

# e-Professional Edge

A Publication of the Winston-Salem Regional Association of REALTORS®

DECEMBER '03/JANUARY '04/

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## From the President's Desk

By Trip Smithdeal

### Let's Look Ahead...

The groundwork has been laid for this Association to move forward progressively, and with purpose. We are very fortunate to have had so many previous presidents and boards that understood changes in our industry, positioning us to take advantage of those changes. I am honored to be asked to take our association to the next step. With our strong board of directors, we can look forward to the challenge. Following are some of the tasks that we are going to undertake this year:

**Affordable housing in Winston-Salem** is an issue that has been difficult at best for buyers weaving their way through the process. We want to make that experience more streamlined, with the REALTOR® being the hub in the wheel, as in any other transaction. With that goal in mind, I have asked George Munford and his Cultural Diversity Committee to investigate the many wonderful programs available to buyers, and to make us aware of the different resources available. Many of these agencies are working independently of each other, and clients need assistance in knowing where to turn. Our goal is to make this information available to you, so that you will have the resources necessary in helping your clients with their dream of purchasing their home. REALTORS® have always carried the torch to increase home ownership in our country. In 2003, there were more new homeowners than ever before in history. With these resources, you can continue to add value to the transaction.

Another opportunity we want to make available is an effective way for you to make a **charitable donation**. In November, your board of directors asked that the Task force Committee look into the implementation of a REALTOR® foundation. We would be able to make gifts, memorials and other donations to take advantage of the tax laws. These monies would be used to help in many ways, from disaster relief for communities to educational scholarships for our members. This is exciting to me in that as an association we have always given to people in need and with a foundation we can do it in a way that benefits the member.

Finally, it is important to me that our membership meetings mean something to you. Your time is valuable, and if we desire a portion of it, then we need to offer you something that will improve your business. This year, we are implementing a **"Leadership Speaker Series"**. All of our meetings will be tied together with the common theme of leadership. The speakers we will bring in are of high caliber, and will show you how to augment your leadership qualities. These insights can be applied in your business and personal life.

Thank you for the opportunity to serve and I look forward to a productive year ahead.

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# A Message From the Out-going President

By Ron Rosenberg

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As the year winds down, I have good news to report from all levels. Nationally, I learned while attending the NAR Convention in San Francisco, this will be yet another record breaking year for the real estate industry. Housing has become the preferred investment to stocks, with total housing wealth exceeding stock wealth. Homeownership rates are at an all time high, and with the economy gaining momentum the housing boom is predicted to continue into 2004.

During this time of year, a great deal of work is done on your behalf by numerous volunteers to plan for next year. Your Board of Directors has gone through a detailed budgeting process for 2004, and I am proud to report that our Association is financially strong. Triad MLS has just completed an organizational review, and has amended its governance documents, which were recently approved by your local Board of Directors. Strategic Planning committees for both organizations have been meeting this fall and are looking to the future to ensure that each member receives the best possible service to support their daily business needs. To make sure that we are headed in the right direction, the Association will survey members in January, using ten separate focus groups, and this feedback will be incorporated into our strategic plan as well.

We have been very fortunate to be in a thriving real estate industry, while other sectors of the economy have struggled the last several years. It is truly a great time to be a REALTOR®. I have thoroughly enjoyed being your President this year, and I cannot thank you enough for giving me this opportunity. It is an honor that I will appreciate the rest of my career.

# Governmental Affairs Report

By Chuck Folds

Winston-Salem Regional Association of REALTORS®

*Government Affairs Report*

December 2003

## Municipal Elections in 2003:

Last year was actually a pretty big election year for the towns in this area. The results of the elections created quite a change in the makeup of some local boards. In Lewisville, there is a new mayor and 5 of the 6 council members were newly elected in November. Kernersville has 3 new aldermen, and Rural Hall and Cooleemee have 2 new council members. Tobaccoville and Walkertown each have a new mayor and one new council member, while Clemmons, Bethania, and Bermuda Run each have a new council member. All in all, 19 new! It will be a tough test for those newly elected officials as they are coming into office at a time when most local governments are facing significant budget problems. Good luck to them all!

## North Suburban Area Plan:

The City/County Planning Board has recently started the area plan process for what is known as the North Suburban Area Plan. This is between Highway 52 and Reynolda Rd and stretches into Bethania. There will be issues concerning the landfill, the quality of new residential development, and economic development. I am on the citizen's steering committee as a representative for the Home Builders and Realtors Association. If you have any questions, or concerns about what the plan will involve, please contact me.

## **President Bush Signs American Dream Downpayment Act:**

NAR President Walt McDonald, on behalf of REALTORS and consumers across the country, attended yesterday's signing ceremony for the American Dream Downpayment Act, a major victory that will help more families achieve the American dream of homeownership. The legislation, S. 811, will provide an average of \$5,000 in grants to approximately 80,000 lower-income families over the next two years to help them pay downpayment and closing costs on their first homes.

## **SIGN UP FOR NAR CALLS TO ACTION:**

Get involved, let your voice be heard and register at the NAR Action Center. The center sends out call to action whenever there's an issue that calls for member participation. Once registered, you can access issue summaries and pre-written faxed and e-mails addressed to your congressional representatives. To register, Go To: <http://naractioncenter.com/>

## Governmental Affairs Year-end Report for 2003

- Continued relationship with the Home Builders Association of Winston-Salem through the Joint Legislative Committee, monitoring and affecting issues that directly impact housing opportunity, property rights, and the real estate and development industry.
- Had Association and local industry representatives appointed to local boards and commissions including the City/County Utilities Commission, City/County Planning Board, Lewisville Planning Board, and Winston-Salem Appearance Commission.
- Have Association representatives on citizen committees, such as the Union Cross Area Plan, the North Suburban Area Plan, Legacy Technical Advisory Committee, and the Legacy Oversight Committee.
- Conducted REALTOR® lobbying visits to both our North Carolina Legislature in Raleigh, and our Congressional delegation in Washington D.C.
- Partnered with Home Builders to conduct Economic Impact of Housing Studies of Forsyth and Davie Counties, which illustrates the significant positive economic impact of the real estate industry.
- Held numerous meetings with individual state and local elected officials through the work of the Political Affairs Committee and the Property Management Division.



## A Word From Jo Caubre', e-PRO, RCE

Executive Vice-President  
Winston-Salem Regional Association of Realtors®

A Look Back at 2003: A Busy Year for our Association

### **Here is a review of the services and events that we offered throughout the year:**

- Held the Installation of Officers and Directors for 2003 at the Benton Convention Center with over 200 members present.
- 678 real estate licensees participated in our update continuing education classes.
- 635 real estate licensees participated in our elective continuing education classes.
- Held 4 Orientation Classes with 110 new REALTORS® joining our Association.
- Had 12 REALTORS® transfer their primary membership to our Association in 2003.
- 12 Affiliate members joined in 2003.
- Held Annual Professional Standards and Grievance Training for Officers, Directors and committee members.
- WSRAR raised over \$17,350 in RPAC superceding our goal of \$15,000.
- Held a joint meeting with the Home Builders in October.
- Hired Kay Johnson of Johnson West as a facilitator for our Strategic Planning sessions and as a facilitator for focus group discussions with member segments.
- Held a REALTOR® Raise the Roof Raffle where the winner won dinner for 2 at 10 area restaurants. From proceeds in the Raffle we contributed \$3,210 to the Home Builders Association's Vocation Education Fund that built 3 homes for Habitat for Humanity.
- Held 5 Lunch & Learn Sessions at the Association Office which featured timely information for members.
- Inducted 2 new members into the WSRAR Hall of Fame.
- Presented 5 awards at the November Awards Ceremony.
- Conducted REALTOR® lobbying visits to both our General Assembly members in Raleigh and our Congressional delegation in Washington, DC.
- Held the 2<sup>nd</sup> Annual Political Rally at Salem Glen with invited political representatives from area government.
- Conducted the 13<sup>th</sup> Annual SCAN Golf Tournament, which raised the most money in its history of over \$27,000. Over the 13 year history, WSRAR has donated \$216,000 to SCAN.
- Collected \$13,800 in sponsorships from companies for the purpose of providing hospitality and gifts at our social events.
- Held our Annual Easter and Christmas parties for the Children's Center for the Physically Handicapped.
- Joined the city to host a kick-off of April's Fair Housing month. The mayor and City of Winston-Salem designees were present for a ceremonial ribbon-cutting.
- Held a picnic in July at Tanglewood Park for our members and their families, complete with horseshoes and a face painter.
- Emailed or faxed eProfessional Edge to 950 members on a monthly basis.
- Restructured MLS, with the assistance of a Task Force and the Bylaws Committee, from a Division to a Committee.
- Enhanced the website www.wsrar.com to increase visibility and accessibility to information about the Association.
- Enhanced our REALTOR® Store by partnering with Superior Real Estate Company to offer online ordering of store supplies.

