



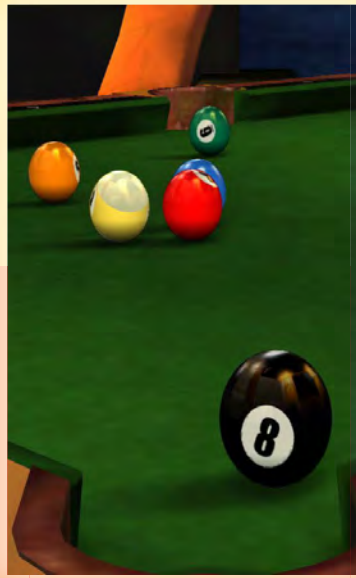
REALTOR®

THE VOICE FOR REAL ESTATE IN SANTA CRUZ COUNTY

SCCAR

EXTREME Games

March 28, 2012
Boardwalk, 2-5 pm



OFFICIAL PUBLICATION OF THE SANTA CRUZ COUNTY ASSOCIATION OF REALTORS®

REALTOR®

THE VOICE FOR REAL ESTATE IN SANTA CRUZ COUNTY

REALTOR® is the official monthly newsletter of the Santa Cruz County Association of REALTORS® provided as a member service to inform, educate and update REALTOR® and Affiliate members on local, state and national news, as well as the Association's calendar of events.

Santa Cruz County Association of
REALTORS®
2525 Main Street, Soquel, CA 95073
(831) 464-2000 (831) 464-2881 (fax)

2012 BOARD OF DIRECTORS

President

Barbara Palmer

President-Elect

John Hickey

Secretary/Treasurer

Betty Danner

Immediate Past President

Candace Bradfield

Directors

Sandy Kaplan

Morgan Lyng

Renee Mello

John T. Peterson

Anne Marie Sorcenelli

Lauren Spencer

Betsy Tyler

Carol VanAusdal

**Chief Executive Officer, SCCAR &
Executive Director, SCAORHF**

Kathy Hartman, RCE

**Member Services Director,
Director of Education & Professional
Services**

Norma I. Milete

**Advertising, Communication
& Marketing Director**

Andrea Harbert

Government Affairs Director

Dale Gray

Administrative Assistant

Leslie Flint

Bookkeeper

Linda Zoccoli

Education Coordinator

Christine Lopes

ADVERTISING INFORMATION

For advertising and deadline information,
please contact SCCAR.

OFFICIAL PUBLICATION OF THE SANTA CRUZ COUNTY ASSOCIATION OF REALTORS®

REALTOR®

THE VOICE FOR REAL ESTATE IN SANTA CRUZ COUNTY

Inside This Month's Newsletter

President's Message - page 3

CEO Message - page 4

Centennial Club - pages 4 & 5

Pathways to Professionalism - page 6

Legal Notes - page 7

Members in the News - page 8

Who Needs a Little Help? - page 8

Government Affairs - page 9

Steve Allen Presentation - page 9

Educational Offerings - pages 10 & 11

SCCPRO Advanced Training Series - page 11

REALTOR® Safety - page 12

Call For Candidates - page 12

MLS Update - page 13

Affiliate Expert Column - page 14

Wake Up With SCCAR - page 14

Calendar - page 15

The Power of Written Goals - page 15

SCCAR Extreme Games

Get your 'Extreme Team' together and join us for SCCAR's first **EXTREME GAMES** event being held on Wednesday, March 28 from 2 – 5 pm at Neptune's Kingdom at the Boardwalk in Santa Cruz!

Enjoy full access to Buccaneer Bay 18-hole miniature golf, the Smuggler's Arcade and the Captain's Game Deck which includes awesome games such as, air hockey, foos-ball, pin ball, ping pong and much more!

Visit www.mysccar.org for more information.

See you at the games!



Message From The President

“Creating Better REALTORS®”

...vision statement of our Association

Barbara Palmer
 2012 SCCAR President
 Bailey Properties, Inc.
 831-688-7434 bpalmer@baileyproperties.com

To be effective REALTORS®, we all need to have a knowledge and skill set that prepares us for dealing with issues as varied as the workings of the Coastal Commission and what school the owner’s children will attend. And, it’s not just learning these things once. Rules change. Boundaries change. We all need to keep current on a vast array of issues.

In March the Santa Cruz County Association of REALTORS® will introduce the *Santa Cruz County Pro advanced educational series for REALTORS®* that will help us be better equipped to help our clients with real estate transactions. This series of nine seminars is designed to provide knowledge and information that pertains specifically to the workings and nature of Santa Cruz County communities.

Betty Tyler (Monterey Bay Properties) and Connie Landes (Serenio Group) along with others members of the Education Committee have worked hard to deliver the best curriculum and the right speakers for each of the nine monthly sessions.

- March 7 History / Culture
- April 11 Land Use / Title / Contractor
- May 23 Coastal Commission
- June 13 Affordable Housing
- July 18 Upcoming County Projects
- August 8 Schools / Education
- Sept. 12 Water Resources
- Oct. 24 Geology / Biology / Climate
- Nov. 14 Statistical Training

I’m sure you see topics on the series agenda that you know would be helpful. Space at each of the sessions is limited, so I urge you to sign up soon to take advantage of this resource that SCCAR is providing. Call the Association at 464-2000, or sign up on our website at www.mysccar.org to reserve your space.

In addition, the Education Committee will be offering many classes geared to your professional development: Matrix, property management and license renewal are just a few. Randy Turnquist (American Dream Realty) is Chair of the committee this year. If you are interested in attending a meeting, please contact Randy at randy@randyt.com. The advantage of being on this committee is that you get to share your ideas with other members interested in advancing the vision and effectiveness of our Association.

Coming in April, our Events Committee has an exciting golf tournament planned and it’s got a new twist. It will be played at the Miniature Golf Course at the Beach Boardwalk! Start putting your foursomes together and practicing your short game now! Ryan

Buckholdt (Opes Advisors) is Chair of the Events Committee. We can all thank Ryan and the entire committee for providing these sorts of fun networking events for us!

