

NCMAR Leadership

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Exit New Options Real Estate

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President's Message

I hope you are enjoying your summer and staying busy in this crazy market.

You should have recently received an email for a Call For Action regarding the Patent Troll issue. This is a very important issue and we need your support. Please click the link below to answer the Call for Action and make your voice heard. It is quick and easy. The link will send you to an online form asking for your name and address. A sample of the letter is there for your viewing. Click send and a copy of the letter will be sent to your individual legislators.

More information about the patent trolls is available on page 3 of this newsletter.

Be sure to take part in one of the upcoming Continuing Education classes free to all NCMAR members Visit www.ncmar.com to register for upcoming classes.

NCMAR's Third Thursday is coming up on August 20th at Slattery's Restaurant in Fitchburg. Attorney Bob Charland is our sponsor. The raffle proceeds from the evening will go to the Boston's Children's Hospital. We hope to see you there!

The housing activity continues on a positive climb. The area covered by NCMAR saw a increase of 26% in closings in July 2015 compared to July 2014.

Prices continue to tick up by almost 3% and inventory has tightened up dropping by 19%.

Low Inventory will cause the sales price to tick up in the near future.

Hopefully you are enjoying the up tick in closings.

Please continue to support RPAC I hope you have had the opportunity to watch my video to learn more about our legislative issues and decided to contribute the fair share amount to RPAC.

Thank you to all those that have contributed so far. Please consider making a contribution if you haven't done so already.

Until next time.....Enjoy!



Bill Foss, 2015 President

Premiere Sponsor

Fidelity Bank
HELPING YOU GET WHERE YOU WANT TO BE

Notes from the MAR Legal Hotline

Michael McDonagh, MAR General Counsel

Ashley Stolba, MAR Associate Counsel

Justin Davidson, MAR Staff Attorney

Q. My seller has a home with a septic system that was inspected eighteen months ago and they would like to resell the property. Do they have to have it inspected again?

A. Most likely, no. If an inspection was conducted within the applicable time frame, it may fulfill the inspection requirement for more than one transfer of title. For most properties, inspection must have occurred within two years prior to the transfer. Alternatively, if the system has been pumped on an annual basis and the records are available, then typically the inspection must have occurred within the past three years.

Q. Who must obtain a Title 5 inspection when a property is being sold and who receives the results?

A. Pursuant to Title 5, the property owner or facility operator is generally responsible for obtaining an inspection of the system by an approved system inspector. Prior to the time of transfer of title, however, the parties may contractually allocate responsibility for the inspection provided that such inspection occurs within the specified timeframe. If an inspection is required, the inspection results must be recorded on a state Department of Environmental Protection (DEP)-approved inspection form and submitted within 30 days of the inspection to the approving authority, which is typically the local Board of Health.

If an inspection is not required, a system owner may perform a voluntary assessment of the condition and operability of the system, in which case the results of the inspection are not required to be submitted to the approving authority.

For more information on Title 5, visit:

<http://www.mass.gov/eea/agencies/massdep/water/waste/water/septic-systems-title-5.html#6>

Q. Is the seller required to allow buyers to test for radon in Massachusetts?

A. No. Unlike lead paint, the seller is not required to allow the buyer to conduct a radon test. Unless the parties have otherwise agreed, if a test is conducted and the buyer is concerned about the level of radon detected, the seller is not obligated to abate the problem.

Buyers wishing to add a radon contingency should be sure to include that contingency in the agreement to purchase, and be agreed upon by the seller.

Q. If a buyer backs out of a transaction because of elevated radon levels, is the listing agent required to disclose this to future prospective buyers?

A. Yes. Attorney General regulations explaining Chapter 93A provide that it is a violation when an agent, “fails to disclose to a buyer or prospective buyer any fact, the disclosure of which may have influenced the buyer or prospective buyer not to enter into the transaction.” It requires that a real estate agent volunteer these facts, even if not asked, preferably in writing. Elevated radon levels in a home would be considered a fact under Chapter 93A, and therefore must be disclosed if known.