**All of our events and successes were possible because of the volunteer members who give unselfishly of their time and talents. Thank you for a fantastic 2003 and we look forward to serving you in 2004!**

**Jo Caubre, Executive Vice President**

*MORE FROM TRIAD MLS*

**Triad MLS Password Security:  
Members Fined \$\$\$ Thousands For Sharing Their MLS Password**

The Triad MLS Board of Directors fined two more members for sharing their MLS password.

The fine for sharing a MLS password is \$1000 – the first time. The second offense brings with it a \$3000 fine and the third time someone is found sharing a MLS password, they will lose their right to access the MLS system for 6 months.

Our MLS system is web based and doesn't require proprietary software to be installed on your computer, just access to the Internet along with your User ID and Password in order to access the system. With your User ID and Password, ANYONE, ANYWHERE can add, modify, or change ANYTHING that you have permission to change. That person could also copy our entire database and use it illegally. Please, DO NOT SHARE your MLS password!

If you are trying to use Tempo in ANY WAY that you think might require you to give someone your password to do it for you, STOP. Do not give out your password to ANYONE, for ANY REASON. Call the Triad MLS helpdesk at 336-841-1337 for assistance in the proper use of your Tempo access.

Do not give out your password to ANYONE, for ANY REASON. The fine for sharing a MLS password is \$1000 – the first time. The second offense brings with it a \$3000 fine and the third time someone is found sharing a MLS password, they will lose their right to access the MLS system for 6 months.

Visit our newsletters online at [www.triadmls.net](http://www.triadmls.net) for links to the vendor's web sites mentioned in this article.

By:  
Darrin D. Edwards, MBA  
Executive Vice President  
Triad MLS, Inc.

Congratulations to *Janice McDaniel* for earning the CRS designation.

## Membership Totals Report

(as of December 15, 2003)

REALTORS®	1060
Affiliates	79
Institute Affiliates	13
Public Service	2
Life Members	<u>28</u>
TOTAL	1182



**Happy New Year from the  
staff at WSRAR!**

**Be safe!**

Applied for Membership	14
Non-Member Licensees	179
MLS Participants	1310
RCA Participants	113
PMD Participants	32

### Existing-Home Sales Slipped in November But Remain Strong

WASHINGTON (December 30, 2003) – The market for existing single-family home sales slipped in November from record sales levels in recent months but is maintaining a historically high pace, according to the National Association of Realtors®.

Existing-home sales declined 4.6 percent to a seasonally adjusted annual rate\* of 6.06 million units in November from a pace of 6.35 million units in October, and was the fifth highest pace on record. Last month's sales activity was 6.9 percent above the 5.67-million unit level in November 2002.

David Lereah, NAR's chief economist, said 2003 easily will be the high-water mark for the housing sector. "The last five months have been the strongest on record for existing-home sales. Although sales in November were off from recent peaks, last month's pace is a very respectable number," he said. "The market is being driven by low interest rates, a growing job market and a rising number of households. We will continue to see strong sales going forward, with 2004 likely to be the second-best year on record."

According to Freddie Mac, the national average commitment rate for a 30-year, conventional, fixed-rate mortgage was 5.93 percent in November, down slightly from 5.95 percent in October; it was 6.07 percent in November 2002. "For all of 2003, the average fixed-mortgage interest rate was about 5.8 percent, the lowest since Freddie Mac began tracking mortgage rates in 1971," Lereah said.

NAR President Walt McDonald, broker-owner of Walt McDonald Real Estate in Riverside, Calif., said low interest rates also will predominate in 2004. "With very low inflation, we expect fixed mortgage interest rates to increase only modestly – about half of a percentage point over the next year – which will maintain favorable housing affordability conditions in most of the country," he said. "This is good news for first-time

*(Continued on page 21)*

# December Membership Report

## Board of Directors Report

Below are highlights of the November Board of Directors meeting:

- Approved three new MLS companies
- Approved the resignation of three members
- Approved one new Affiliate Member
- Heard a presentation from Pat Ranson with the *Winston-Salem Journal*; Tabled a request from the *Journal*
- Heard a report from the Governmental Affairs Director on a proposed ordinance for boarding houses
- Adopted a recommendation from the MLS Committee to increase the fines by \$5 each week and to begin fining for a lack of photo or plat map on land listings
- Approved the Shareholders Agreement with Triad MLS and updated Bylaws and Rules & Regulations
- Approved the 2004 budgets for PMD and RCA
- Approved the 2004 officers and directors for PMD and RCA
- Approved funds to pay Kay Johnson to conduct ten focus group meetings
- Approved the reinstatement of one MLS Participant
- Approved a donation to the Outer Banks Disaster Relief Fund
- Appointed an Election Committee to count votes at the November membership meeting

Below are highlights of the December Board of Directors meeting:

- Approved two new MLS companies
- Approved the resignation of three members
- Approved one new Affiliate Member
- Heard a report from the Governmental Affairs Director on a proposed new area plan for the north suburban area
- Adopted the 2004 budgets for the Association and MLS (MLS fees will go down from \$37.50 per month to \$35)
- Denied a request from the *Winston-Salem Journal* from last month's meeting
- Approved funds to pay for an additional focus group to be conducted by Kay Johnson

## Membership Changes

### Transfers:

Richard Barnes (from Unique Properties to C-21 Swicegood Wall & McDaniel)  
 Eleanor Bell (from Graham & Boles Properties to Keller Williams Realty)  
 Karen Carter (from Back Home Realty to Coldwell Banker Triad)  
 Sharon Cohen (from C-21 Swicegood Wall & McDaniel to Howard Realty)  
 Mark Decker (from Roberts Realty to Keller Williams Realty)  
 Roy Fulk (from Nancy Brady Realty to Carolina Farms Pilot Mountain)  
 Carl Hedwall (from Keller Williams Realty to C-21 Gwen Hill & Assoc.)  
 Janet Jones (from Nancy Brady Realty to Coldwell Banker Triad)  
 Apri Nagy (from Full Spectrum Realty to Keller Williams Realty)  
 Barry Schline (from Shamrock Commercial Properties to C-21 Swicegood Wall & McDaniel)  
 Rhea Witherspoon (from Coldwell Banker Triad to Prudential Carolinas Realty)

### New MLS Companies:

Brighton Homes, Inc. (Melissa Locklear, Broker)  
 Guardian Angel Realty (Blase Roscoe, Broker)  
 Jim Jarrett Appraisals (Jim Jarrett, Appraiser)  
 Northwestern Appraisal Company (David McNeil, Appraiser)  
 Pansy Hunt Properties (Pansy Hunt, Broker)  
 USDA Rural Development (Michael Willard, Appraiser)

### New Affiliate Members:

Jerry Kapp (Bank of North Carolina)  
 David Shaffer (Irwin Mortgage Corp.)

