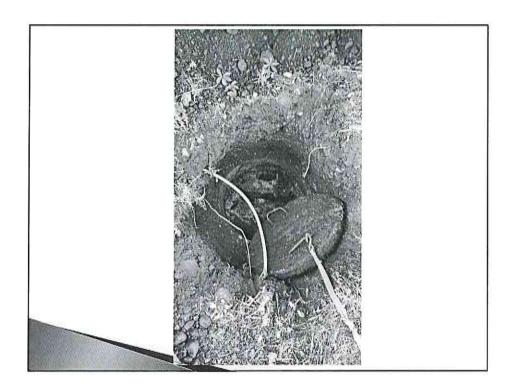






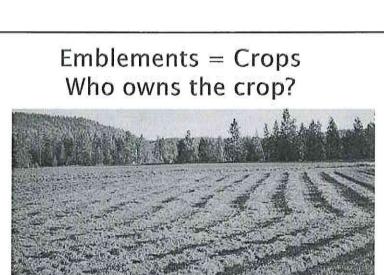


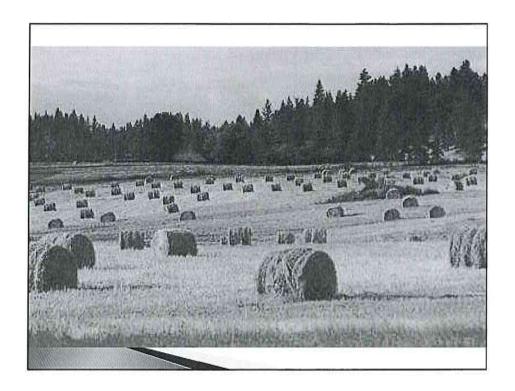




### Farm issues

- ▶ Crops
- Fates, fences, portable panels
- ► CRP
- Irrigation and water rights
- Optional Clauses does the poop pile stay?
- Form 17 is there a farm close by?





### **CRP**

Signed into law by President Ronald Reagan in 1985, CRP is the largest private-lands conservation program in the United States. Thanks to voluntary participation by farmers and land owners, CRP has improved water quality, reduced soil erosion, and increased habitat for endangered and threatened species. The Conservation Reserve Program (CRP) is a land conservation program administered by the Farm Service Agency (FSA). In exchange for a yearly rental payment, farmers enrolled in the program agree to remove environmentally sensitive land from agricultural production and plant species that will improve environmental health and quality. Contracts for land enrolled in CRP are 10–15 years in length. The long-term goal of the program is to re-establish valuable land cover to help improve water quality, prevent soil erosion, and reduce loss of wildlife habitat.

Farmers offer to enroll their land in the CRP. It has to be land where crops previously grew.

If the USDA accepts the offer, the farmer gets paid a fee, roughly equivalent to the rental value of the land, to stop growing crops on it. The USDA gives priority to land where halting cultivation offers environmental benefits: Less erosion of soil, runoff into streams, or valuable habitat for wildlife.

## Water rights



- Water rights are appurtenant to the land
- Water rights are a property right
- If not used in 5 years they are relinquished

### First Questions To Ask

- Is there written documentation?
- Is there evidence of actual use?

### Second Question to ask

- Has it been used at least once every 5 years?
- What was the use?
- What amount was used?

### How Much is it Worth?

- A water right is a value
- Local water rights sell for \$500 \$3,000 per acre-foot.
- Agricultural rights are being sold for domestic supply development

### Certficates, Permits, Claims

- If not adjudicated, are held as "personal" property
- Must be transferred via assignment not deed

### Some contacts:

- ▶ Gene St.Godard, P.G., L.Hg. Water & Natural Resource Group 509-953-9395
- ▶ Peter G. Scott Water Rights Attorney 406–585–3295

### **Open Space Taxation**

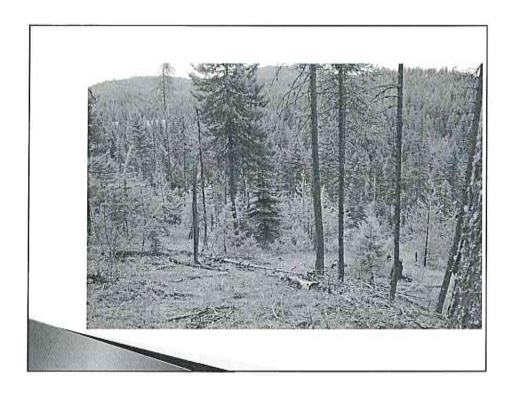
- ▶ What is the Open Space Tax Act? (See appendix page 35)
- What are the land tax classifications?
- Continuance documents Get started right away! Don't wait till closing!
- New rules allow parcels smaller than 20 acres with a forest management plan.