For more information on radon, please visit:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/environmental-health/exposure-topics/radiation/radon/public-health-fact-sheet-on-radon.html>



The MAR Legal Hotline

is available **free of charge** to all office principals and their designees who have completed the Hotline Authorization form. To obtain a copy of the form, visit MAR's website at www.maREALTOR.com or simply call the Hotline at 800-370-5342. The Hotline is open Monday to Friday from 9:00 am to 4:00 pm

Good Neighbor-Donna Hobman

Donna Hohman of Coldwell Banker Residential Brokerage in Leominster gave of her time and talent to help on a recent Women's Build for Habitat for Humanity North Central.

Brandishing a hammer and chisel, Donna worked along side other women on the duplex located on Central Street in Ayer.

Women Build is Habitat for Humanity's program for women who want to learn construction skills and build homes and communities. This program brings together women from all walks of life to address the housing crisis facing millions of women and children worldwide

For one week in April, women volunteered at the very successful Women Build. Great progress was made on the home site. Through participation in the Women's Build, Donna has shown her commitment to others in need of a decent place to live. She has not only helped to build a home, she helped a family and a community.

The foundation is in, the land is cleared, and all of the walls on our Ayer homes have been raised, and the two families selected for the duplex can see the great progress as well as the beautiful yard where their children will be able to play.

Habitat for Humanity North Central is located at 138 Great Road Acton, MA 01720 email: office@ncmhabitat.org phone 1-978-348-2749.



Patent Trolls - What's the Big Deal?

Patent assertion entities — or patent trolls—continue to target the real estate industry with frivolous lawsuits.

REALTORS® across the country receive threatening demand letters and lawsuits alleging patent infringement based on the use of common business tools such as drop down menus or search alert functions on websites and the scanner function on a copier. These patent trolls buy vague patents and use them to turn everyday business practices into potential lawsuits.

H.R. 9 is scheduled for House floor consideration later this summer. Congress must pass this common-sense comprehensive patent litigation reform to protect Main Street businesses and REALTORS® from patent troll abuse.

Even though legislation to cut down on predatory patent troll behavior is moving forward on the federal level, opponents of many aspects of the current bills in Congress promise a long fight. NAR is working for patent reform as part of a coalition and continues to voice the need for a solution to legislators on Capitol Hill.

here has been more progress on the statewide legislative level. Legislators in eight states so far this year have approved laws

designed to curb some abusive patent assertions. Colorado, for example, recently approved a bill allowing the state attorney general's office to prosecute people who send lawsuit-threatening letters seeking payments for patent infringement when they don't hold the patents or don't have legitimate claims for infringement. Currently, 19 states have approved some form of patent troll-limiting legislation. NAR is working for patent reform that weakens trolls while preserving legitimate patent rights.

There has also been movement in the courts against patent trolls. Chiefly, a U.S. Supreme Court decision last year limited patents on software, resulting in a series of district court decisions to invalidate questionable patents. Another 2014 Supreme Court decision made it easier to award attorneys' fees to the winners in patent cases.

However, the Supreme Court in May said that simply believing the patent you're accused of violating was invalid in the first place, is not grounds for a infringement defense. This case represents the first time the term "patent troll" was used by a Supreme Court justice in a decision (Justice Antonin Scalia in the case of Commil USA LLC v. Cisco).

(continued)

2015 Committee Chairs

Executive Committee
Bill Foss

Finance Committee
Locke Haman

Government Affairs Committee
Barry Cunningham

Member Services Committee
Susan Wright

Technology Committee
David Hyre

Community Involvement Committee
Denise Wortman

Communications Committee
Locke Haman

Grievance Committee
Gayle Sabol

Professional Standards Committee
Gary Bourque

Scholarship Trustees
Karen Shattuck

Top Producer Workgroup
Lana Kopsala

Awards & Recognition Workgroup
Tom Ruble

Young Professionals Network
Katie Weldon

MAR Directors
Tom Ruble
Bill Foss
Michelle Haggstrom

MAR Alternates
April Cover
Judith Murphy
Darlene Sodano

MLS PIN Directors
Rick Healey
Paula Savard

Patent Trolls - What's the Big Deal?