### Resignations:

Zelda Bryant (formerly with Prudential Carolinas Realty)  
 Tara Lynch (formerly with Prudential Carolinas Realty)  
 Lee Nolan (formerly with Howard Realty)  
 Patricia Porter (formerly with Prudential Carolinas Realty)  
 Bill Russell (formerly with Russell Triad Properties)  
 Tricia Swanson (formerly with Coldwell Banker Triad)

# NOVEMBER Membership Report:

## Membership Changes

### Board of Directors Report

Below are highlights of the October Board of Directors meeting:

- Approved the membership of one REALTOR® who is transferring from another Association
- Approved three new MLS companies
- Approved 41 provisional members
- Heard a report from the Governmental Affairs Director on the new NPDES PHASE II Stormwater Rules.
- Reviewed a revised Shareholders Agreement with Triad MLS and updated By-laws and Rules & Regulations; Decided to have the Association attorney review the documents before the Board votes on them
- Reviewed a request from the Winston-Salem Journal regarding the HomeSpotter website and decided to invite Pat Ranson to the next Board meeting
- Discussed the 2004 Operating Budgets for the Association and MLS and decided to meet with our CPA before approving
- Approved the 2004 Capital Expenditures budget
- Approved of changes to the awards criteria for the Hall-of-Fame Award and clarified who is to serve on the Selection Committee
- Approved a quote from Salem Insulation to install insulation over the lights in the attic

### Transfers:

Mary Hendricks (from Pennington & Company to Premier Carolina Properties)

Kathy Hustus (from Crowder-Clemmons to Ridge Top Realty)

Martha Jenkins (from Roberts Realty to Keller Williams-W/S)

Dennis Paloumbas (from Coldwell Banker Triad to Roberts Realty)

Dave Passerallo (from Re/Max Realty to Keller Williams-W/S)

Debbie Shores (from Pennington & Company to Premier Carolina Properties)

Darvis Stanley (from Coldwell Banker Triad to Ridge Top Realty)

Steve Stonehouse (from C-21 Swicegood Wall & McDaniel to Re/Max Realty Consultants)

Michael Vaughn (from Crowder-W/S to Coldwell Banker Triad)

### New MLS Companies:

C-21 Gwen Hill & Assoc., Inc. (David Grix, Broker)

Grace Realty (Dora Matthews, Broker)

Lakeside Realty (Rick Christenberry, Broker)

## Triad MLS Training -

### USING REALIST®

By:

Darrin D. Edwards, Executive Vice President  
Triad MLS, Inc.

## From the Triad MLS helpdesk - Realist® Frequently Asked Questions

Triad MLS provides help-desk services for Realist® directly to the membership. We're pleased to announce that Realist® offers a link to FAQ (Frequently Asked Questions) which is available to you online at the Tempo™ web site under the "Search Realist.com" link. Just look for the link to the FAQ section on the Realist® tool bar.

Triad MLS also offers a training class. Realist® training is held every Tuesday from 1:00 pm until 3:00 pm at the Triad MLS office.

Based on information from our call-tracking database, here are Realist's® answers to the most commonly asked questions.

### **How can I access Realist®?**

Access to Realist® is available through Tempo™. Once you've logged onto Tempo™, Go to Tax on your Tempo™ tool bar and click on the county in which you want to search. You will see in the top left corner of the window "Search Realist.com". Click on the link to open.

### **What are the system requirements for Realist®?**

Realist.com™ requires an operating system of Windows 95 or later and Internet Explorer (IE) 5.0 or greater as the browser.

### **How do I log off of Realist®?**

You should use the Logout icon found at the top of each Realist.com™ page. This will close Realist.com™ and leave your web browser open. If you wish to close your web browser when you logout of Realist.com™, simply click on the X in the upper right hand corner.

### **What is the purpose of the small Printer icon that appears on some Realist® pages?**

Each section of a Realist® page is called a frame. Occasionally your browser may print each frame, including the menu bars, separately. You can prevent this from happening by clicking on the special Printer icon that appears on property list and property detail pages of Realist®.

### **How do I save a search? And how many searches can I save?**

The save search function allows you to save the search parameters, not the results. Make sure the criteria are precisely what you intend to save. Click on "Save Search". You will be prompted to enter a name for the search. Then click on "Save Search". There is no limit to the number searches that you can save.

### **Here are helpful tips to remember when searching in Realist®.**

If you can not find the information you are looking for in Realist®, try the following tips:

- Make sure you have used the correct spelling.
- Make sure you enter the street suffix in the designated field for "Street Suffix" and not in the "Street Name" field.
- Make sure you do not enter a dot "." in the street suffix.
- If your street name contains a direction like North Main Street, you would enter the following:
- House Number   **100**

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# Free Forms Software and Member Discounts on [www.ncrealtors.org](http://www.ncrealtors.org)

by Diane Greene, NCAR Communications & Marketing Director

**T**raffic on NCAR's Web site continues to grow as members across the state discover the great resources they have at [www.ncrealtors.org](http://www.ncrealtors.org). In July, we had nearly 10,000 unique visitors who viewed more than 84,000 pages. Those numbers are expected to grow as even more members take advantage of our online tools, such as the interactive forms software that became available just last month.

## Download RealFA\$T Forms Software

NCAR members can now take advantage of a great new member benefit: Free interactive real estate forms software from RealFA\$T. Download the software directly from NCAR's Web site by clicking on the "Download RealFA\$T Software" link on the home or members pages. Once you log in with your user name and your password, you'll be linked with the RealFA\$T page, which contains all the information you need to download the software. Be sure to print a copy of your registration information for your records, and follow the instructions on the page.

## Link to Hundreds of Related Web Sites

If you're looking for the Web site of an affiliated organization, such as your local board, NAR, a specialty group, or even your daily newspaper, you'll want to browse our "Smart Links" page. It's your one-stop resource to the real estate industry and N.C. sites you visit regularly. Just click on "Smart Links" from the home page or member page for quick access to the information you need.

## Check Out Special Member Discounts

As a member of NCAR, you can take advantage of our group buying power with special discounts on services you use everyday. From wireless phone service to insurance programs, we've negotiated members-only pricing from some of the most trusted names in the business. Get more information by clicking on the REALTOR® Partners logo on our members page and start saving today.

## Password Protection Safeguards Member Benefits

While many parts of NCAR's Web site are available to all visitors, several areas such as downloading forms software are password-protected and available only to members. To access this information, simply click on the link you want to go to and enter your user name and password. Your user name is the e-mail address that you have on record with NCAR and your default password is your nine-digit NRDS number. This number is printed, for your convenience, above your name on the mailing label of THE TAR HEEL REALTOR®. After your initial login, be sure to change your password to something known only to you.

## ***REALTOR® Magazine.: 30 Under 30 Application Online***

(October 24) -- January 4 is the deadline to let REALTOR® Magazine know about young movers and shakers at your company. The magazine's fifth annual "30 under 30" feature, coming in the June 2004 issue, will profile real estate professionals under 30 who've already made a mark. If you know outstanding NAR members who are under 30, and won't turn 30 before May 31, 2004, have them fill out the online application. Forms must be submitted by Jan. 4, 2004. For more info, CONTACT: Stacey Moncrieff, 312/329-8496, [smoncrieff@realtors.org](mailto:smoncrieff@realtors.org).

—REALTOR® Magazine

## **IMPORTANT INFORMATION**

### **PLEASE POST**

### **MLS GRID FOR PLACEMENT IN HOMESPOTTER**

The following is the list of coordinates and their respective placement in our HomeSpotter publication. Please use this as a guide to determine the quadrant that your listing will be placed in HomeSpotter. All information is pulled directly from your data inputted into MLS. When mapping coordinates, please use a Forsyth County map. If you need further assistance please contact Susan or Shannon at 768-5560.

