



## Armed for Arbitration

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The complex nature of brokering real estate buy-sell agreements makes it hard to avoid disputes altogether. Real estate legal specialist Stewart C.W. Weiner, of Maddin Hauser Wartell Roth & Heller, P.C., says sooner or later a deal goes south.

Weiner says if the contract in a dispute has an arbitration clause, the case is heard by an arbitrator who hears arguments from the claimant and respondent sides, and renders a decision. If the ruling is in your favor, the arbiter is usually "brilliant."

To prepare for arbitration, and increase the chance of winning, Weiner says:

- Identify and schedule a meeting with an attorney; the arbitration decision will be legally binding.
- Assemble **all** documents of the deal: Purchase Agreement, all addenda and attachments, Seller's Disclosure, any warranty, etc.
- All communications should be documented; original written communications can be critical. If there are emails, print copies of the electronic communications.
- Identify and talk with witnesses; make sure the Buyer, Seller, Lender, Co-op Broker, Builder, etc. has the same position as you on the matter.
- Locate and arrange for testimony of appropriate experts.

Weiner says an arbitrator will rely heavily on the purchase agreement in any dispute. The attorney shareholder of Maddin Hauser Wartell Roth & Heller, P.C. in Southfield said that Realtors filling out pre-printed purchase agreements should ensure provision for and encourage parties to take advantage of legal review of any documents prior to signing.

Weiner says the typical 5-10 day time allowance for attorney review should be sufficient, providing the review

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is sought as soon as possible.

The costs of arbitration, above any damage rulings and attorney fees, depends on the amount in dispute. For more information, logon to the American Arbitration Association Web site, <http://www.adr.org/>.

For an interesting take on taking arbitration high-tech, check out Blanche Evans' article on Realty Times: [http://realtytimes.com/rtapages/20020612\\_mediation.htm](http://realtytimes.com/rtapages/20020612_mediation.htm).

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