On the regulatory side, the U.S. Patent and Trademark Office recently handed down a final decision invalidating key claims of a podcasting patent that Personal Audio LLC, a patent assertion entity, was attempting to leverage against big-name podcasters, including CBS, NBC, and Fox.

Patent trolls often purchase vague and overly broad patents typically addressing commonplace technology and business methods. They demand a license fee or threaten to take businesses to court whether or not the business actually violated any patents. Often in the case of individual real estate brokers, the licensing fee could be a little as a few hundred dollars, whereas the cost of a court case could easily reach tens of thousands.

In recent years, members, REALTOR® associations, and MLSs have received demand letters or have been sued for using commonplace technologies such as scan-to-e-mail functions and online systems for searching and transmitting property listings.

Despite some legislative and legal progress, the patent troll letters keep coming. It's important to note that members have options for responding to a patent troll demand letter.

First, members could deter the patent troll by requesting additional information, such as the scope of the patent, the claims allegedly violated, and a description of the product or service that allegedly infringes it.

Members also could deny infringement, sue for a declaratory judgment of noninfringement (which legally concludes they are not infringing the patent), or challenge the patent's validity before the U.S. Patent and Trademark Office.

In some cases, it may be prudent to negotiate a settlement or license fee. For example, in 2007, many REALTOR® associations and MLSs were threatened with litigation by the owner of a patent for an online system to locate, search for, and transmit to others information about properties. Ultimately, an industrywide license for use of the patent was negotiated.

NCMAR could help connect members targeted by the same troll. These members may decide to organize a joint defense group for the purpose of sharing information about the patent troll, challenging the patent, or collectively defending a lawsuit.

Finally, NAR's Legal Action Program provides financial support for litigation of significance to the real estate industry. If members are sued by a patent troll, you can seek assistance from the Legal Action Program.

Tell your U.S. Representative to support H.R. 9, the Innovation Act to stop patent trolls and protect the real estate industry from frivolous lawsuits. Use the easy form at www.realtoractioncenter.com to contact your legislators. It is quick and easy!

Local Market Update – June 2015

A RESEARCH TOOL PROVIDED BY THE MASSACHUSETTS ASSOCIATION OF REALTORS®



North Central Massachusetts Association of REALTORS®, Inc.

North Central Massachusetts Association of REALTORS®

+ 26.4%

Year-Over-Year
Change in
Closed Sales
All Properties

+ 2.3%

Year-Over-Year
Change in
Median Sales Price
All Properties

- 19.4%

Year-Over-Year
Change in
Inventory of Homes
All Properties

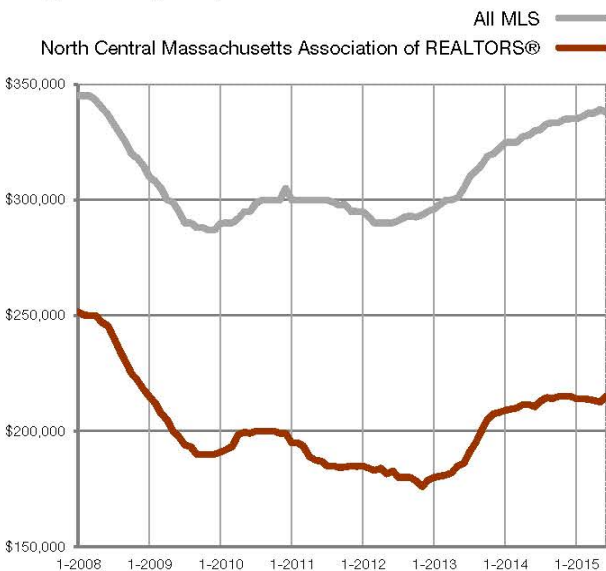
Single-Family Properties	June			Year to Date		
	2014	2015	+ / -	2014	2015	+ / -
Pending Sales	214	337	+ 57.5%	1,056	1,341	+ 27.0%
Closed Sales	220	271	+ 23.2%	917	972	+ 6.0%
Median Sales Price*	\$241,250	\$255,000	+ 5.7%	\$207,500	\$215,000	+ 3.6%
Inventory of Homes for Sale	1,399	1,135	- 18.9%	--	--	--
Months Supply of Inventory	8.1	6.4	- 20.7%	--	--	--
Cumulative Days on Market Until Sale	96	101	+ 4.9%	126	126	- 0.7%
Percent of Original List Price Received*	95.4%	96.5%	+ 1.1%	93.0%	94.1%	+ 1.1%
New Listings	420	429	+ 2.1%	1,948	2,060	+ 5.7%