#### **South East Forsyth County**

33D4, 33D5, 34A4, 34A5, 34B4, 34B5, 34C4, 34C5, 34D4, 34D5, 35A4, 35A5, 35B4, 35B5, 35C4, 35C5, 35D4, 35D5, 36A4, 36A5, 36B4, 36B5, 36C4, 36C5, 49D1 – 5, 50A1 – 5, 50B1 – 4, 50C1 – 4, 50D1 – 4, 51A1 – 4, 51B1 – 5, 51C1 – 5, 51D1 – 5, 52A1 – 5, 52B1 – 5, 52C1-C5, 51C1 – 5, 63D1, 64A1

#### **South West Forsyth County**

AREAS: 47 & 48,

29C4, 29C5, 29D3, 29D4, 29D5, 30A4, 30A5, 30B4, 30B5, 30C1, 30C2, 30C4, 30C5, 30D4, 30D5, 31D4, 31D5, 32D4, 32D5, 33A4, 33A5, 33B4, 33B5, 33C4, 33C5, 45C1, 45D1, 45D2, 45C2, 45D3, 31A4, 31A5, 31B4, 31B5, 31C4, 31C5, 32A4, 32A5, 32B4, 32B5, 32C4, 32C5, 46A1, 46A2, 46A3, 46B1, 46B2, 46B3, 46C1, 46C2, 46C3, 46C4, 46D1, 46D2, 46D3, 46D4, 46D5, 49A1 – 5, 49B1 – 5, 49C1 – 5, 61A1 – 3, 61B1 – 3, 61C1 – 3, 61D1 – 3, 62A1 – 2, 62B1 – 2, 62C1, 62D1, 63A1, 63B1, 63C1

#### **North West Forsyth County,**

ALL of AREA 16 & 17

GRIDS: 4A2, 4B2, 4C2, 4A3, 4B3, 4C3, 4A4, 4B4, 4C4, 4A5, 4B5, 4C5, 18A1 – 5, 18B1 – 5, 18C1 – 5, 29C3, 30D1, 30D2, 30D3, 30A2, 30A3, 30B2, 30B3, 30C3, 31A1 – 3, 31B1 – 3, 31C1 – 3, 31D1 – 3, 32A1 – 3, 32B1 – 3, 32C1 – 3, 32D1 – 3, 33A1 – 3, 33B1 – 3, 33C1 – 3, 1C2, 1C3, 1C4, 1D2, 1D3, 1D4, 1D5, 2A2 – 5, 2B2 – 5, 2C2 – 5, 2D2 – 5, 3A2 – 5, 3B2 – 5, 3C2 – 5, 3D2 – 5, 15C1 – 5, 15D1 – 5

#### **North East Forsyth County**

ALL OF AREAS 19 & 20

4D2 – 5, 5A2 – 5, 5B2 – 5, 5C2 – 5, 5D2 – 5, 6A3 – 5, 6B3 – 5, 6C3 – 5, 6D3 – 5, 7A3 – 5, 7B3 – 5, 7C3 – 5, 18D1 – 5, 21A1 – 5, 21B1 – 5, 21C1 – 5, 33D1 – 3, 34A1 – 3, 34B1 – 3, 34C1 – 3, 34D1 – 3, 35A1 – 3, 35B1 – 3, 35C1 – 3, 35D1 – 3, 36A1 – 3, 36B1 – 3, 36C1 – 3

#### **OTHER:**

Davidson County	Davie County	Stokes County	Surry County	Yadkin County	Rockingham County	Wilkes County	Alleghany County
Beach	700						
Mountain	800						
Lake	900						
Other	999						

## RPAC CONTRIBUTIONS TO DATE \$17,314 (as of 12/23/03)

### \$1,000:

**Robert E. Helms**

**June Dinkins**

**Brent Bruner**

### \$500:

**Katy Boles**

**Mike Moran**

### \$250 and Up:

Lanier Williams ALC CRS GRI  
 Trip Smithdeal GRI  
 John-Mark Mitchell CRS GRI  
 Bruce Hubbard GRI  
 Nat Taylor  
 Rick Crowder CRB GRI  
 Pamela Boyle GRI  
 Jon Bruner GRI  
 John Kennedy  
 Melinda Leonard GRI  
 Dan Patterson  
 Wendy Taylor CRS GRI  
 Tom Johnson CPM GRI  
 Sam Ogburn CRS GRI

### \$100 and Up:

Audrey Fuhrmann  
 Bob Robbins  
 Ron Creasy  
 Philip Crouse  
 Buster Robertson  
 David Shaw GRI  
 Edward Ferrell  
 Tom Carlisle CRS  
 Treasure Faircloth CRS E-PRO GRI  
 Carol Hudson GRI  
 Brenda Hutchins CRS GRI  
 Nancy Anders  
 Lou Baldwin GRI

Jo Caubre' E-PRO  
 Ferrell Clay ABR  
 John Cosgrove  
 May Kinlaw ABR GRI  
 Olivia Kleinmaier ABR  
 Kim Poore  
 Joanne Portaro CRS GRI  
 Lee Ross  
 James Salzwedel GRI  
 Courtney Slawter CRS  
 Anne Walker ABR CRS GRI  
 James Williamson E-PRO GRI  
 Cindy Blackwell  
 Ron Rosenberg  
 Martha Sturkie  
 Martha Wood ABR GRI  
 Lewis Hubbard  
 Paul McGill GRI  
 Rod Hatcher CCIM  
 Charles Miller  
 Nancy Anderson CRS GRI  
 Donna Barham  
 Tina Brabandt  
 Charles Bristow  
 Elaine Calloway  
 Azilda Duncan  
 Romie Lee Flynn  
 Jan Harmon  
 Consuelo Kral CRS GRI  
 Lynn Ray ABR CRS  
 Catherine Vanzant  
 James Vanzant  
 Jane Bodenhamer  
 Jennifer Chrysson GRI  
 Ruth Hudspeth  
 Gary Lackey  
 Barbara Russell CRS GRI

### \$99 CLUB:

Oscar J. Pearl, Jr.  
 Carolyn W. Hodge GRI CRS  
 Leigh Cortesis  
 George A. Munford Jr. GRI CRS ALC  
 Liz T. Rudisill GRI CRS

UNDER \$99 SEE PAGE 21

# December Birthdays



<b>1</b>	James S. Ale Tina Brabandt Rick Murray	<b>17</b>	William V. White Philip G. Doyle CCIM Ted E. Kelly
<b>2</b>	Calvin Cox GRI Mark A. Jacobs	<b>18</b>	Jennene M. Kirkland ABR GRI Lamar S. Taft
<b>3</b>	Barbara S. Elliott Philip A. Fontaine IV	<b>19</b>	Rhea E. Witherspoon
<b>4</b>	Raymond D. Collins Jr. Darlene Strickland	<b>20</b>	Hap P. Royster John D. Yarbrough
<b>5</b>	Cesar G. Gordola Dorothy Hall Janice R. Neal GRI CRB Verna M. Shore	<b>21</b>	Peggy Gheesling Matthew J. Silmser Robert Totin
<b>6</b>	Rick B. Handy Sally B. McGuire	<b>22</b>	David G. Chamberlain Michael E. Huggins MAI John J. Woodmansee
<b>7</b>	Jessie D. Draft GRI CRS Valerie Fricault Sarah Olson Irving F. Seigler Jr. Nancy Sipe CRS GRI	<b>23</b>	Maxine S. Boger
<b>8</b>	Bernie Clapp Oscar J. Pearl, Jr. Wanda W. Speer ABR	<b>24</b>	Harriet P. Anderson
<b>9</b>	Frances Bonnett Linda Gutierrez Judy L. McManus	<b>26</b>	Dani Griffith Sharon F. Thomas
<b>10</b>	Robert E. Helms Merie Rector Martha Sturkie Ruby Taylor	<b>27</b>	Barbara P. Allen ABR Carol A. Orsini
<b>11</b>	Scott A. Marshall	<b>29</b>	Greg L. Beckwith Shannon Blalock Nancy K. Brower Goldie Edwards Chris F. Gaide Olivia Kleinmaier ABR
<b>12</b>	Norma J. Atkins	<b>30</b>	Kenneth D. Meredith Richard R. Claytor Sandra Englebert Larry L. Eubanks Jr. Sam Johnson Martha Martz Dana Slawter Melinda W. Szeliga Catherine B. Vanzant
<b>13</b>	Paul Chrysson Cindy P. Jones	<b>31</b>	Michael Bradshaw Rick D. Epperson ALC
<b>14</b>	Jimmy Chrysson Rebecca M. Jacobs		
<b>15</b>	Donna C. Coram Tom Sands		
<b>15</b>	Rosie Shackelford Jennifer L. Thomas		
<b>16</b>	Julie Holland Marion J. Randall Monte R. White ABR e-PRO		

