

# Why use a real estate attorney?

BY HENRY M. COOPER, ESQ.

**FOR MOST PEOPLE**, buying or selling a home in Florida is the beginning of a new and exciting chapter in their lives. It is also a major legal commitment that is fraught with potential pitfalls. A real estate attorney is a vital member of your team that will help answer your client's questions and guide them through the various legal

intricacies of the purchase and sale transaction.

The real estate contract is the roadmap of the transaction that defines the scope of each party's rights and obligations regarding the sale and purchase of the property. Although standard form

real estate contracts are typically used, a real estate attorney can assist the buyer or seller in preparing, reviewing, and modifying the contract to add their specific needs; remove unfavorable terms and conditions; and ensure the contract is clear and unambiguous as to each party's respective rights and obligations in the transaction. This is especially important in complex transactions such as short sales.

These contracts also have deadlines to make required deposits, obtain financing, conduct inspections, perform repairs to the property, obtain title insurance, and conduct the closing. By reminding and enforcing these deadlines, the real estate attorney may prevent a party from failing to fulfill their contractual obligations thus avoiding termination of the transaction, expensive litigation, and the loss of time, money and effort invested in the transaction.

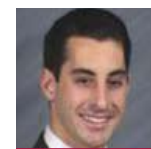
Florida law requires that the seller disclose to the buyer all known visible and hidden material defects of seller's home. Failure to disclose certain defects may result in unnecessary and expensive litigation. A buyer's failure to discover the defect prior to the closing of the transaction may also result in expensive litigation. A real estate attorney will assist your clients by making sure all visible and hidden known defects of the home are properly disclosed in order to avoid such legal problems in the future.

Most importantly, the real estate attorney is the only member of your team who has the ability to properly review and analyze the record of title to the property

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and explain any encumbrances, restrictions, or liens that may impair the conveyance of good and marketable title to the property. The real estate attorney may be able to prevent the deal from being delayed or terminated due to title defects by helping to resolve the title defects prior to the closing of the transaction. The trained eye of a real estate attorney can review the survey of the property as well, and spot any boundary lines or encroachment issues and advise you of the legal implications of the surveyor's findings.

Whether or not you recommend your clients use a real estate attorney is actually a cost-benefit analysis. For a relatively small amount of money, the hiring of a real estate attorney will provide your clients with the benefits of ensuring their interests are fully protected and minimizing the risk of the deal terminating and the parties engaging in expensive litigation. 📍




Submitted by Henry M. Cooper, Esquire, president of the Central Florida Real Estate Council and shareholder in the

law firm of Bogin, Munns & Munns, P.A. ([www.boginmunns.com](http://www.boginmunns.com)). The Central Florida Real Estate Council ([www.centralflrec.com](http://www.centralflrec.com)) is a group of experienced real estate attorneys who are committed to delivering timely expertise in negotiating and closing real estate.



## CZ Lots at One of Florida Tourists' Most Traveled Intersections!\*

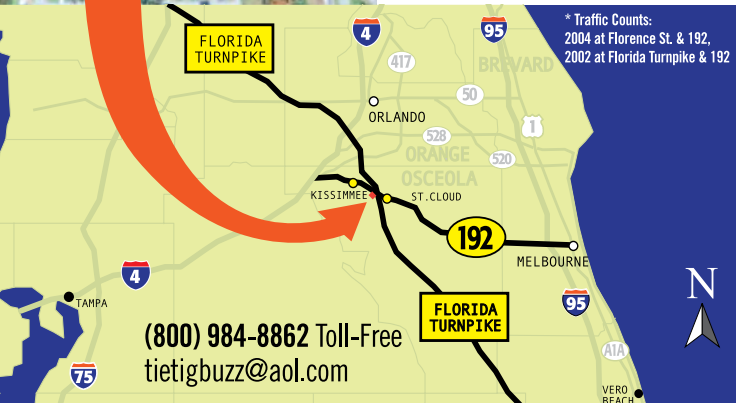


- 6.6 Acres (3 Parcels on Hwy.192) at Florida Turnpike Interchange
- High Growth / High Traffic Area – Approx. 65,000 cars per day\*
- Close to booming retail – Walmart, Publix, Home Depot, auto dealers, etc.
- 1,700 ft. of Prime Commercial Frontage on Hwy. 192 in Osceola County, Florida

**Coveted location for RESTAURANT, HOTEL, SHOPPING PLAZA, MEDICAL OFFICES, AUTO DEALERSHIP, etc.**

**'Buzz' Tietig – Broker/Seller**  
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Palm Bay, Florida 32907

\* Traffic Counts:  
2004 at Florence St. & 192,  
2002 at Florida Turnpike & 192



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