Condominium Properties	June			Year to Date		
	2014	2015	+ / -	2014	2015	+ / -
Pending Sales	28	33	+ 17.9%	152	186	+ 22.4%
Closed Sales	30	45	+ 50.0%	142	152	+ 7.0%
Median Sales Price*	\$231,000	\$185,000	- 19.9%	\$166,950	\$143,500	- 11.1%
Inventory of Homes for Sale	187	143	- 23.5%	--	--	--
Months Supply of Inventory	7.5	5.7	- 24.0%	--	--	--
Cumulative Days on Market Until Sale	118	145	+ 22.5%	123	127	+ 3.5%
Percent of Original List Price Received*	95.5%	97.8%	+ 2.5%	96.1%	95.3%	- 0.9%
New Listings	56	41	- 26.8%	293	261	- 10.9%

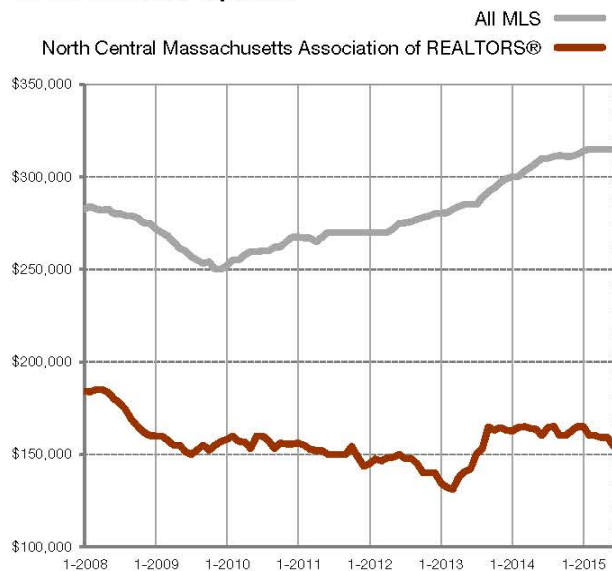
* Does not account for seller concessions. | Activity for one month can sometimes look extreme due to small sample size.

Median Sales Price BASED ON A ROLLING 12-MONTH AVERAGE

Single-Family Properties



Condominium Properties



Welcome New REALTOR Members

In accordance with Article V Section 1 NCMAR By-Laws notice is hereby given to all REALTOR members of the intention of the named individuals to become members of the Association. If any REALTOR member desires to make objection or comment concerning the named individuals, such objection or comment must be made in writing to the President within 10 days of this notice.

Jordan LeBlanc
Exit New Options Real Estate
100 Erdman Way, Leominster

Linda Kadlik
Crowne Ledge Realty
178 Newell Hill Road, Sterling

Maureen Dempsey
Keller Williams Realty North Central
680 Mechanic Street, Leominster

Brendan Riley
Exit New Options Real Estate
100 Erdman Way, Leominster

Melanie Ruggiero
Keller Williams Realty North Central
680 Mechanic Street, Leominster

Joanna Suggs
Keller Williams Realty North Central
680 Mechanic Street, Leominster

Bonnie Stone
Acres Away Realty
14 Columbus Street, Leominster

Raymond Wheeler
Foster-Healey Real Estate
26 Pearson Blvd, Gardner

Gary Lorden
Keller Williams Realty North Central
680 Mechanic Street, Leominster

Welcome New Business Partner Members

Rose M. Powers
The Appraisal Professionals Rose Powers and Associates
P.O. Box 10, Rindge, NH 03461-0010
978-630-3500 rose@theappraisalprofessionals.com

Heather Putnam Graham
MassHousing
One Beacon Street, Boston, MA 02108
617-854-1644 hputnam-graham@masshousing.com

MLS PIN offers **free, hands-on training classes** for our customers to learn the different levels of the Pinergy system.