“Thirsty Thursdays” is an ongoing networking opportunity provided by our Events Committee. These no-host cocktail hours take place in different locations throughout our county. Don’t miss a chance to spend time with other members in a much more relaxed setting than sitting at a conference table presenting an offer. This is a great opportunity for you to learn more about other members and their diverse backgrounds. We should thank Morgan Lyng (David Lyng Real Estate) who has been instrumental in arranging the Thirsty Thursday events.

I hope you take advantage of the classes, seminars and many other activities we have planned for the year. Your professionalism will be enhanced, and we will be a stronger organization with **you** involved. That’s my vision of what being a member of our Association is all about.



Allen Property Group, Inc. is your commercial property sales and leasing specialist. For results and uncommon professional service, put your trust in us.

Steve Allen, CCIM
 Principal Broker/President
 831-688-5100 | www.allenpginc.com



Reverse Mortgages

IT'S ALL ABOUT *peace of mind.*®



Call us for information on 1st Reverse Mortgage USA
Reverse Mortgage for PURCHASE

Reverse Mortgage Specialists

Richard Cornelsen
 831-320-8143
dcornelsen@1strmusa.com

Maggie Castillo
 831-840-3384
mcastillo@1strmusa.com

Now your home can work for you!
Call today for more information.

EQUAL HOUSING LENDER
 Borrower/person on title must be at least 62 years old.





Kathy Hartman
SCCAR
 Chief Executive Officer
kathy@mysccar.org

SCCAR CENTENNIAL CLUB

Creating a Stronger, More Influential Force of REALTORS®

“One of the most important services organized real estate provides is representation in the halls of government”. The REALTOR® Action Fund (RAF) raises money to advance the goals of our REALTOR® political action committees (PACs) at the local, state, and federal levels of government. RAF supports and/or opposes candidates for elected office who understand, or don't understand, REALTOR® Issues.

The Santa Cruz County Association of REALTORS® (SCCAR), who became a century old last year, is taking our Association participation in RAF to the next level and launching our own “Centennial Club”. The Centennial Club is designed to recognize those members of SCCAR who have contributed to the true cost of doing business.



The Centennial Club of SCCAR has been created to bring awareness about the most current legislative, political and local government issues to its members.

“The Centennial Club will create a stronger and more influential force of REALTORS® in creating public policy and dealing with all levels of government” says 2012 SCCAR President, Barbara Palmer.

Club members are a committed movement of real estate professionals fighting to keep the dream of homeownership alive in California and throughout the county.

Centennial Club investors will receive special invitations to SCCAR Legislative Events including our Annual Mayor's Breakfast and upcoming Summit being held in April.

Top ways to invest are....

- On your annual SCCAR dues
- [RAF Pledge Card](#)
- Contact SCCAR for more information:

SCCAR, 2525 Main St, Soquel, CA 95073
 P: 831-464-2000, F: 831-464-2881

SCCAR CENTENNIAL CLUB

2012 SCCAR Investors

NAR HALL OF FAME (\$25,000)
Robert Bailey – Bailey Properties, Inc.

NAR PRESIDENTS CIRCLE
Bobbie Nelson – Longacre Real Estate

NAR STERLING R's
Steven Allen – Allen Property Group, Inc.
Kathy Hartman – SCCAR
Sandy Kaplan – Santa Cruz Properties
Barbara Palmer – Bailey Properties, Inc.

CENTENNIAL CLUB 'INVESTORS' (\$197)

Paul Bailey	Diane Pereira
Bradd Barkan	Stephen Pereira
Dietrich Brandt	Ann Portale
Judy Brose	Karen Sommerfeld
Randy Brown	Anne Marie Sorcenelli
Betty Danner	Lauren Spencer
Ron Esche	Jerry Spodick
Debra Frey	Craig Springbett
Russell Gross	Jan Strawmyer
John Hickey	Barbara Townend
Neil Langholtz	Anina Van Alstine
David Lyng	Jo Ann Vear
Sal Maleti	Marjorie Vickner
Gail Mayo	Terry Vierra
Renee Mello	Lela Willet
Teresa Mendoza	Bernice Wong
Candie Noel	Judy Ziegler

CENTENNIAL CLUB (\$49 additional)

Bernanette Alioto	Vicki Barton
Annette Allen	Gloria Behman
Fred Antaki	Michelle Bell
Tony Aprile	Ken Bergman
Peter Atkinson	Roger J. Berke
Gretchen Bach	Carolyn Biddick
Jane Badeaux	

Continued on Next Page

CENTENNIAL CLUB (\$49 additional)