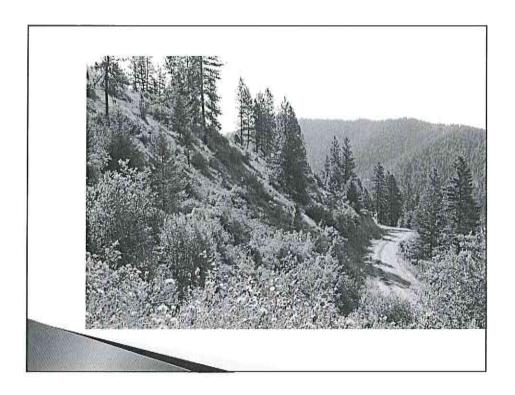
### Easements and Road Maintenance

- What is an easement?
   Easements in Gross, appurtenant, burdened or benefited property
- Does the property have legal access?
- Actual access road maintenance agreement

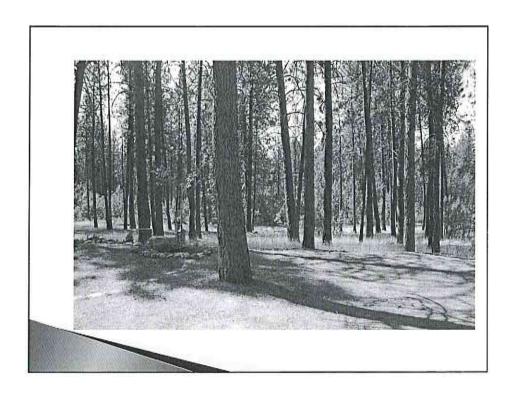
### Timber, a renewable resource

- Timber Cruise how can you tell what it's worth
- > Timber Clause seller finance fraud issues
- 1031 exchange cut it or leave it on the stump?









### Covenants

- Types (no goats, pigs or chickens)
   (no timber cutting, no single wides)
- Blessing or curse?
- **▶** Enforcement

### Manufactured Homes

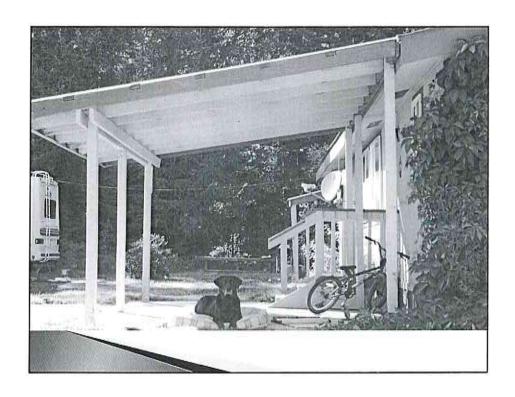
- Dept. of Labor and Industries (L&I) role
- Permanent foundation requirements tie downs
- > Title elimination
- F Twice moved

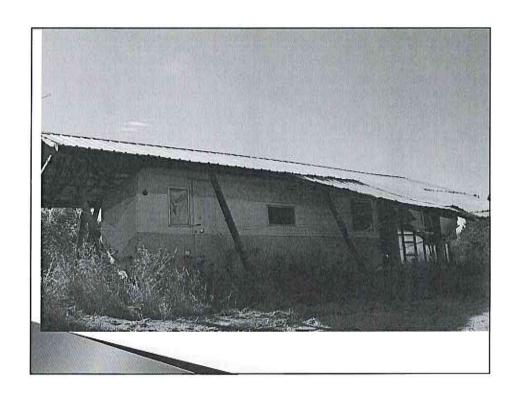
# Department of Labor and Industries (L&I)

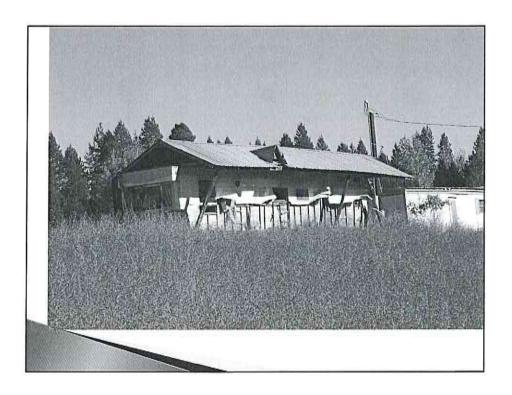
- "Illegal to sell or offer to sell a Manufactured Home that has been altered."
- What constitutes an alteration? New roof, penetrations, attached porches or decks, new furnace or air conditioner, larger window openings, wiring etc.