TRAINING CENTER			
Course	Site	Date & Start Time	
Getting Started: Searching the System	North Central Massachusetts Association of REALTORS®	08/14/2015 9:30 AM	Sign Up
Getting Started: Contact Management	North Central Massachusetts Association of REALTORS®	08/14/2015 1:00 PM	Sign Up

To register go to http://www.mlspin.com/schedule_registration.aspx If you have problems registering online, please call our **Customer Service at (800) 695-3000, option 1**, to register by phone. Registration is required to reserve your seat in each class. We recommend doing so in advance as seating is limited. All classes are free of charge for MLS PIN customers.

When Dreaming Becomes Searching...

MLS PIN customers get added exposure to thousands of potential buyers and sellers with our new public-facing real estate website, **MLS PIN Homes**. Consumers can search for properties, open houses, Agents and offices – and the leads are provided absolutely free. It's one more way we're helping you turn dreamers into satisfied clients.

- **FREE** leads for your listings
- **Agent and office search**
- **Open house search**
- **Advanced map search**
- **Community profiles**
- **Accurate and reliable data**
- **Easy and convenient**



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Upcoming Networking Events

NCMAR Night Out

Connect and Engage at
Slattery's Restaurant



Sponsored by
Bob Charland of
Gelinas and Ward Law Office

Meet with your fellow NCMAR REALTORS and Business Partners in an inviting atmosphere for networking on the 3rd Thursday of each month for drinks and appetizers.

**Thursday, August 20th,
5:30 to 8:30 pm**

The Member Services Committee will offer a 50/50 cash raffle where you may purchase tickets for \$5. Half the funds raised from this raffle will go to the Boston's Childrens Hospital.

Join your fellow NCMAR members for a fun night out with plenty of networking, good conversation and a enjoyable time for all attendees. Light appetizers are served.

Calendar of Events

August

- 13 Finance Committee Meeting 10-noon
- 14 MLS PIN Training 9:30 am and 1 pm at NCMAR
- 18 Board of Directors Meeting 9 am
- 18 Technology Committee Meeting 10:30am
- 19 Continuing Education Class 10-noon at Fidelity Bank
- 19 Continuing Education Class 6 to 8 pm at Fidelity Bank
- 20 NCMAR Night Out 5:30 pm

September

- 7 Labor Day—Office closed
- 9 Ce Class 10 to noon Fidelity Bank
- 9 RPAC Telethon 10—1 pm
- 15 Central Region Caucus
- 16 Top Producer Committee Meeting 1 pm
- 17 NCMAR Night Out
- 22 Board of Directors Meeting 9 am

Conference Prices: MAR Member-: \$150 Non member \$225
go to www.marealtor.com to register

Hotel Information:

A block of rooms have been reserved at \$139 per night. This special room rate will be available until Friday, September 4th, based on availability. To reserve a room please call the DoubleTree by Hilton Boston North Shore, directly at 978-777-2500 and inform them your with the Mass. Assoc. of REALTORS® group.



North Central MA Associations of REALTORS®, Inc.
40 Summer St. Fitchburg MA 01420

Office Hours: Monday to Friday 8:30 am - 4:30 pm
(978) 345-2531

NCMAR Staff

Association Executive Kathy Lore, RCE, ePro
Ext .101 kathylore@ncmar.com

Member Services Coordinator Justin Lore, ePro
Ext. 102 justinlore@ncmar.com

Newsletter

Deadline for submission for the next issue is the last day of the month. For information on Business Partner advertising, contact the Association Office.

News & Views is available online at www.ncmar.com and every issue is emailed to our members. Print copies of the News & Views are available to members upon request. The subscription is included in the yearly local dues.