# January Birthdays



- |           |   |           |   |
|-----------|---|-----------|---|
| <b>1</b>  | Bill F. Bodsford<br>Paige J. Owen<br>Sid H. Stapleton ABR   | <b>21</b> | George R. Bell GRI CRS ABR<br>Janet B. Jones<br>Dorothy S. Leonard GRI  |
| <b>2</b>  | Linda J. Bailey<br>Michael E. Cashion<br>Anthony Fanale Sr.<br>Donald L. Martin<br>Chris Thompson   | <b>22</b> | Monnie Johnson<br>Luray H. Jordan GRI CRS<br>Brenda P. Mabe<br>LaDonna P. Potts<br>Kimberly S. Saghy                |
| <b>3</b>  | Terry W. Smart<br>Mindy Smith   | <b>23</b> | Stanley Morgan<br>Mary Ann Parrish<br>Jim Walker  |
| <b>5</b>  | Robin S. Cook ABR<br>Sharon Cotten<br>Treasure A. Faircloth GRI CRS   | <b>24</b> | Alice F. Fansler GRI CRS ABR e-PRO<br>Denise J. Fant ABR<br>Lawrence L. Federer<br>Dewey Robertson<br>Jonathan Sapp |
| <b>6</b>  | Annette Westmoreland  | <b>25</b> | Kathy Phillips<br>Vicki B. Van Buren GRI CRS  |
| <b>7</b>  | Leland H. Ross III  | <b>26</b> | John S. Washington<br>Derry A. White  |
| <b>8</b>  | Rachel Payne<br>Kimberly A. Potts   | <b>27</b> | Elizabeth S. Swicegood GRI  |
| <b>9</b>  | Jeff L. Bryant<br>Timothy E. Hymes<br>Carey Z. Sams<br>Louisa J. Sohmer<br>Anne K. Walker GRI CRS ABR   | <b>28</b> | Beth Atkinson<br>Vickie L. Farrior  |
| <b>10</b> | Larry Barker<br>Jessie Golden GRI<br>Mary Nell Humes GRI CRS<br>John Kennedy<br>Andrew G. McDowell<br>Martha A. Waggoner GRI ABR<br>Glenn Winfree GRI CRS | <b>29</b> | Susan Barbour<br>Cheryl T. Kiger GRI<br>Don A. Marshall<br>Colleen T. Salem<br>Gary Semones                         |
| <b>11</b> | Ellen K. Moore WCR<br>Philip J. Stewart Jr. CPM   | <b>30</b> | Harris Gupton<br>Pamela Wolfman   |
| <b>12</b> | Brian S. Davidson   | <b>31</b> | Keith Boles<br>Donna M. Poe GRI ABR   |
| <b>14</b> | Kenneth G. Ketner   |           |   |
| <b>15</b> | Douglas M. Clayton<br>Betty A. Moser-Callahan GRI CRS   |           |   |
| <b>16</b> | Dennis J. Paloumbas<br>Phyllis C. Wilcox  |           |   |
| <b>19</b> | Linda Mitchell CRS ABR<br>Robert J. Parent<br>David E. Shaw GRI<br>Darvis G. Stanley  |           |   |
| <b>20</b> | Stanley F. Forester<br>Daniel O. Perrier  |           |   |

# Do Not Call Citation

## **Mortgage Firm Cited for Violating Do-Not-Call Law**

(December 19) -- The Federal Communications Commission has cited a California mortgage company for violating the new do-not-call law governing telemarketers. The U.S. regulator said it received complaints from eight consumers who listed their phone numbers on the national registry, and CPM Funding in Irvine, Calif., acknowledged in a Dec. 1 letter to the FCC that the company made the calls. Although the FCC did not fine CPM, federal regulators warned that each future violation could result in a penalty of as much as \$11,000. Citing CPM was the FCC's first enforcement action under the new do-not-call law.

Source: *Wall Street Journal* (12/19/03); Foley, Ryan

*(Continued from page 9)*

- Pre-Direction                      Select "N" from the dropdown menu
- Street Name                        **Main**
- Street Suffix (optional)        **St (NO DOT)**

You can also find these helpful tips on the Tempo™ web site under the "Triad Info" tab under "Member Info". Link to other newsletters from the Triad MLS web site online at [www.triadmls.net](http://www.triadmls.net).

By:  
Michelle Bateman  
Helpdesk / I.T. Support  
Triad MLS, Inc.

Edited By:  
Darrin Edwards  
Executive Vice President

## **Fannie Mae Ups Home Sales Forecast**

(December 22) -- Fannie Mae has revised its 2004 home sales outlook from 6.6 million to 6.73 million units due to continued attractive mortgage rates, low inflation, and the rebounding economy.

The company's chief economist, David Berson, says the projection could jump in the coming months.

The government-sponsored enterprise also has hiked its forecast for 2003 sales from 7.05 million to 7.09 million.

Last year, a record 6.54 million new- and exiting-homes were sold. According to Berson, interest rates will hover near 6.26 percent in 2004 after averaging just 5.82 percent this year.

Source: *Chicago Tribune* (12/20/03); Howley, Kathleen M.

## 2003 Home Buyer/Seller Survey Shows Increased Support for Internet and REALTORS®

Home buyers are steadily increasing their use of the Internet to research their purchases. At the same time, they are depending on REALTORS® even more to assure themselves that they are correctly navigating the process of buying their dream homes.

Those two facts, which might have once seemed contradictory, jump out of the *2003 National Association of REALTORS® Profile of Home Buyers and Sellers* released at the end of July. Use of the Internet to research homes has exploded over the last eight years. Two-thirds of all recent homebuyers used the Internet in their home search compared to just 49 percent who used traditional newspaper advertising and 48 percent who attended open houses. This year marked the first time Internet use had surpassed newspaper advertising. When first measured in 1995, only two percent of homebuyers reported they searched online for a house. Interestingly, 69 percent of buyers said they used yard signs in their search, indicating that the low-tech practice of driving around desirable neighborhoods is still more important than searching on the Net

### INFORMATION SOURCES USED IN HOME SEARCH

Real estate agent	86%
Yard sign	69%
Internet	65%
Newspaper advertisement	49%
Open house	48%
Builder	37%
Home book or magazine	35%

Source: 2003 NAR Profile of Home Buyers and Sellers

What is sure to warm the hearts of real estate professionals is that 86 percent of all buyers surveyed used an agent, a number that jumped from 79 percent recorded in 2001. Even better news is 89 percent of buyers said they would use or consider using the same agent again when it comes time to sell or buy in the future. All told, it seems buyers are happy with their relationships with agents.

What seems to be driving this increased use of the Internet are savvy homebuyers who want to research prospective houses privately before talking to agents. But when it comes time to make an offer, buyers want a real estate professional to help find the right home to purchase (59 percent), close the deal with the seller (11 percent), and then walk them through the maze of paperwork demanded by the lender and government (11 percent).

Tim Kent, executive vice president of NCAR, says these survey facts send a strong message to REALTORS®. "Their websites have to be compelling, well-designed, up-to-date and, if possible, interactive. This also shows our members that they can reduce their advertising costs by spending less on inefficient means of getting their word out. It is now possible for brokerages to seek other streams of revenue with their websites such as linking to home inspectors or mortgage lenders. What the survey shows is all part and parcel to the evolution of the real estate professional in the 21st Century," said Kent.