### Common violations

- Attached roofs
- Porches and decks
- Woodstoves
- Additions
- ▶ Re-roofs

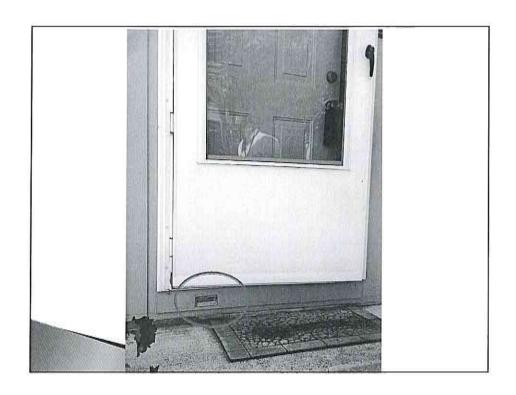


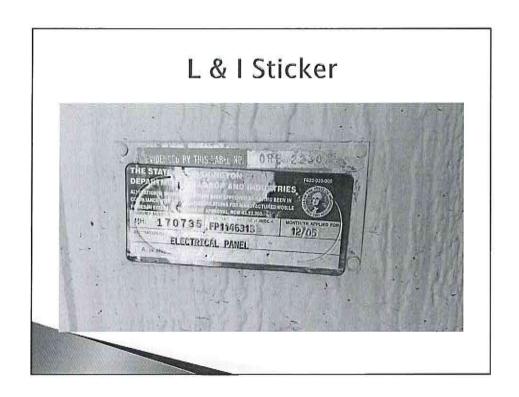




### L&I Inspections

- ▶ Check for existing tags HUD stickers, L&I
- Inspection of suspected items
- Do you have to complete the work to be legal?