Molly Bischoff	Charles Fisher	Gregorio Magana	Janet Russell
L. Carl Blanke	Greg Flowers	Laura L. Magana	Michael Russell
Michael Bloch	Ron Fossum	Michelle Maggio	Barbara Samson
Lee Bookman	Aaron Fox	Randy Maldonado	Jose Santiago
Sally Bookman	Micah Fox-Stevens	David Mann	Barbara Schatan
Susie Boone	Erica Gaynor-Pittman	Teresa Marlow	Christine Schneider
John Borgman	Amy Gilbert	Sandy Mason	Carole Schwarzbach
Sunny Brandt	Juliette Goetz	Phyllis Mattinson	Dan Schwarzbach
Linda J. Braun	Alan Goldstein	Tom Mattinson	Kristin Scofield
Sue Brodsky	Susan Goldstein	Susan Mayo	Phil Scofield
William Brooks	Nanelle Gomez	Tammy McBride	Dan Sedenquist
Sabina Brown	Doug Goodwin	Michael McCarthy	Wayne Shaffer
Carrie Brumbaugh	William Goodyear	Christine McCormack	Lisa Sheridan
Hilary Bryant	Rossana Grau	Mike McDonald	Pat Simmons
Lynne Bucher	Myriam Greene	Diana Mercer	Sue Kato Sinclair
Linda Burroughs	Alana Gross-Rudy	Christian Miller	John Sipin
Ann Butler	Sidney Harger	Sybille Miller	Gizelle Sipin
Debbie Calhoun	Bob Hart	Delaine Moles	Jerry Smeltzer
Deborah Calloway	Heidi Hart	Bryan Mooney	David L. Smith
Greg Camp	Larry Hattis	Wendy Moreck	Mike Soros
Shanne Carvalho	Stephanie Heit	David Morrell	Bryan Speights
J.J. Casserd	Carl Henn	Jane Mott	Caren Spencer
Judy Casserd	Bobbie Jo Herteman	Erick Mould	Toni Stratos
Michael Casserd	Suzanna Hood	Joell Mower	Lori Strusis
Scott Cheney	Deborah Hoyt	Grace Mundy	Tara Sweatt
Tom Clarke	Clinton Hufford	Frank Murphy	Ian Swift
Chris Clayton	Michael Hughett	Pamela Myers	Dennis Szoke
Jerrod Coddington	Bob Hulter	Kirby Nicol	Patty Tate
Laura Cohelan	Joe Hutchins	Cheri Nilsson	Bruce Taylor
John Combs	Alex Johnson	Wade Nittler	Jan Taylor
Nancy Comstock	Marilynn Johnson	Denise Norris	Suzanne Teixeira
Patty Connoles	Brandi Jones	Alicia Nuzzio	Jeff Thiebaut
Jessica Cooper	Geary Jones	Cleo O'Brien	Mark Thomas
Michael Cooper	Stephen Karon	Erin O'Brien	Katrin Tobin
Gabrielsen Cormier	Mark Kastner	Donal O'Regan	Meredith Torres
Gerardo Cortes	Andy Kay	Samantha Olden	Mara Lee Travis
Alistair Craft	Maria Kelly	Hank Olson	Cheri Trebbien
Jean Crawford	Bruce Kennedy	Terry Ow	Ronnie Trubek
David Cury	Barbara Kenrich	Inez Pandolfi	David Trustman
Dan Davis	Datta Khalsa	Kathleen Pasquali	Randy Turnquist
Deborah Davis	Margie Kiedrowski	Sean Pate	Robert Umberger
Kathy Davis	Cynthia Kim	Joan Pelletier	Carol VanAusdal
Leilani Davis	Pam Kimmel	Nikki Pendergraft	Jeanne Vrolyk
Dave Dawson	Sandra Kinder	David Pera	Nick Vrolyk
Cara De Simone	David King	Judy Phillips	Carl Wade
Robert De Simpel	Marcy Kjeldsen	David Plumlee	Michael Wade
Harriet Deck	Kathleen Klopson	Jason Potts	Sandy Wallace
Connie Denault	Marilyn Koll	Deborah Powers	Lori Wantland
Sloane Devoto	John Krukas	Charles Race	Cathy Ware
Dan Doerkesen	Connie Landes	Travis Rebbert	Geo Warner
Bob Donner	Genie Lawless	Robert Rhoades	Jennifer Watson
Lorraine Donner	Roger Lawless	Kathleen Richards	Dani Weiner
Juliette Donovan	Lisa Laznicka	Carla Richmond	Sven Wetmore
Susan Draper	Janice LeFever	Judi Robert	Rick White
Diana DuPre	Michael Lussier	Honora Robertson	Michael Whiting
Ami Ebright	Marion Lyng	Janet Romanowski	Jeff Wickum
Ty Ebright	Megan Lyng	Arthur Romswinkel	Jacob Willet
Christine Esler	Morgan Lyng	Iris Rooney	Matt Wittkins
Misty Ewald	Sally Lyng	Janet Rosenberg	Deborah Wood
Celeste Faraola	Charles Lynn	Gordon Rudy	David Yearley
Sheila Feddema	Linda Lynn	Joyce Rudy	James Zenner
Dale Fendorf	Bryan MacKennzie	Kathy Runyon	Randy Ziganti

Pathways to Professionalism

Part One of a Three Part Series

While the Code of Ethics and Standards of Practice of the National Association establishes objective, enforceable ethical standards governing the professional conduct of REALTORS®, it does not address issues of courtesy or etiquette. Based on input from many sources, the Professional Conduct Working Group of the Professional Standards Committee developed the following list of professional courtesies for use by REALTORS® on a voluntary basis. This list is not all-inclusive, and may be supplemented by local custom and practice.

Part I. Respect for the Public

1. Follow the “Golden Rule” – Do unto others as you would have them do unto you.
2. Respond promptly to inquiries and requests for information.
3. Schedule appointments and showings as far in advance as possible.
4. Call if you are delayed or must cancel an appointment or showing.
5. If a prospective buyer decides not to view an occupied home, promptly explain the situation to the listing broker or the occupant.
6. Communicate with all parties in a timely fashion.
7. When entering a property, ensure that unexpected situations, such as pets, are handled appropriately.
8. Leave your business card if not prohibited by local rules.
9. Never criticize property in the presence of the occupant.
10. Inform occupants that you are leaving after showings.
11. When showing an occupied home, always ring the doorbell or knock – and announce yourself loudly – before entering. Knock and announce yourself loudly before entering any closed room.
12. Present a professional appearance at all times; dress appropriately and drive a clean car.
13. If occupants are home during showings, ask their permission before using the telephone or bathroom.
14. Encourage the clients of other brokers to direct questions to their agent or representative.
15. Communicate clearly; don’t use jargon or slang that may not be readily understood.
16. Be aware of and respect cultural differences.
17. Show courtesy and respect to everyone.
18. Be aware of – and meet – all deadlines.
19. Promise only what you can deliver – and keep your promises.
20. Identify your REALTOR® and your professional status in contacts with the public.
21. Do not tell people what you think – tell them what you know.