Buyers reported the most useful website features were photos and property information. The next step in technology, virtual tours of the house, were deemed helpful by 47 percent of respondents. Not surprisingly, the most popular website for buyers to start on was [www.REALTOR.com](http://www.REALTOR.com)®, used by 53 percent of all buyers surveyed.

Other encouraging facts from the survey show that 40 percent of homebuyers last year were first-time purchasers, which will develop into a solid corps of trade-up buyers in the future. That fact goes hand-in-hand with another finding that 55 percent of sellers purchased another home that was larger than the home they sold.

The long term future for home ownership looks solid. A whopping 82 percent of first-time buyers said the primary reason for their purchase was the desire to own their own home. Nearly three-quarters of first-time buyers bought the traditional single-family, detached house, while only 10 percent bought a townhouse.

(Continued on page 19)

JOIN THE WINSTON-SALEM REGIONAL  
ASSOCIATION OF REALTORS®  
FOR THE INAUGURAL DINNER DANCE

AT BERMUDA RUN COUNTRY CLUB

**Featuring :**

PRESENTATION OF THE  
REALTOR® OF THE YEAR AWARD

and

The Installation of  
Officers and Directors

Date: **January 10, 2004**

Time: 5:45 PM

Place: **Bermuda Run**

Cost: **FREE To WSRAR Members**

Guests - **\$30.00**

**Please respond BY January 2nd At 5 p.m.**  
RESPOND BY Enclosed card or FAX 768-7295

# Triad MLS Training - New Tempo™ Classes and Training Schedule

Triad MLS is pleased to announce a new set of FREE Tempo™ classes designed for your specific needs. Have you attended Tempo™ training since we first cutover to Tempo™ in 2001? If not, then you need to take a look below at our new classes.

We have added significant changes and enhancements to Tempo™ since 2001; a new Prospecting module, Broker Reports, CMA Wizard, and of course the invaluable Realist™ tax product. As a result, the original required class (Basic Training) became too difficult to comprehend in the time allotted. So, we broke out the basics for new members in the new Basic Training class and created specific classes for the other Tempo™ modules.

Please review the schedule below, pick out a class that you would like some additional training in, and show-up at the scheduled time. It's that easy!

## Class Schedule (to begin JANUARY 5, 2004)

- Basic Training (Required class) - Mondays at 9am – 11:30am  
Basics of Tempo™ Roster, Searches, and Reports.
- Add/Edit - Mondays at 1pm – 1:45pm  
Adding new properties and editing current properties. Not all users have Add/Edit permission--look under "My Page" on the navigation bar in Tempo™. If you see Add/Edit, then you have permission. If you don't have it and you want it, see your Broker-In-Charge.
- Prospects - Mondays at 2pm – 2:30pm  
Setup and management of prospects within Tempo™.
- Financial Reports - Mondays at 3pm – 4pm  
Explanation of financial reports available within Tempo™ - Amortization Schedule, Buyer's Worksheet, and Seller's Net Sheet.
- Realist (Tax) - Tuesdays at 1pm – 3pm  
Detailed instruction regarding tax searches, downloading and label printing. This is an extremely valuable part of Tempo™. A Great farming tool!!
- CMA Wizard - Tuesdays at 3:30pm – 4pm  
In depth explanation of CMA Wizard. Creates a CMA within Tempo™ which can be printed or emailed.
- Broker Class - First Wednesday of each month at 1pm – 2pm  
Offered for users with Office and Head Brokers permissions only. This class teaches you how to manage access for your staff and agents. Also, reports will be explained. If you have any questions regarding management level functionality, this is your time to ask!

Please arrive at the Triad MLS office on time. Anyone arriving 10 minutes after the scheduled start time will not be admitted in the class.

All classes are limited to 20 attendees on a first come, first serve basis. Registration is currently not necessary for individuals.

You can link to other newsletters from the Triad MLS web site online at [www.triadmls.net](http://www.triadmls.net).

By:  
Darrin D. Edwards, MBA

*(Continued from page 16)*

The expanding base of home ownership was evident in the survey that found that the median income for homebuyers fell seven percent from 2001. Thanks to lower interest rates, a larger number of lower income households were able to buy a home. One puzzling companion fact was that the median age of buyers increased four years to 40, up from 36 in 2001. The types of homebuyers have changed as well over the last few years. In 2003, 59 percent of buyers were married couples, compared to 70 percent in 1995. Curiously, the next most frequent buyer category after married couples was not unmarried couples, but single females, who bought 21 percent of the homes.

Homebuyers, particularly those in the South, like new homes. Thirty-four percent of sales in the South were new homes, compared to only 15 percent in the Northeast. That could be explained by the congested nature of the Northeast where there is little new land to build new developments. Southern buyers also liked larger homes; 1,970 square feet on average.

Buyers want to develop a bond with their real estate agents. While buying new houses directly from a builder accounted for 14 percent of sales – a circumstance to be expected if buyers only wanted new homes in new neighborhoods – 75 percent of all sales were through real estate agents. Only nine percent of sales were FSBO (for sale by owner). Curiously, the FSBO number dropped six percentage points from 2001, possibly indicating a public losing trust in FSBO sales.

"Instead of being a taxi driver showing prospects around a neighborhood, buyers are telling REALTORS® that they are there to provide an informed expertise and to assist in the critical details of closing a home," said Kent. "REALTORS® need to look at marketing themselves in new, different, creative ways to set themselves apart. Obtaining quality listings is part of that, as is strong networking. There is no substitute for networking."

That opinion is born out by survey results that show 44 percent of homebuyers already knew their agent or were referred to the agent by someone they knew. Fourteen percent had used the agent previously.

Just six percent walked into a real estate office or selected their agent from an Internet site, thus reinforcing the survey's findings that homebuyers rely on the Internet to research properties but want personal attention from a real person – and the right person – when it comes time to visit and evaluate properties. Nearly half of all buyers said "reputation of the agent" was the most important factor in helping them choose who to hire.

Bottom line? – Home buyers want and need REALTORS®.

*(Continued from page 20)*

have product to market, you should strongly consider going with someone who does. Starting with a developer allows a new broker to learn the product and market with the safety net of having "captive product". Eventually, the brokerage community will know you through your marketing of your developer's real estate.

### **Getting Serious**

Once you've narrowed down your choices and are ready to talk seriously, call back your selected contacts for another meeting. Explain that you have talked to many professionals, have narrowed your search down to a certain field (retail, office, etc), and that you have specific questions about some of the company's deals or listings.

When you meet, ask your questions, share what you have learned (any appropriate tidbit you can share without sounding gossipy will earn you some attention) and ask what opportunities your contact's company has. Keep in mind that most commercial firms don't have "openings" but create slots depending upon need or opportunity.

Explain what you can bring to the table. Remember that the company is interested only in WIIFM (what's in it for me?). Don't rattle on about your wants, needs and desires unless specifically asked, and then be brief. If you have an "in," use it! If your dad and the company head are golf buddies and you have decided that you could do well there, go for it! Most opportunities are created.

Be sure to check out our next installment of "Starting a Career in Commercial Real Estate," where we will talk about what to do once you land your first commercial position.

*This is the second installment of a three-part series, written by Cindy Chandler, chair of the REALTORS® Commercial Alliance of NCAR. For more information on RCA-NCAR, visit the Commercial Alliance area of NCAR's Web site at [www.ncrealtors.org](http://www.ncrealtors.org) or call 800-443-9956*

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*(Continued from page 6)*

buyers who may need a little more time to save for a downpayment and closing costs."

The national median existing-home price was \$170,900 in November, up 5.9 percent from November 2002 when the median price was \$161,400. The median is a typical market price where half of the homes sold for more and half sold for less.

Housing inventory levels at the end of November rose 2.8 percent from October to a total of 2.53 million existing homes available for sale, which represents a 5.0-month supply at the current sales pace.

Regionally, existing-homes in the West eased by 2.4 percent to an annual rate of 1.64 million units in November, but was 9.3 percent higher than November 2002. The median existing-home price in the West was \$232,000, up 7.5 percent from the same month a year earlier.