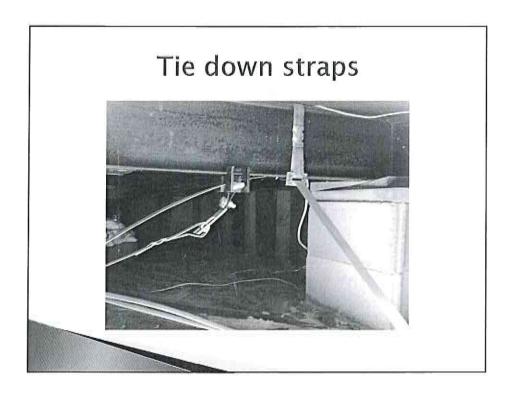


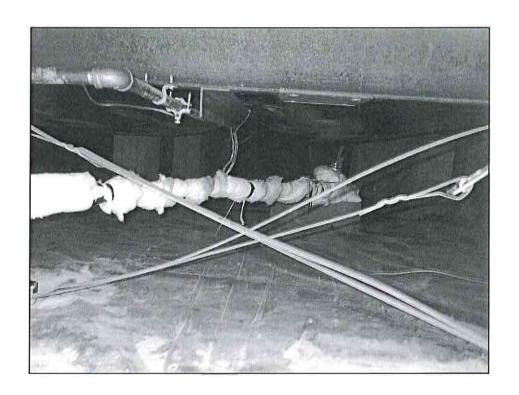


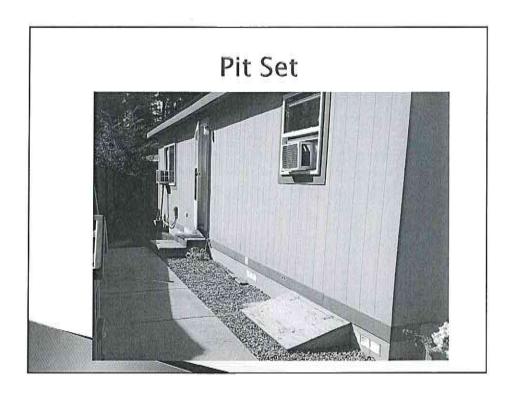


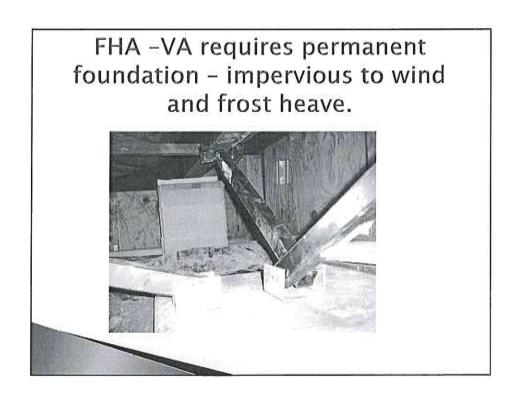
### Permanent Foundation Requirements

- Fingineers certification required
- > Tie downs
- Impervious to frost heave
- Vapor barrier
- Blocked, skirted

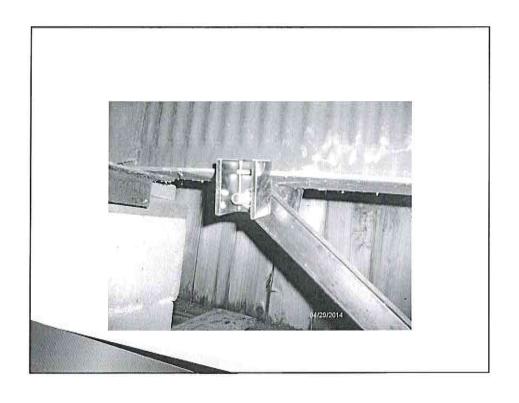


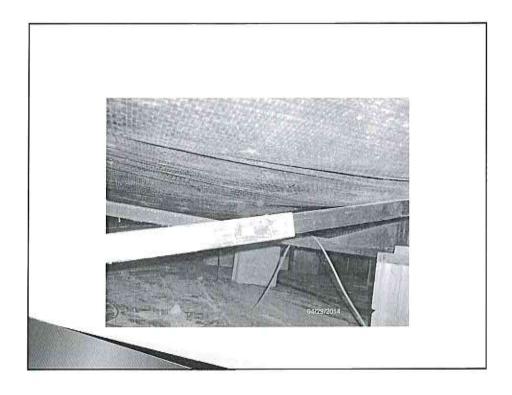












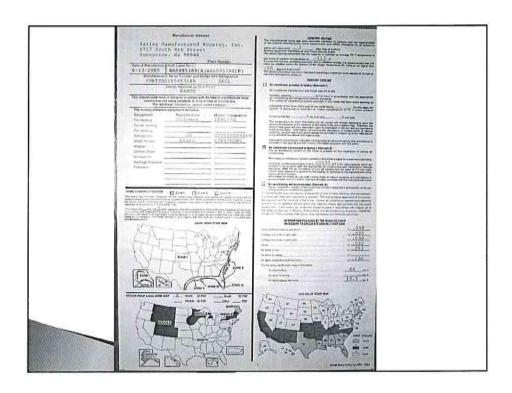
### Title Elimination

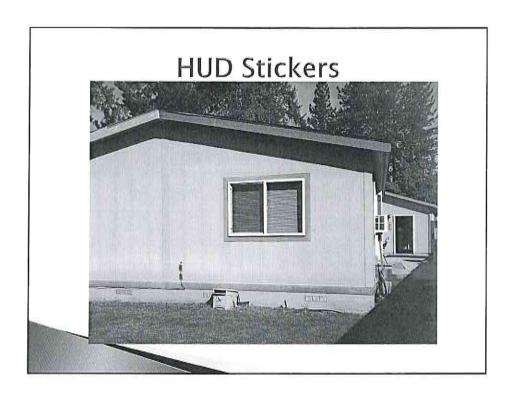
- Fitled like a car?
- Has is been eliminated? How can you tell?
- Don't wait till closing