**Circle This Date On
Your Calendar!**

**May 9, 2012
for our
Annual, Spring Fling!
11:30 am – 2 pm**

Quotable Quotes

**I want a house that has got over all of its troubles;
I don't want to spend the rest of my life bringing up a
young and inexperienced house.**

*Jerome K. Jerome
They and I (1909)*

DEPENDABLE and KNOWLEDGEABLE
agent seeks customers
looking for real
PROTECTION and long
term **RELATIONSHIP**

Look no further.
Having one special person for your car,
home and life insurance lets you get
down to business with the rest of your
life. It's what I do.
**GET TO A BETTER STATE!
CALL ME TODAY.**

Laureen Yungmeyer ChFC, Agent
Insurance Lic#: 0810216
718 Water Street
Bus: 831-423-4700
www.laureenyungmeyer.com

State Farm Mutual Automobile Insurance Company,
State Farm Indemnity Company, State Farm Fire and Casualty Company,
State Farm General Insurance Company, Bloomington, IL

1101201



Is Your Unlicensed Assistant Misclassified as an Independent Contractor?

Terry Rein
Bosso Williams, APC

**Real Estate
Legal
Matters**

If you are a Broker or an Agent who uses the services of an unlicensed real estate assistant, you should carefully examine whether your assistant is an employee or independent contractor. This is an important decision, especially in light of a new law increasing penalties for willful misclassification of independent contractors.

If your assistant is an employee, then you will be the employer responsible for tax withholdings including federal income tax, FICA (Social Security and Medicare), FUTA (Federal Unemployment Compensation), state income tax, and state unemployment compensation. On the other hand, if the assistant is hired as an independent contractor, the assistant is responsible for his or her tax obligations.

Generally, if you retain a high degree of control over the activities of the assistant and you dictate the assistant's working hours, or if the assistant works in your office or if the assistant works only for you, then it is likely that the assistant should be treated as an employee.

On the other hand, if the assistant is given tremendous freedom and you don't dictate the assistant's working hours, or if the assistant is not required to have a presence in your office and the assistant works for many other licensed professionals, the assistant may be an independent contractor.

Determining whether or not an assistant is an employee or an independent contractor is often difficult. When in doubt, seek legal advice or take the safe route and treat the unlicensed assistant as an employee. It is important to get it right because new legislation effective on January 1, 2012 prohibits the willful misclassification of independent contractors (Senate Bill 459 – California Labor Code Section 226.8). Penalties of between \$5,000 and \$25,000 for each violation can be imposed. In theory, if several individuals are misclassified, separate monetary penalties can be assessed.

In addition to the new penalties in SB 459, someone who has misclassified an independent contractor can be liable for paying taxes and penalties that can run back as far as seven years. The employer can also be responsible for paying back wages to the assistant who was misclassified.

In a move reminiscent of "The Scarlet Letter," the new law requires employers who are found to have engaged in willful mis-

classification "to display prominently" for one year on their Internet websites a notice to employees and the general public announcing that the employer "has committed a serious violation of law by engaging in willful misclassification of employees." The notice must also state that any employee who believes he or she is being misclassified may contact the state Labor and Workforce Development Agency, whose mailing address, email address and telephone number must be listed in the notice.

The new law also states that either the California Labor and Workforce Development Agency or the State Labor Commissioner may pursue claims on behalf of aggrieved employees. If the State Labor Commissioner acts pursuant to a "Berman" hearing under Labor Code §98, the decision of the Labor Commissioner is immediately enforceable as a judgment. Additionally, if the employer appeals, an employee who cannot afford to hire a lawyer receives free representation by the Labor Commissioner's office.

For these reasons, if you use an unlicensed assistant, you should ensure that he or she is accurately classified. If the current classification is not legally supported, you need to take immediate action to remedy the situation.



KENDALL & POTTER
Property Management, Inc.



Serving
Santa Cruz County
for over 30 Years
Specializing in:

- RESIDENTIAL RENTALS
- VACATION RENTALS
- CORPORATE HOUSING

Attention Realtors: We pay you a referral fee.

The Phone Call is Free...The Management is Priceless!

888-692-8992

783 Rio Del Mar Blvd., Aptos, CA 95003
WWW.MONTEREYCOAST.COM



Members In The News

New Capitola-Soquel Chamber Board Member



Robert Ross, Broker/REALTOR® at Ross Real Estate in Capitola, is proud to have grown up in Santa Cruz County, and in the business of Real Estate. Having parents that successfully owned/operated a Real Estate Sales and Property Management Company in Santa Cruz for the last 30 years, Rob has extensive knowledge of the lifestyle in Santa Cruz and the Real Estate community. Rob has been personally buying and selling homes for the last 10 years, and has been re-modeling homes for the past 5 years at which time he took over his parents Real Estate Company, Ross Real Estate. He is proud to carry on their legacy.

Seen any SCCAR Members in the news? Let us know! Send an email to andrea@mysccar.org and they could be published in our newsletter.

New Member of the Capitola-Soquel Chamber



REALTOR™ Jacqueline Taylor Hurst is a Santa Cruz native who attended Cabrillo College where she studied business. Jacqueline has been involved in real estate since 2006. She specializes in Capitola real estate as well as neighboring areas. Because staying on top of the ever changing market is so important, she has become a Five Star Short Sale Certified agent. Jacqueline's passion for real estate shows in her strong customer service values and communication with her clients. Jacqueline is professional, conscientious, and motivated. She knows the business and is a true partner in facilitating the sale. With competency, efficiency and care, Jacqueline provides attention to every detail. She is respectful to all parties involved and understands how to complete a sale without compromising her integrity or her clients. Aside from her passion for the industry, her hobbies include interior design, fashion, fitness and health.



Know Someone Who Needs a Little Help Around the House?

Be a Volunteer for a Day!

The Annual REALTOR® Service Volunteer Program (RSVP) is back for its fifth year! RSVP is a one day community outreach program that is taking place this year on Monday, May 21, 2012. The program provides free assistance to qualified seniors who cannot otherwise perform certain household tasks due to physical or financial constraints.

