

House-Hunting for Hams

— caveat emptor!

Avoid nasty surprises.

Consider the sad tale I heard on 15 meters the other night.

A ham and his XYL, along with their real estate salesperson, went looking for a new house. In the car, he explained the kind of house he wanted and said that he was looking forward to having his first full-fledged antenna farm. They found the dream house in a fairly new development. He didn't notice any antennas on roofs, but it was early spring and most people had moved in during a long, cold fall and winter. To be safe, they drove by city hall and got a copy of the ordinance pertaining to towers. Everything looked OK. They bought. Months passed. As he was laying out the parts to a 65-foot tower in the backyard, a neighbor casually asked what he was doing.

To his grief, to his agony, he was told that the homeowners association had a rule against all external antennas.

He is not the first ham I, as a real estate broker, have counseled, either on the air or in person, about buying a home. But for him

it was too late. He is now reading articles about "cliff-dweller" antennas, and "how to work the world on your attic antenna."

His first reaction, of course, had been, "Can they do that?"

You'd better believe it! In this case, the builder founded the association with the intent of keeping property values at some high common level. It's a great idea for 99% of the people, but for our friend it was tragedy. Buried in the mounds of paper accompanying the normal real estate transfer was a deed restriction giving certain rights to the association regarding the grounds and exteriors of the homes in the subdivision. One rule restricted antennas.

Let's understand one thing right away. There are many ways to get fouled up when buying real property, and new ones are being invented every day. Self-servingly, but realistically, I recommend a trusted broker. You may need to talk with several to find the one you want, but when you do, show your trust by listing the whats and whys of your property needs.

Then stay with that broker. He/she will work hard for you and chase information if he knows he'll get paid in the end.

Consider the following in your early discussions with the broker:

1. Homeowners associations. Don't think that townhouses and condominiums are the only places that can restrict you. Many single-family areas of all price ranges have these associations or are attempting to form them. Even the voluntary ones exert peer pressure on non-complying owners. Many times they will have an architectural control committee that can cite you for such things as the wrong color door, a trellis extending above the fence line, or unacceptable installation of children's swing sets. Just try to get them to let you have an 80-foot tribander! I still think associations are a good thing. They do tend to keep values up, and most are reasonable. But I don't know of any allowing what hams dream of.

The listing broker should have information about mandatory or voluntary associations, but if not,

your broker can contact the association or its management agent, if there is one.

2. Restrictive covenants (deed restriction or condominium declaration, if any). "Condominium" pertains to a form of ownership law, not architectural arrangements. Many single-family detached homes are coming under the condominium law. I once sold a house that was not under condominium law but had a 1908 deed restriction regarding the size and cost of the outhouse. We found it by checking the records at the county recorder's office. The existing title policy (or other evidence of title in your area) should indicate the existence, but not necessarily the nature, of restrictions. In a subdivision, at least in our area, you can check the documents filed when the division was made and be pretty safe. In non-divided areas, you must check the documents filed on that property.

3. Zoning laws or building ordinances. Most of us are familiar with the battles that hams have had nationwide to keep these laws fair to all. Be care-

ful—just because someone has a tower nearby, or just because one went up recently, does not mean it was legal then or now. Taking down is less fun than putting up.

4. Building permits. In some cases, you may even be required to appear before the town council. You may be restricted as to height, distance from property lines and power lines, and crank-up towers may be allowed only on Tuesdays when the moon is full. That is my way of saying that town councils and those that serve them are very creative when they write laws. The only way to know for sure is to get a copy of the law and ask someone there how they enforce it. You will not find that person in the day you call. In fact, he'll probably be the eighth person you talk with on the tenth day.

Knowing what to look for and being sure are two different things. Start by having a conversation with the broker about your regular home needs. (How about 4 bedrooms, 2½ baths, family room, full basement, 2½ car garage, at least an acre of yard, for not over \$35,000? This is a little real estate humor, since that home sells for over \$100,000 in our area—but these calls still come.) Then tell about your special needs—some of which will follow. Mention the problems as above. Discuss local areas.

If you are new to the area, contact the ARRL for a list of clubs there. Or get on two meters and find out what the local problems have been from the people who know. But remember, they may not be aware of some of the hidden restrictions, unless someone has had a specific problem in that subdivision. (And then, too, some subdivisions have more than one association.)

If you decide you want

or need an attorney, find a good *real estate* attorney (the broker can help you). I prefer a local one who knows the area. Get some wherefores and whereas to add to the standard sales contract. They might take the form of a rider making the sale subject to no association, deed restriction, or building/zoning ordinance prohibiting you from doing whatever it is you want to do, or a rider voiding the sale if a building permit to construct (insert what you want) cannot be obtained in some reasonable time. I know many people don't want to spend money for an attorney. Most transactions go rather smoothly for the buyer without an attorney. But on those that don't, it's generally too late for one to help after you find you need one. It's better to get one up front.

Now that you have a broker and attorney working on your behalf, you should monitor their work. Even if you don't understand the law, you can make a judgment about their thoroughness. Ask questions. Remember, they are getting paid to answer your questions. Ask about every aspect of the transaction, not just ham-related ones. If they can't answer, won't answer, or don't try to get the answers, consider someone else.

