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SOUTHERN ARIZONA'S REAL
ESTATE LAW FIRM

Welcome to the MMGM Newsletter

Paraproisdokian Sentences

The voices in my head may not be real,
but they have some good ideas!



Heartfelt love and appreciation for all the Moms out there — HAPPY MOTHER'S DAY!

Save Heartache and Money by Checking a General Contractor's License

By Monica Derrick, Esq.

So you've finally decided to put in that new pool, that new landscaping design or that beautiful home remodel. Your neighbor has recommended a contractor who he swears did a fast, amazing job on his house at a very competitive price. You and the contractor meet and much to your satisfaction, the contractor is nice, professional and provides a very competitive bid for the job. The contractor has a business card and a website both saying that the contractor is licensed, bonded and insured in the state of Arizona. Nothing to worry about, right? Not so fast.

No matter how large or how small the job, one of

the first steps in hiring a contractor is to check on that person's license with the Arizona Registrar of Contractors. In Arizona, any person who contracts or offers to contract to build, alter, improve or repair any structure or landscaping (residential included) must be a licensed contractor.

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Do You Believe Help is On the Way for Short Sales?



By Michael J. Monroe, Esq.

I am generally not a cynic. However, when it comes to the federal government bureaucracy claiming it is going to help speed up short sale approvals, I am a bit skeptical. However, the Federal Housing Finance Agency has set out new rules, effective June 1, 2012, that are targeted to speed up the approval of a short sale transaction.

With the improving housing market in some areas, like Tucson and Phoenix, the number of short sales is increasing at a rapid rate. The problem has been the amount of time it takes to get a short sale approved. In many instances, during the short sale process, the lender initiates foreclosure, which process concludes before a short sale can be approved and closed. In the short sale the lender must approve accepting less than the full amount due the lender. Generally speaking, the short sale process is considered a more favorable alternative to a foreclosure but due to the time it has taken to obtain lender approval, people opt to just walk away and let their property foreclose.

Fannie Mae (FNMA) and Freddie Mac (FRE), through their parent organization, the Federal Housing Finance Agency (FHFA) have spelled out new rules that will require lenders to review and respond to purchasers within thirty (30) days and to make a final decision to approve or disapprove an offer for short sale within (60) days. In addition, the lender will be required to give at least weekly updates to the borrower after the first thirty (30) days if the loan is still under review.

This could prevent many properties from becoming lender owned properties as a result of foreclosure. The banks have not had a stellar record of preserving the value of their inventory of foreclosed properties. [READ MORE](#)

PROPERTY MANAGEMENT, A WAKEUP CALL

By Michael J. Monroe, Esq.

(Idea originated by John Mijac, REALTOR® e-PRO, GRI, TAR Director)

Any business or industry, especially in our current age, that does not reinvent itself periodically may be in peril. The property management business has not made any significant, fundamental changes in the way it operates during the past thirty to forty years. Yes, during the past three to four decades the residential sales business underwent many fundamental changes and remained strong and vibrant. This article is written from the view point of a residential real estate agent peering into the property management industry from the 'outside' and seeing that there may be room for some positive, profitable changes for those who can see the future.

Is it time for change? We know that it is time when the property management business is under stress not only from the Arizona Department of Real Estate, but also from property owners and renters as well. We know Internet businesses are vying to snatch clients in any manner they can. Competition is strong. Those are ingredients that signal that it is time for some positive change.

This is time to reflect on not only how to protect the property management business but to create and grow new opportunities. Home ownership is slipping while rentals are increasing. At the same time, some say that the property management business – as it exists today – is broken and is vulnerable. Therefore, although I am not a property manager, I perceive this as a prime time to give thought to new concepts that will reinvigorate the property management business and catapult it to new levels of professionalism and profitability. It is time to go 'back to the future'. [READ MORE](#)

MMGM IN THE COMMUNITY



Wendy Carpenter, Legal Assistant to Karl MacOmber and Monica Derrick, was installed as President of NALS of Tucson and So. AZ on Friday, April 20, 2012. She was also given the Award of Excellence for her achievements in her personal and professional life. We are so proud of Wendy and know she will make a fantastic President.



Carrie Valenzuela, Certified Legal Assistant to Carolyn Goldschmidt, was installed as Treasurer. With her vast experience in HOA collections, she will make an excellent Treasurer for the Chapter.