If you know of a homeowner or renter who are advanced in years, disabled or otherwise challenged and lives in the communities of Scotts Valley, Davenport, Felton, Ben Lomond, Santa Cruz, Live Oak, Capitola, Soquel, Aptos, Rio Del Mar, Seacliff, La Selva Beach, and Watsonville [click here](#) for a Homeowner Application or contact Andrea at 831-464-2000.



We are looking for volunteers to help on RSVP day! A few hours of your time makes the world of difference for the seniors we help. Please complete and return to SCCAR a [Volunteer Application](#) by Friday, March 30, 2012.



From the desk of Dale Gray

Government Affairs Director

City of Santa Cruz Rental Inspection Ordinance Update & California's Short Sale Law

City of Santa Cruz Rental Inspection Ordinance Update

Beginning in November/December 2011 the City of Santa Cruz began its inspections of rental units under the new Ordinance passed earlier last year. All the known units will be inspected either through self inspection or City inspection. The City estimates that there are approximately 6300 rental parcels and 11,500-12,000 rental units. As of February 2012, it has been reported to us that eight units out of 3000 plus units reviewed by the City have been deemed to be illegal rental units.

There are several community-minded citizens that are still questioning the merits and legality of this ordinance. The Santa Cruz County Association of REALTORS® and its LGR Committee are watching any and all developments. However, to date, we are urging our REALTOR® members and their clients to adhere to the provisions of the Rental Inspection Ordinance as enacted. We were involved and vocal as the "draft" ordinance worked its way through the process. That diligence continues today.

The City of Santa Cruz has created a PowerPoint presentation regarding the Rental Inspection Ordinance that can be found on the SCCAR members website at www.mysccar.org.

California's Short Sale Law - California Code of Civil Procedure 580e AND Business & Professions Code 17200

REALTORS® might be wise to familiarize themselves with the relatively recent Short Sale law, not to give legal advice of course, but to understand how it relates to Business & Professions Code 17200.

The CCP states in Section 580e. (a) No judgment shall be rendered for any deficiency under a note secured by a first deed of trust or first mortgage for a dwelling of not more than four units, in any case in which the trustor or mortgagor sells the dwelling for less than the remaining amount of the indebtedness due at the time of sale with the written consent of the holder of the first deed of trust or first mortgage. Written consent of the holder of the first deed of trust or first mortgage to that sale shall obligate that holder to accept the sale proceeds as full payment and to fully discharge the remaining amount of the indebtedness on the first deed of trust or first mortgage.

(b) If the trustor or mortgagor commits either fraud with respect to the sale of, or waste with respect to, the real property that secures the first deed of trust or first mortgage, this section shall not limit the ability of the holder of the first deed of trust or first mortgage to seek damages and use existing rights and remedies against the trustor or mortgagor or any third party for fraud or waste.

(c) This section shall not apply if the trustor or mortgagor is a corporation or political subdivision of the state.

Then in the BPC, known as the "Unfair Competition Law" (UCL), section 17200 prohibits unlawful, unfair, or fraudulent business acts or practices. It is designed to protect both competitors and consumers. Because the statute is framed in the disjunctive, plaintiff need only prove the defendant's business conduct is unlawful or unfair or fraudulent. No damages may be recovered; remedies generally are confined to restitution and injunctive relief.

So based on recent articles it may now be concluded that the practice of asking for a payment, from "anyone" involved in a Short Sale transaction, including the REALTORS®, in order to insure Short Sale approval may fall under one or both of these statutes. It is stated that **(b) A holder of a note shall not require the trustor, mortgagor, or maker of the note to pay any additional compensation, aside from the proceeds of the sale, in exchange for the written consent to the sale.**

Lenders in second position should now negotiate a short payoff prior to the commencement of a Short Sale with the first. And your clients with assets or income that might be "targeted", and have recourse loans, should investigate carefully through their Realtor® including legal advice in advance of beginning a Short Sale to determine if a short pay is possible.

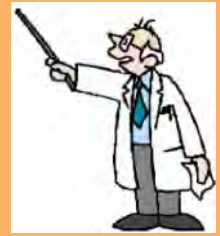
Sterling "R" Contribution Recognized



Steve Allen, Allen Property Group, Inc., seen here with Barbara Palmer, SCCAR President, was recognized for his generous REALTOR® Political Action Committee Sterling 'R' Contribution at the C.A.R. Directors Hot Topic report in February.



Education & Professional Development



Register Online by visiting our [Education Calendar](#) or our [Online Registration Center](#)

[Santa Cruz County Pro - Advanced Training Series](#)

Wednesday, March 7, 9:30 am - Noon (ending times may vary)
Cost: Introductory Offer! \$99 for the entire series (reg. \$20 per class)
Instructor(s): Carolyn Swift, Judy Steen, Traci Bliss, Jane Borg and Dianne Cooly

Santa Cruz County Pro (SCCPRO) is designed to provide REALTORS® with knowledge and information to better assist their clients in buying and selling real estate in Santa Cruz County. The first class in this 9 course series is on the History of Santa Cruz County. Topics that will be covered are: History & uniqueness of Title in SC County, Historical Buildings and Monuments, Santa Cruz, Soquel and Capitola History. View the flyer link above for the full series.

[Realist MLS Training](#)

Friday, March 9, 10:30 am -Noon
Cost: FREE to SCCAR Members with RSVP
Instructor(s): MLSListings, Inc.

This 90 minute course will provide you with the basic skill requirements for the Realist application. Upon completion you will have learned: Application Navigation; Foreclosure Reports; Map Labeling; Map Search; Saving Searches; Inputting Search Queries; Reporting & Results Options; Data Exporting.

[REALTOR® Property Resource \(RPR\)](#)

Friday, March 9, 1:00 - 2:30 pm
Cost: Free to SCCAR members with RSVP
Instructor(s): MLS Listings, Inc.