Existing-home sales in the Northeast slipped 4.1 percent in November to a pace of 700,000 units, but were 6.1 percent higher than a year ago. The median existing-home price in the Northeast was \$194,600, up 13.1 percent from November 2002.

The home resale pace in the South declined 5.1 percent in November to an annual rate of 2.44 million units, but was 8.0 percent above November 2002. The median price of an existing home in the South was \$156,000, which was 4.1 percent higher than a year ago.

Existing-home sales in the Midwest fell 6.6 percent in November to an annual rate of 1.27 million units, but were 1.6 percent above a year ago. The median price in the Midwest was \$143,500, up 3.5 percent from November 2002.

The National Association of Realtors®, "The Voice for Real Estate," is America's largest trade association, representing more than 972,000 members involved in all aspects of the residential and commercial real estate

industries.

###

\*The annual rate for a particular month represents what the total number of actual sales for a year would be if the relative pace for that month were maintained for 12 consecutive months. Seasonally adjusted annual rates are used in reporting monthly data to factor out seasonal variations in resale activity. For example, home sales volume is normally higher in the summer than in the winter, primarily because of differences in the weather and family buying patterns.

Existing-home sales, which are based on transaction closings, differ from the U.S. Census Bureau's series on new-home sales, which are based on contracts or the acceptance of a deposit. In the count of new-home sales, the house can be in any stage of construction ranging from not started to fully complete. The count of existing-home sales is based on completed transactions in which the home usually is ready for occupancy. Because of these differences, it is not uncommon for each series to move in different directions in the same month. In addition, existing-home sales, which generally account for 85 percent of total home sales, are based on a much larger sample and typically are not subject to large prior-month revisions that are fairly common in the new-home sales series.

The next existing-home sales release is scheduled for January 26 at 10 a.m. EST. The next national outlook release is scheduled for January 6.

Information about NAR is available at <http://realtor.org>. This and other news releases are posted in the Web site's "News Media" section under NAR News Releases. Statistical data, charts and surveys may be found at <http://realtor.org/research>.

## Overview of the “CAN-SPAM ACT”

On Tuesday, December 16, 2003, President Bush signed S. 877, the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, or the “CAN-SPAM Act of 2003” (“Act”). The Act creates a single national standard designed to control the growing problem of deceptive or fraudulent commercial e-mail. This legislation was largely sought by retailers, marketers and Internet account providers seeking a single set of rules that would apply nationwide and preempt 35 state spam laws.

The Act does not ban commercial e-mails but rather outlines a series of practices that must be followed when sending commercial e-mails. The Act does ban certain fraudulent or deceptive practices and criminalizes techniques used by spammers to avoid detection. The Act also calls upon the Federal Trade Commission (“FTC”) to prepare a report to Congress within 6 months containing a plan and timetable for creating a Do-Not-E-mail (“DNE”) Registry and addressing the feasibility, problems and issues involved in the creation of such a Registry. The Act does not require the FTC to create a DNE Registry.

State laws exclusively regulating use of electronic mail to send commercial messages are preempted by the Act. However, the Act does not preempt state laws or portions of state laws that prohibit falsity or deception in any electronic mail message or attachment to such an e-mail.

### I. Scope of and Required Email Practices

#### What emails are covered by the Act?

The Act applies to all “commercial e-mails”, whether solicited or unsolicited. The Act defines commercial emails as “any electronic mail message the primary purpose of which is the commercial advertisement or promotion of a commercial product or service.”

While the Act does not define “primary purpose” or “commercial product or service,” the Act does require the Federal Trade Commission (“FTC”) to issue regulations by January 1, 2005 on how to determine the primary purpose of a message.

#### What information does the Act require senders of commercial emails to include in their emails?

The Act requires all commercial emails to include:

- a legitimate return e-mail and physical postal address,
- a clear and conspicuous notice of the recipient's opportunity to “opt-out,” that is, to decline to receive any future messages,
- a mechanism that may be used or an e-mail address (active for at least 30 days after message transmission) to which a recipient may send a message requesting not to receive any future e-mail messages from the sender,

- a clear and conspicuous notice that the message is an advertisement or solicitation, and

- clear notice in subject heading if messages include pornographic or sexual content.

#### Does the Act contain an exemption from the above requirements for e-mails sent to those individuals or firms with whom the sender has an existing business relationship?

No, the Act does not exempt e-mails to recipients with whom the sender has a prior or existing business relationship, as many of the State laws do. Instead, the Act exempts only “transactional or relationship messages” from complying with these practices.

#### What is a “transactional or relationship message”?

A “transactional or relationship message” is an electronic mail message the primary purpose of which is:

- (1) to facilitate, complete, or confirm a commercial transaction that the recipient has previously agreed to enter into with the sender;
- (2) to provide warranty information, product recall information, or safety or security information with respect to a commercial product or service used or purchased by the recipient;
- (3) to provide information with respect to a subscription, membership, account, loan, or comparable ongoing commercial relationship involving the ongoing purchase or use of products or services offered by the sender to the recipient;
- (4) to provide information directly related to an employment relationship or related benefit plan in which the recipient is currently involved, participating, or enrolled, or;

(5) to deliver goods or services, including product updates or upgrades, that the recipient is entitled to receive under the terms of a transaction that the recipient has previously agreed to enter into with the sender.

The Act provides that the FTC may, by regulation, modify the definition of "transactional or relationship message" to expand or contract the categories of messages that are treated as commercial e-mails under the Act.

**Are there any circumstances where a commercial e-mail does not have to include the notice that the message is an advertisement or solicitation?**

Yes. If the recipient has given their prior consent to receive commercial e-mails from the sender, the sender does not have to include the clear and conspicuous notice that the e-mail is an advertisement or solicitation. Such messages must, however, include notice of the recipient's opportunity to decline to receive other messages from the sender and the sender's physical postal address.

**Must the sender honor an opt-out request made by a recipient?**

Yes, the Act requires that senders honor all opt-out requests. If a recipient makes a request to not receive commercial mail messages from the sender, it is unlawful for the sender to send another commercial electronic mail message at any time after *ten days* from the receipt of the original message *unless* the recipient has consented to receive e-mails subsequent to the first request to not receive commercial e-mails.

Senders are also prohibited from selling, leasing exchanging or otherwise transferring for any purpose, disclosing the e-mail address of any recipient who has opted-out once the opt-out request has been received.

**Can the sender offer a menu of opt-out options?**

Yes. A sender of commercial e-mails may give recipients a menu of options from which to choose the types of commercial e-mail they no longer wish to receive, as long as the menu includes an option to receive no further commercial email communications of any kind from the sender.

**Would e-mails sent by the listing agent or broker to a seller who has listed their home for sale, or by an agent or brokerage to a prospective buyer, be considered transactional or relationship messages?**

**In either case, as long as the broker or agent has established a service relationship with the client, such as listing the property for sale or entering into a buyer's broker agreement with an interested buyer, such communications between broker/agent and customer/client are probably covered.**

**Other messages, such as those that solicit sellers or buyers who are not presently firm clients, are probably not covered.**

**Would e-mails sent by a REALTOR association or a MLS to its memberships be considered a transactional or relationship message and thus exempt from the Act's requirements?**

**Yes, provided the message relates to association/MLS services offered or available to members as a membership benefit. It should be noted, however, that there is no exemption for non-profits and, consequently, some e-mails advertising products or services available for purchase may be interpreted by the FTC as subject to the same requirements as commercial e-mails.**

## **II. Deceptive And Other Egregious Practices Are Expressly Prohibited**

### **What does the law prohibit?**

The Act also prohibits the most egregious spam practices including: e-mail harvesting (email addresses gathered by computer programs that search public areas on the Internet to compile, capture, or otherwise "harvest" lists of e-mail addresses from web pages, newsgroups, chat rooms, and other online destinations); dictionary attacks (a technique to create as many possible letter combinations for e-mail addresses at large ISPs or e-mail services, hoping to find a valid address); sending bulk spam from a computer accessed without authorization; sending bulk spam through open relays (open mail servers are configured to accept and transfer email on behalf of any user anywhere, including unrelated third parties and so an "open relay" in your e-mail server allows any e-mail sender anywhere to pass messages through your server and onto the ultimate recipients); falsifying header information; using deceptive subject lines; registering for 5 or more e-mail accounts using false registration information; and using these accounts to send bulk spam.