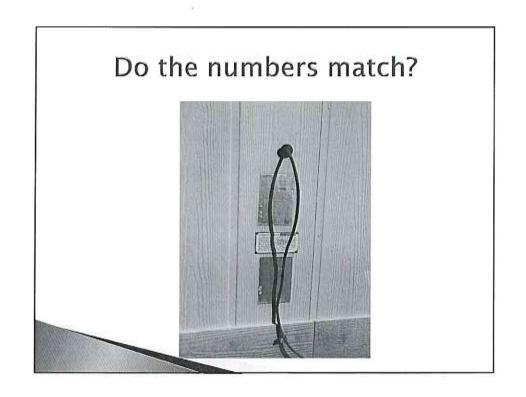
### **Data Sheet**

Engineers and appraisers

- Finding it Kitchen Sink cabinet door, Master bedroom closet, electrical panel door
- Why important? Serial number, make-model, roof load







### When is age a factor?

1976 and older - not financeable

### Rural Financing

- USDA Loans Rural Development (guaranteed vs. subsidized)
- Multiple parcels
- Raw land loans
- > Twice moved Manufactured Homes

### Disclosure issues

- Form 17 − (improved, unimproved) which one do you use?
- Are there encroachments, boundary disputes?
- For how many bedrooms was onsite septic approved?
- Manufactured Homes- alterations? Permit?

### Open Book Test

### Email Turn Around Time Anatek Labs, Inc. ☐ Phone Normal Normal 1282 Alturas Drive 04 E Sprague Ave Ste D Mail Likeri Fay Moscow ID 83843 pokane WA 99202 FAX # ☐ Fax (208) 883-2839 FAX 882-9246 509) 838-3999 FAX 838-4433 Inorganic Chemical Analysis Report Please fill out completely and legibly Compliance Initials Units Results Tests MCL. County Time Collected Date Collected Y/N SPOKANE KNY 0.01 20.00 mg/L Arsenic (As) mg/L Barium (Ba) 2 Sample Purpose mg/L Beryllum (Be) 0.004 Purchase/Sale/Bldg Permit mg/L Cadmium (Cd) 0.0005 mg/L ☐ Informative Calcium (Ca) mg/L 250 Chloride (CI) New Well mg/L Chromium (Cr) 0.1 Sample Type Color Units 15 Color Standard Drinking Water 700 umhos/cm 25°C Conductivity Raw Source Water mg/L 1.3 Copper (Cu) Corrosivity Other (Specify) mg/L Cyanide (CN) 0.2 Owner or Manager Name GREER mg/L KIM Fluoride (F) 4 mg/L as CaCo Hardness mg/L 0.3 Iron (Fe) mg/L KNP 20.00 0.015 Lead (Pb) mg/L Magnesium (Mg) . Send Report to: mg/L Manganese (Mn) 0.05 Name mg/L 0.002 Mercury (Hg) mg/L Nickel (Ni) 0.1 mg/L $Z_0$ . Nitrate as N 10 0.5 mg/L Nitrite as N Eve/Msg Tel # So 9 535podest Day Tel # mg/L Selenium (Se) 0.05 mg/L Sample Collected by: Silver (Aq) 0.05 mg/L . KIM GREEK Sodium (Na) mg/L 250 Sulfate (SO,) Source Type (Check One) mg/L Well/WellSpring Purchased or Intertie TDS 500 Grd Water under Surface Influence mg/L TSS ☐ Spring NTU Combination or Other Turbidity Surface Water µg/L Uranium (U) 30 mg/L Zinc (Zn) 5 COLIFORM BACTERIA (Lab Use Only) TDS-Total Dissolved Solids TSS-Total Suspended Solids MCL-Max. Contaminant Level SATISFACTORY (COLIFORM ABSENT) OTHER ANALYSES REQUESTED Unsatisfactory (Collform Present) REPEAT Inorganic Contaminants (IOC's) ☐ Total Present ☐ Total Absent SAMPLES ☐ E.Coli Present ☐ E.Coli Absent Volatile Organics (VOC's) REQUIRED Semivolatile Organics (SOC's) Other Lab Results Private Well Test /100ml /100ml E.Coli Total Coliform Iron Bacteria /100ml Plate Count /100ml Fecal Coliform Another Sample Required Laboratory Comments pd cc 74852P Test Unsuitable Because: Sample Not Tested Because: TNTC Sample Too Old ☐ Turbid Culture Wrong Container Excess Debris Other Lab Analyst Report Date tlm 4-12-17

LabiSupervisor /

Ву