RPR offers REALTORS® the competitive edge via comprehensive property data and powerful presentation tools within a single website that includes: Tax Assessment MLS Content Foreclosure Data Liens / Permits Neighborhood Information Economics Mortgage & Deed Recordings REO / Short Sale Data Property Zoning Flood Plain Maps School District Data Demographics

[ZipForm® 6 Training](#)

Wednesday, March 14, 2 Sessions: 10:00 am - Noon and 1:00 – 3:00 pm
Cost: \$10 SCCAR Member, \$20 Non-member, \$25 SCCAR Member at the door

Learn how to use your FREE C.A.R. member benefit! In this course you will learn how to: Access zipForm® 6 Professional and

zipForm® 6 Standard, Access your NEW C.A.R. member benefits zipLogix Digital Ink(tm) digital signatures and zipVault (tm) on-line document storage, Use the zipForm® 6 toolbar, Create and use templates and much more!

[The Ever-changing Mortgage Lenders' Panel](#)

Friday, March 16, 10:00 a.m.-11:30 a.m.
Cost: \$10 SCCAR Member, \$40 Non-member, \$20 SCCAR Member at the door
Instructor(s): Tai Boutell, Ryan Buckholdt, John Nink, Tom Powers, Dwayne Dawson and Mark Junod

A discussion on the ever-changing mortgage industry. Have all your questions answered and concerns addressed by a panel of top local mortgage professionals. You'll learn about the current lending environment, underwriting changes, how to bullet proof your escrow, tips, tricks and strategies and much more.

[Your Guide to the Residential Purchase Agreement \(RPA\)](#)

Monday, March 19, 10:00 am – 1:00 pm
Cost: \$35 SCCAR Member (includes RPA book), \$20 SCCAR Member, \$50 Non SCCAR REALTOR® Member (includes book), \$35 Non SCCAR REALTOR® Member
Instructor(s): Bruce Southstone, Broker/Owner Coast Country Real Estate and Cabrillo College Instructor

The California Residential Purchase Agreement and Joint Escrow Instructions (RPA-CA) is the cornerstone of every successful real estate transaction in the state, and there are several essential concepts, principals, and facts about this form that all REALTORS® should know. Objectives: Become familiar with the basic structure of the agreement Learn how to create, modify, cancel or close a transaction Identify, explain, understand and remove contingencies Complete all mandatory and recommended disclosures Ensure all commissions are paid in full and on time Understand all the important terms of the contract.

[Tune Up Tuesday](#)

Tuesday, March 20, 1:00-2:30 p.m.
Cost: Free to SCCAR Members with RSVP, \$15 SCCAR Member at the door, \$30 Non Member anytime
Instructor(s): Tom Brick -Nu Start Home Inspections

Continued on Page 11

Unless otherwise stated, all Education & Professional Development offerings are held at the SCCAR offices at 2525 Main Street, Soquel, CA 95073

Education & Professional Development

Continued From Page 10

Tune Up Tuesday *Continued*

FHA 203(K) Renovation and Home Inspection Seminar Learn 10 ways Renovation Loans create a huge value for buyers including: buy a home in a neighborhood that they could not ordinarily afford by purchasing a fixer-upper, include all upgrades and required health and safety issues in one loan, purchase a home with only 3.5% down, purchase and rehab a foreclosure or short sale and more.

Matrix Easy 1 (hands on training)

Friday, March 23, 10:30 am - Noon
 Cost: Free to SCCAR members with RSVP
 Instructor(s): MLS Listings, Inc.

This 90 minute workshop course will provide you with the basic skill requirements for Matrix Search & Report. You will learn a select group of fundamental Matrix functions in this hands-on workshop. Please bring your laptop. Limited seating!

Matrix Easy 2 (hands on training)

Friday, March 23, 1:00 - 2:30 pm
 Cost: Free to SCCAR members with RSVP
 Instructor(s): MLS Listings, Inc.

This 90 minute workshop course will provide you with the basic skill requirements for Matrix Search & Report. You will learn a select group of fundamental Matrix functions in this hands-on workshop. Please bring your laptop. Course Prerequisite: Matrix Easy 1 (March 23rd) Limited seating!

Duane Gomer's License Renewal

Monday, March 26, 8:45 – 11:00 am
 Cost: \$70 SCCAR Members, \$85 Non-members. Get the course on CD and save \$10

What the program will cover: All Brokers & Salespersons will receive 3 hour home study mandatory courses of Agency, Ethics, Trust Funds, Fair Housing, Risk Management and a 30 hour course on Foreclosures, Taxes & Evictions. There will be an optional review to prepare you to pass the easy exams. Money-back guarantee. Exam will be offered on the five mandatory courses.

Matrix Essentials

Friday, March 30, 10:30 am - 12 pm
 Cost: Free to SCCAR Members with RSVP
 Instructor(s): MLS Listings, Inc.

This 90 minute course will provide you with the basic skill requirements for the Matrix search application. Upon completion you will have learned: Application Navigation, Inputting Search Queries, Map Search, Reporting & Results Options, Driving Directions, Adding Search Fields, Saving Searches, Emailing & Printing

Matrix Advanced

Friday, March 30, 1:00 - 2:30 pm
 Cost: Free to SCCAR Members with RSVP
 Instructor(s): MLS Listings, Inc.

This course will provide you with advanced skill levels for the Matrix search application. Upon completion you will have learned: Sorting Results, Statistics from Results, CMA's from Results, Area Statistics, Customizing Results, Building Hotsheets, Emailing Results, Auto Emailing.