NALS, the association for Legal Professionals, is a leader in the legal services industry, offering numerous opportunities for education and professional development by providing continuing legal education, professional certifications, scholarships, and training to anyone who has chosen the legal services industry as their career. NALS is dedicated to enhancing the competencies and contributions of members in the legal services professions.

MARK YOUR CALENDAR—Tucson May Events

- 3-27 [Sins of the Mother](#)
- 3-31 [Gallery Art Walk](#)
- 6 [Main Gate Square Food Truck Roundup](#)
- 6 [Mariachi Nueva Melodia Gran Tardeada](#)
- 5-13 [AZ Discounts -Nat'l Travel & Tourism Week](#)
- 5 & 6 [Tucson Folk Festival](#)
- 11 [National Public Gardens Day](#)
- 11 [Mount Lemmon Hill Climb](#)



- 12 [Marana Bluegrass Summer Concert Series](#)
- 12 [Gabriel Iglesias Comedy Show](#)
- 13 [Tucson 5000 Run/Walk](#)
- 16-20 [USA Badminton Senior Nationals](#)
- 19 & 20 [Willcox Wine Tasting Country Festival](#)
- 26-28 [Wyatt Earp Days](#)
- 26 & 27 [Bisbee Gem & Mineral Show](#)
- June 2—[National Trails Day Moon Light Hike](#)

Easement for Emergency Vehicles Only?

By Karl MacOmber, Esq.

In an Opinion last August regarding IB Property Holdings, LLC v. Rancho Del Mar Apartments, LP, Division Two of the Arizona Court of Appeals agreed with the judge who tried the case in Superior Court that IB had a right to access to its apartments from Bilby Road here in Pima County.

IB was the beneficiary of an easement for pedestrian and vehicular access. The easement was across property owned by Rancho. After losing at trial, Rancho appealed on the grounds that the easement was intended to be used solely by emergency vehicles.

The Court of Appeals disagreed with Rancho and said there was no reasonable way to interpret an easement for the use of pedestrians and vehicles as one to be limited to use by emergency vehicles only. Rancho tried to show facts surrounding the creation of the easement, but the Court of Appeals said that there was nothing they could show that would overcome the plain meaning of the language of the easement.

Access was granted to IB. It was after all, a neighborly thing to do.

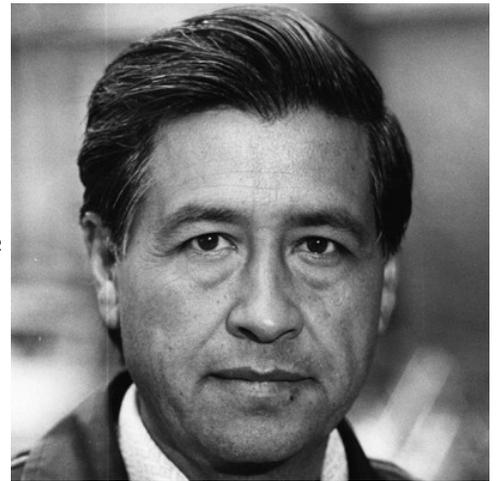


ARIZONA FASCINATING FACTS

Born Cesario Estrada Chavez near Yuma, Arizona, on March 31, 1927, Cesar Chavez employed nonviolent means to bring attention to the plight of farmworkers and formed both the NFWA and the United Farm Workers.

A union leader and labor organizer, Cesar Chavez dedicated his life to improving treatment, pay, and working conditions for farm workers.

"If you really want to make a friend, go to someone's house and eat with him...The people who give you their food give you their heart." – Cesar Chavez



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EXPERIENCE THE DIFFERENCE

MMGM is a real estate and business law firm. The attorneys and staff at Monroe McDonough Goldschmidt & Molla believe that each client must experience the difference that genuine care and concern can make. We strive to achieve the client's objectives while delivering unwavering personal service in an honest, aggressive and comprehensive manner. We refer to this as our Clients for Life program. MMGM provides outstanding counsel and unparalleled representation in the following areas of the law:

Real Estate Law - Personal Injury
Appeals - Arbitration and Mediation Services
Business Law and Entity Formation
Civil and Commercial Litigation - Construction Defect
Contracts - Estate Planning - Family Law
Homeowner Association (HOA) Law
Motor Vehicle Warranty Defense- Probate Law
Product Liability - Transactional Law

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