

How to Avoid Being Sued

Do you like getting sued? I didn't think so. But when you sell a home, the buyer can always sue you, no matter what you do. It just can't be prevented. But you can greatly *decrease* the odds that you'll be sued and *increase* the odds you'll win if it happens...

Here's how:

- 1. Use a highly skilled, experienced real estate agent or team to sell your home.**
It's just plain obvious that a successful, experienced agent is going to navigate you more safely through a complex real estate transaction, and they're all complex. (Of course, the tough part is determining which agent really is skilled and experienced.) And such an agent will help you with numbers 2-4 below.
- 2. Use all the legally required and recommended forms.**
Incredibly, too many real estate agents literally break the law every day and leave their clients legally naked by not using all the needed forms. It's not that they're bad people. It's that real estate is so highly regulated and complex. It's DIFFICULT to do it all right.
- 3. Disclose everything completely & CORRECTLY.**
Did you know that you can get yourself into hot water just by the WAY you disclose something? There you are, trying to do the right thing, and as a "thank you" you get hauled into court and have to hire an attorney! It's not fair. But who said it would be? We advise our clients how to *correctly* disclose things so they're protected.
- 4. Realize that selling "as-is" does not protect you.**
Whether you sell as-is or not, you're still liable for not disclosing things you know or *should have known*. By the way, selling as-is can even hurt you. If you're curious, call me about the "As-Is Trap" at (858)457-5368 to find out why... you might be surprised!
- 5. Get it in writing, and SIGNED.**
Make sure that your agent/team puts everything in writing, including agreements and disclosures made after the original contract is signed. And be sure that not only are all disclosures sent to the buyer, but are SIGNED by the buyer and received by your agent.

After reading the info above, you now know better how to CYA (cover your assets) so you don't get sued. But reading this isn't enough. As you saw in #1 above, you need an experienced real estate team looking out for you. So call me at (858)457-KENT and get us on your side!



Gary Kent

30 Yrs. Experience
4800+ Homes Sold



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