SCCAR Launches Advanced Training Series

Santa Cruz County Pro (SCCPRO) is designed to provide REALTORS® with knowledge and information to better assist their clients in buying and selling real estate in Santa Cruz County. Upon completion of this series you will have obtained advanced skills about the workings and nature of Santa Cruz County communities. This series offers 9 highly specialized courses held throughout the year. Attend them all and become a PRO! **Special introductory offer, \$99 for the entire series!**

2012 Schedule

March 7th	History Culture
April 11th	Land Use, Title, Contractor
May 23rd	Coastal Commission
June 13th	Affordable Housing
July 18th	Upcoming County Projects
August 8th	Schools/Education
Sept. 12th	Water Resources
Oct. 24th	Geology, Biology, and Climate
Nov. 14th	Statistical Training



[View a detailed syllabus here.](#)

*Make REALTOR®
Safety a Priority*



*Follow these 8 tips
to stay safe in 2012!*

Safety is and always will be a top priority for C.A.R. and its members. With a new year upon us, we want to share and refresh some safety tips and tricks to help make 2012 as safe as possible. Showing a new home to potential clients can be an exciting experience, but if you're alone, working late, or in a remote location, it can also be dangerous. Open houses can be prime targets for criminals and people aren't always who they seem.

Being aware of basic safety guidelines can increase your chances of not becoming a victim and keep your daily business activities fun, profitable, and safe. C.A.R. has established 8 safety tips to keep in mind when on the job:

1. Don't host an open house alone; take along a colleague. Never show properties alone at night or advertise it as vacant.

2. Always have prospects meet you at your office the first time. Get a license plate number and leave it at the front desk. Just explain that it is office policy; a client who means no harm won't mind.

3. Always take your own car for showings. When you leave your car, lock it.

4. Let potential buyers take the lead when exploring a home, with you following behind. Avoid going into the basement or confined areas with a prospect.

5. Be careful how you dress. Flashy or expensive jewelry might attract the wrong kind of attention.

6. Preview the property ahead of time so that you are familiar with the area.

7. Always carry a cell phone where it is easily accessible (not in the purse you left in the car or stowed in a kitchen cabinet.)

8. Implement a buddy system. Enlist at least 5 colleagues or close friends that you can rely on in case of emergency. Let them know your whereabouts prior to showing a property and trust that they will have your back.

The logo for Guardly, featuring the word "Guardly" in a bold, blue, sans-serif font. The "G" is significantly larger than the other letters.

Give yourself the peace of mind that comes with Guardly, the one-touch mobile personal safety app that offers you the ability to:

Alert and conference with your safety network via phone, text, and email

Instantly connect with 911 authorities and a personal safety network of up to 15 of your colleagues, family, and friends whenever you feel you're in a threatening situation.

Turn your phone into a Safety Beacon with Real-time GPS location tracking

Using GPS technology, cell-tower triangulation and WiFi-hotspot lookups, Guardly responders can track your location in real time and guide you to safety.

Use Guardly in the office to create buddy systems for groups of 5 or more colleagues

When feeling unsafe, activate Guardly and your buddy group will be notified that you may need their help.

Guardly is available on iPhone, Android, Blackberry, and Windows Phone 7 and makes a great closing gift for clients and new homeowners.

**Special discount for C.A.R. members:
Get Guardly now for only \$17.99/year.**

Sign up now - <https://www.guardly.com/signup/car>

You Could Be Part of the SCCAR Process

SCCAR is now accepting applications to serve on the 2013 Board of Directors.

Here's your chance to be part of the decision making process for the Santa Cruz County Association of REALTORS® by serving on its Board of Directors.

The election will be held Friday, June 15, 2012 for the elected term beginning January 1, 2013, and ending December 31, 2015.

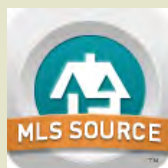
Interested REALTOR® members of SCCAR are encouraged to fill out and submit an application no later than Thursday, April 5, 2012. For application form [\(click here\)](#).

If you have questions, please call the Association Office at 831.464.2000 or send an email to kathy@mysccar.org

MLS UPDATE

MLSlistings, Inc.

MLS Source Mobile App Coming Soon



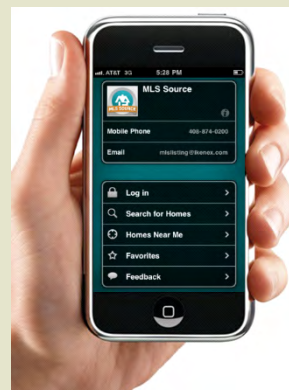
We are putting the final touches on the initial version of MLSSource -- our free native mobile app for subscribers that provides direct-from-the-MLS listing information, including private remarks and showing instructions for agents. The app has been exposed for testing to our MLS Advisory Group and local members of NAR's Young Professionals Network (YPN), and we are now opening up the test pool to our larger audience for additional feedback.

General availability is slated for the coming weeks. Click [here](#) to download the iPhone version today, or search for MLS Source in the iStore. Please submit all feedback to mlssource@mlslistings.com.

MLS Source is Northern California's first and only direct-from-the-MLS real estate app, developed in partnership with leading mobile and web developer DoApp. MLS Source provides the most accurate, up to date, and comprehensive real estate listing data in the counties it serves: Monterey, San Benito, San Mateo, Santa Clara, and Santa Cruz, as well as listings in Stanislaus, San Joaquin and Merced Counties.

Key Features:

- MLS-sourced listing data, updated hourly
- Search nearby for instant comparables
- Multiple map views
- Driving directions and routing
- Save searches and favorites
- Search REOs and Short Sales (agent version)
- Open House search coming soon



The initial release includes native iPad/iPhone versions, with Android and mobile enabled Web (WAP) versions to follow. Check it out and provide your feedback to MLSSource@mlslistings.com. Stay tuned for more information to come!

ON SALE NOW

Shoe Covers



50 Pair per box
\$15.00

Test Drive my.realtor.org Today and Share your Feedback

Realtor.org is being redesigned to give you access to the most authoritative, timely, and useful information about your business as quickly and easily as possible.

The new my.realtor.org is being reorganized by topic to reflect how you use information in your business.. Most conveniently for you, you can customize the site to highlight the information that you want to see so it's always at the top of the page.

