

SOUND OFF *Brian A. Clarke Jr.*

How can divorce affect the buying, selling process?



Divorce is part of a Realtor's business. Regardless if you live in a small condo or own a large house, the home may be the greatest asset of your marriage. During a divorce, it may become a point of contention based on its financial and emotional value.

It's important to obtain, at a minimum, a market analysis from a local Realtor. It is also strongly recommended to obtain an appraisal report by a certified appraiser.

Adding the additional stress of a home on the market with the di-

vorce can be very taxing. Ideally both parties are understanding and rational when making the financial decisions of the home. As a Realtor, handling the marketing of a home that is part of a divorce can be tricky.

Who will be handling the expenses of the home, taxes, utilities, etc.? Which party will be residing in the home and how easy will it be to show to potential buyers? This is a concern when representing the seller(s), because the buyer most likely will use this to their advantage when making an offer.

It should never be disclosed to the buyer's agent that divorce is the reason for the sale. Odds are if the home is on the market because of the divorce, one party doesn't want to buy the other spouse out and the sale is being forced.

As a Realtor that has handled sales of divorcing couples, it's important to confirm who is on the deed. If both parties are, both signatures are required on all paperwork. This is also important because it determines who your client is and which party you are representing in the sale of the

home. If it's both parties, can the parties agree without argument and divorce attorney involvement? If it is only one, as a Realtor our fiduciary responsibilities are to the owner/seller of the property, not the other spouse.

It is very important as a Realtor to keep the sale of a divorcing home a business transaction and not to get caught up in the personal/emotional aspect between parties.

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