Here are some more things to check: electrical capacity (verify amperage, but not by counting fuses), wiring (among other things, aluminum wiring was popular at one time and if not installed properly is a fire hazard), elevation (topographical maps, flood plain maps, and elevations-above-sea-level are available through the broker or city hall), power lines (do you really want to live under high-tension lines next to a sub-station?), airports (remember height

restrictions), common television antennas (the preamps in these small systems pick you out of the ether better than channel 2), and look for a suitable quiet room away from the family traffic pattern (hi, hi).

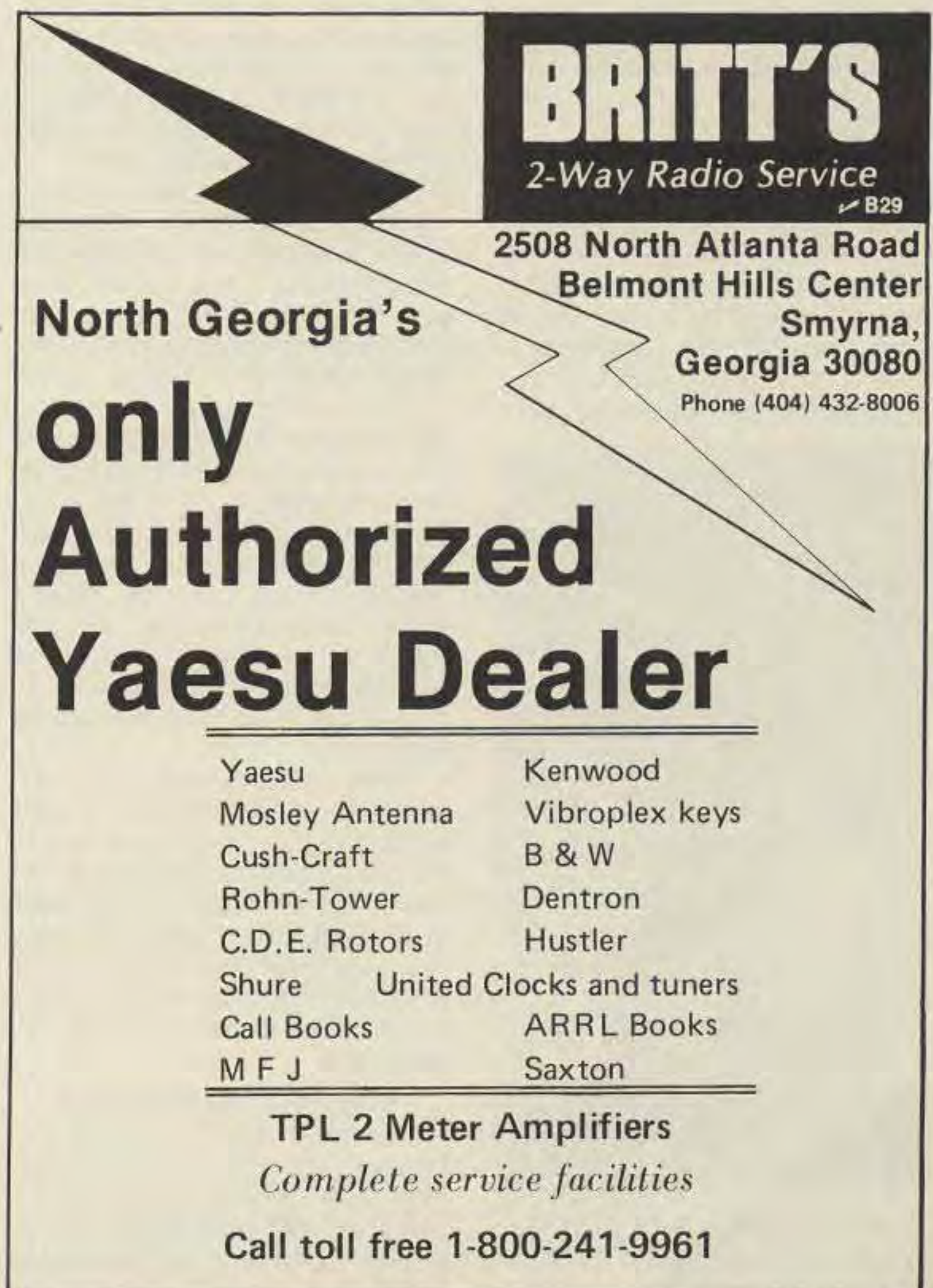
One amazing thing I notice about home buyers is that they seldom walk the grounds. Walk all over the yard. Plot antennas as well as geraniums. Get a copy of the survey and plan the future. If the market is fast, the house might be sold before you get that done. Having the attorney prepare safeguards on a rider, prior to looking, gives you the ability to move rapidly even if you are not finished checking everything out. Once you sign, it's too late to ask about towers unless you have caused the contract to give you that right over the next few days.

Perhaps it will never hap-

pen to you. Some old deed restriction from a farmer in 1898 won't crop up (did I really write that?), and you'll always luck out, and your only worry will be airplanes dodging your guy wires. Maybe you've bought and sold ten homes and had no problems (Murphy's Law times ten squared), but a little work by you and your broker can make sure you'll get what you want.

Finally, ask about financing. Some of the new plans permit less down payment, but the monthly payment is still affordable. Since less is needed up front, you'll have more available for furnishings such as refrigerators, amplifiers, stoves, transceivers, dishwashers, and so on.

When you get the tower up and have a stacked array on top, give me a call on 15. We can all use the good news! ■



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