The site is currently in its beta stage as we continue to make improvements, but now through its launch at the end of March you can take a sneak peek and share your feedback on what works, what doesn't, and what you want to see that's not there yet.

Take your test drive now.

<http://my.realtor.org/>



Affiliate Expert's Corner

Virtual Tours – More Than a Pretty Picture

Darrell Monda
 CEO and President
 TourFactory Bay Area
 SCCAR Affiliate Member
www.tourfactory.com



When I first joined TourFactory in 2003 the real estate virtual tour usually consisted of a series of still photos and a few panoramas. Real estate agents using virtual tours were selling higher priced property to clients who were Internet users with more education and funds and were in their prime home buying years. At that time 55 percent of those shopping for new homes on the Internet said the most important feature was the photo section, followed closely by detailed property descriptions.

Fast forward to 2012 and the virtual tour is a 24-7 open house and is now the most important Internet marketing tool for real estate agents. With over 95 percent of new home seekers going online to real estate search engines, the old virtual tour has been replaced with additional sophisticated tools to aid the agent in securing the highest price, in the shortest amount of time, to sell the client's listing.

Technology has improved immensely and costs have stabilized since the first jerky images rotated with fits and starts on a com-

puter screen. However, it still takes a speedy broadband connection to download to a computer and a fast video processor to fully enjoy the tour without unwanted stop-action.

If a buyer doesn't see it, it won't sell. A virtual tour partner should be committed to putting an agent's listing and brand in front of thousands of potential buyers. Potential buyers need to have accessibility to the tour 24-7. Syndication to the most popular real estate websites and search engines, such as Realtor.com, Google, Yahoo, Move, Trulia, Zillow and Hot Pads, as well as video sites like YouTube, Blinkx and DuPont Registry, are a must. Research shows these sites are where most potential clients go first before they even decide on a real estate agent.

An informed seller is a happy seller. Sellers appreciate agents who keep them involved in the marketing process and deliver regular information updates. A marketing engine is much more than a group of pretty pictures. It is a sophisticated plan that real estate agents can use to successfully market a client's property, providing useful analytics, such as weekly visitor traffic on a daily basis, long-term photo traffic on a weekly basis, referring web pages and the percentage from each, including your Facebook business page and photo popularity ranking. It is one way that technological advances have revolutionized the business of real estate. It's a good way agents can serve their clients and provide them with the best value.



Network with fellow members, hear the latest tidbits related to your industry, market your listings and hear a one minute mortgage update and so much more, all within 30 minutes at our weekly Tour Marketing Meetings. Program includes coffee and a snack to get your morning started.

The cash pot is back and each week one lucky name is drawn, if no one wins...the pot keeps growing!

At our recent Valentine Tour Meeting, Pamela Papas, Papas Group and Rossana Grau, Sunset Realty won tasty sweet valentine treats!

Stay tuned for upcoming fun Tour Events with our weekly Marketing Meeting Bulletin email sent every Tuesday!

For more info and sponsorship opportunities click [here](#).



SCCAR - March 2012

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2 LGR Meeting 8:30 am	3
4	5	6	7  SCCPR History & Culture 9:30 - 12 pm	8 Affiliate Committee 9 am Tour Marketing Mtg. 8:30 - 9 am.	9 Realist 10:30 am - 12pm RPR 1 - 2:30 pm	10
11 	12	13 Housing Foundation 2:30 pm	14 ZipForm 6 10 am - 12 pm 1 - 3 pm Education Committee 9 am	15 Tour Marketing Mtg. 8:30 - 9 am. <i>Tour Taco Truck @ this meeting!</i>	16 Lender's Panel 9:30 - 11 am	17  Happy St. Patrick's Day!
18	19 Guide to the RPA 10 am - 1 pm	20 Tune Up Tuesday 1 - 2:30 pm <i>Spring Begins!</i>	21	22 Tour Marketing Mtg. 8:30 - 9 am.	23 Matrix Easy 1 10:30 am - 12pm Matrix Easy 2 1 - 2:30 pm	24
25	26 Duane Gomer License Renewal 8:45 - 11 am	27	28 Budget & Finance 8:30 am SCCAR Extreme Games 2 - 5 m	29 Tour Marketing Mtg. 8:30 - 9 am.	30 Matrix Essentials 10:30 am - 12pm Advanced Matrix 1 - 2:30 pm LGR Meeting 8:30 am	31

The Power of Written Goals

Research has consistently demonstrated the power of writing down your goals. Mark McCormack, in his book, "What They Don't Teach You in the Harvard Business School," reported on a study that followed Harvard students who graduated with a master's degree in business administration from 1979-89.

At the beginning of the study, only 3 percent of the graduates had written goals, 13 percent had goals that were not in writing, and 84 percent had no goals whatsoever. Ten years later, the 13 percent who had goals were earning twice as much as those who had no goals at all.

What was astonishing, however, is that those who had written goals were earning 10 times as much as the other 97 percent put together. Subsequent research has also demonstrated that writing down your goals and sharing them with someone increases the probability of your success even more.

Once you have created your business plan, ask the following questions at the beginning of each day:

- What are the three business activities I absolutely must complete today? Complete these first before doing anything else.

- What two self-care activities will I choose today to keep me balanced mentally, spiritually, emotionally and physically?
- What is one activity I can complete today that will help me have business tomorrow?

The challenge for most REALTORS® is that they allow less important activities to intrude on their "top three" priority items. Treat these appointments for self-care and creating new business with the same priority you would attach to a listing appointment.

Schedule at least four days off each month; at least three nights each week where you have dinner with either family or loved ones; two days per month where you spend a full day with friends and/or family; and at least one day completely for you where you play golf, get a massage, or do whatever you need to do to recharge.

Review your business plan including your income and transaction goals at least twice a day. Keeping your goals in front of you constantly is the secret to achieving them. Envision yourself fulfilling your goals and have your best year ever in 2012.