### **III. Do-Not-Email Registry**

#### **Does the Act require the FTC to create a Do-Not-Spam Registry?**

No. The Act requires the FTC submit by July 1, 2004 a report that includes a plan and timetable for establishing a Do-Not-E-mail Registry and an explanation of practical, technical, security, privacy, enforceability, or other concerns that the FTC has with such a registry.

It is important to note that the Act *does not require* the FTC to establish a Do-Not-E-mail Registry. Indeed, FTC Chairman Timothy Muris has already expressed concern that such a registry would be impossible to enforce because of the difficulty of tracking down the most egregious spammers. Thus the purpose of the report is not to create a Do-Not-E-mail Registry, but to study the issue and potential problems, and, ultimately, advise Congress on a course of action.

### **IV. Enforcement**

#### **Who will enforce the new rules?**

The Act grants the FTC and other federal and State regulators enforcement authority over most organizations. Internet Service providers (ISPs) may also sue for injunctive relief and damages.

There is no private right of action for consumers.

#### **What penalties exist for failing to comply with the new rules?**

The Act includes criminal and civil penalties for violations. Damages of up to \$250 per violation (or treble damages for willful violations), with a maximum award of \$2 million

are possible. However, in actions taken by state AGs and ISPs, courts assessing damages are permitted to consider whether defendants have implemented and followed commercially reasonable compliance procedures in setting the level of damages.

The Act also criminalizes deception and other egregious tactics, such as falsifying header information, hacking, sending large numbers of commercial email, or falsifying registration. These practices are punishable by a maximum of five years imprisonment if committed in furtherance of any felony. Otherwise, offenders may receive up to three years imprisonment if the violation meets certain volume and damage thresholds.

#### **Is there a safe harbor?**

There is no safe harbor. However, in actions taken by state AGs and ISPs, courts are permitted to consider whether defendants have implemented and followed commercially reasonable compliance procedures in setting the level of damages.

#### **How do these new rules affect existing state spam rules?**

The Act preempts all state laws that expressly regulate commercial e-mail messages, except to the extent that the state laws regulate falsity or deception. State laws are preempted even if they are more stringent than the Act; thus, California's new anti-spam law is largely preempted.

#### **When are the new rules in effective?**

The Act will become effective on January 1, 2004.

*Courtesy of Realtor Magazine*

## CONTINUING EDUCATION COURSE SCHEDULE 2003-2004

**All courses are NC Real Estate Commission Approved for  
Continuing Education**

### 2003 – 2004 Update and Elective Courses – 4 hours credit per course

Check next to desired course(s):

Date	Course	Time	Place	Instructor	Course #
<input type="checkbox"/>	January 28	<b>Property Disclosure; Reducing Risk</b>	8:30 a.m. – 12:30 p.m.	LJVMC	George Bell 2606
<input type="checkbox"/>	January 28	Update	2:00 p.m. – 6:00 p.m.	LJVMC	George Bell 9904
<input type="checkbox"/>	February 19	Update	8:30 a.m. – 12:30 p.m.	LJVMC	Tom Mahlum 9904
<input type="checkbox"/>	February 19	<b>1031 Tax Free Exchange</b>	2:00 p.m. – 6:00 p.m.	LJVMC	Tom Mahlum 2230
<input type="checkbox"/>	March 18	Update <b>This update is specially modified for commercial real estate agents</b>	8:30 a.m. – 12:30 p.m.	LJVMC	Cindy Chandler 9904
<input type="checkbox"/>	March 18	<b>Ethics for the Commercial Agent</b>	2:00 p.m. – 6:00 p.m.	LJVMC	Cindy Chandler 2466
<input type="checkbox"/>	April 01	Update	8:30 a.m. – 12:30 p.m.	LJVMC	Bill Gallagher 9904
<input type="checkbox"/>	April 01	<b>Top 10 Disciplinary Complaints</b>	2:00 p.m. – 6:00 p.m.	LJVMC	Bill Gallagher 2572
<input type="checkbox"/>	April 17	Update	8:30 a.m. – 12:30 p.m.	LJVMC	Vickie Ferneyhough 9904
<input type="checkbox"/>	April 17	<b>3 Top Troubles</b>	2:00 p.m. – 6:00 p.m.	LJVMC	Vickie Ferneyhough 2329
<input type="checkbox"/>	May 20	Update	8:30 a.m. – 12:30 p.m.	LJVMC	George Bell 9904
<input type="checkbox"/>	May 20	<b>Property Disclosure; Reducing Risk</b>	2:00 p.m. – 6:00 p.m.	LJVMC	George Bell 2606
<input type="checkbox"/>	June 3	Update	8:30 a.m. – 12:30 p.m.	LJVMC	Jodi Lee Tate 9904
<input type="checkbox"/>	June 3	The REALTORS® Code of Ethics	2:00 p.m. – 6:00 p.m.	LJVMC	Ted Kelly 2372

The Winston-Salem Regional Association of REALTORS® is in the process of obtaining an online elective course. Please check our website at [www.wsrar.com](http://www.wsrar.com) for the latest information about courses.

## REGISTRATION INFORMATION

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## Continuing Education

**Mark your calendar, select courses and return entire form with total payment**

Winston-Salem Regional Association of REALTORS®, Inc.  
Attn: Nancy Yarborough  
195 Executive Park Blvd.  
Winston-Salem, NC 27103  
Phone (336) 768-5560 Fax (336) 768-7295

Name **Type or print as appears on license**

Company

Address

City State Zip

Phone **License#** **E-mail Address**  
**(Mandatory)**

Credit Card #  Visa  MasterCard Expiration Date / /

**OR**

**CHECKS MADE PAYABLE TO:**  
**W-S Regional Association of REALTORS®, Inc.**  
**Cost: \$40.00 per class:                    Amount Enclosed**

**DISCOUNT NOTE: If taking 2 classes in one day you may deduct \$10.00 from the total.**  
**MAKE A COPY OF THIS COMPLETE FORM FOR YOUR RECORDS**

## Avoiding Danger - Ten Tips to Keep You Safe

Have you ever been asked to meet an unfamiliar client at a remote location during the evening? Or perhaps you've had visitors to an open house who acted unusual or asked inappropriate questions. These are situations that could lead to tragic consequences for both male and female real estate agents, but they don't have to.

Instead, keep your safety radar tuned by following these ten tips taken from the REALTOR® Safety Week Kit provided by the National Association of REALTORS®. For more information and additional safety resources, contact your local association or visit [www.realtor.org/safety](http://www.realtor.org/safety).

1. Keep a charged cell phone with you at all times. Tell someone at your office you'll call every hour, and then do it like clockwork so that they'll know right away if something is wrong. Be prepared to use coded phrases, such as "it's in the red folder," to seek assistance or prompt a call to police.
2. Be careful how you dress. Flashy or expensive jewelry might attract the wrong kind of attention.
3. Don't put your home phone number on your business card.
4. Never advertise a property as vacant.
5. Always take your own car for showings. If you must take one car, you drive. When you leave your car, lock it and keep your keys with you.
6. Let potential buyers take the lead when exploring a home, with you following behind. Avoid going into the basement or confined areas with a prospect.
7. Always have prospects meet you at your office the first time. Ask them for identification. If they question you about it, say it's company policy.
8. Find out as much as you can about prospects, such as where they work and what they do. Ask lots of questions and be a good listener.
9. Know your sales area. Preview the property.
10. Trust your instincts. If you're suspicious, it's better to walk away from a listing or a showing.