



Home buyers need lawyers

SAUK CITY — The dream of owning a home can quickly become a nightmare without the assistance of an attorney.

"Many buyers assume the real estate broker is working for them," said Steven A. Roy, a local real estate attorney with LaRowe, Gerlach & Roy, S.C., and a member of Attorneys' Title Guaranty Fund. "In reality, unless the consumer has engaged the services of a buyer's broker, the broker's primary duty is to the seller. No one is actively protecting the interests of the homebuyer. Consumers are best served by engaging the professional services of both a real estate agent and a lawyer."

An attorney can ensure that the buyer enters the real estate transaction with a full understanding of legal obligations and potential liabilities. "Buying a home involves a variety of complex legal issues," said Roy. "An attorney can assist the buyer with understanding those issues and develop strategies to address them. It is the attorney's responsibility to ensure that the end result will be a comfortable home and a financial commitment that fits the buyer's lifestyle."

For example, the offer to

purchase a home involves contingencies regarding home inspection and mortgage financing, earnest money, closing and possession dates, prorated expenses, and other cost items.

"It is important to understand all of the terms before making the offer," said Roy. "Once it is signed, it is a legally binding contract."

An attorney should also be consulted when selecting a financing package, arranging for title insurance, and scheduling and planning for the closing.

According to Roy, there are several other steps potential home buyers should take before beginning the search for a home:

- Determine a price range. It is important to examine personal finances and determine whether current financial obligations make a home purchase feasible. If a home purchase is practical, determine what price range is affordable.

- Develop a wish list. Prospective buyers should develop a "wish list" of what they are looking for in a home. Home features should be prioritized. Then make an assessment of what options area available within the pre-

determined price range.

- Preapply for a mortgage. Preapproval provides more control over the home buying process. When preapproval is obtained, sellers know they have a serious buyer, and buyers are confident that they can obtain financing for the home they ultimately select.

Additional information on purchasing a home is available in ATG's free brochure, "Buying a home: What you need to know." To receive a copy, contact ATG at 800.252.5206, ext. 248. The brochure can also be ordered on ATG's Web site at www.atgf.com.

"For most people, purchasing a home is the most significant financial commitment they will make," said Roy. "By contacting an attorney first, buyers can be sure that a house becomes their home."

Attorneys' Title Guaranty Fund, Inc. is a lawyer-based service organization that provides title insurance to homeowners and lenders through a network of 3,000 attorney-members. ATG works with lawyers in Illinois, Indiana and Wisconsin through its offices in Wisconsin and Illinois.