WISCONSIN REAL ESTATE MAGAZINE

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October 2021 Vol. 38, No. 1

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What's Wrong with that Tree?
So often in real estate, we discuss, disclose and deliberate issues related to the physical property itself. But what about the trees surrounding the property? This article takes a trip outdoors to review the problems that may be lurking right outside the property. By being able to identify tree health problems, and knowing when to call an expert, you can ensure that everyone in your transaction stays happy. Happy humans, happy trees!

BY **DAVE CLARK**
PROFESSOR OF ECONOMICS AT MARQUETTE UNIVERSITY
PRINCIPAL AT ECON ANALYTICS, LLC
WISCONSIN MONTHLY HOUSING REPORT

Summer Housing Market Constrained
by Tight Inventories

The housing report at a glance:

- Home sales in August 2021 fell 6.3% compared to their levels in August 2020.
- The price in August 2021 rose 6.4% to $250,000 from August 2020.
- Year to date, statewide sales are ahead of the pace recorded in 2020.
- Inventories remain well below the levels of last year.
- Homes continue to move quickly, with the average days on the market at 65 days.

See the full report: www.wra.org/HSRAug2021

David Clark, Ph.D., is a professor of economics at Marquette University and principal at ECON Analytics, LLC, and serves as a consultant to the WRA in the analysis of home sales data as well as in the preparation of the monthly Wisconsin housing report. For more information, contact Clark at 414-803-6537.

AUGUST HOUSING

8,958
CLOSED SALES AUG 2021
6.3%
FROM AUG 2020

$250,000
MEDIAN PRICE AUG 2021
+6.4%
FROM AUG 2020

ACTIVE LISTINGS BY PRICE

PRICE RANGE	NUMBER OF LISTINGS
$0-$124,999	3,206
$125,000-$199,999	5,986
$200,000-$349,999	8,438
$350,000-$499,999	4,333
$500,000 & higher	3,351

25,314
TOTAL STATEWIDE LISTINGS
AUG 2021
-10.2% FROM AUG 2020

MEDIAN PRICES BY REGION

CENTRAL	$190,000
NORTH	$215,000
NORTHEAST	$215,000
SOUTH CENTRAL	$294,900
SOUTHEAST	$260,000
WEST	$250,000

AVERAGE DAYS ON MARKET
65 DAYS AUG 2021
COMPARED WITH
88 DAYS AUG 2020

MONTHS OF INVENTORY
3.4 AUG 2021
4.2 AUG 2020

HOUSING STATISTICS MONTHLY ACTIVITY

Statewide	August 2021	August 2020	% Change	YTD 2021	YTD 2020	% Change
New Listings	10,149	10,404	-2.5%	N/A	N/A	N/A
Total Listings	25,314	28,200	-10.2%	N/A	N/A	N/A
Closed Sales*	8,958	9,562	-6.3%	56,503	55,029	+2.7%
Median Sales Price	$250,000	$235,000	+6.4%	$240,000	$217,000	+10.6%
Months of Inventory	3.4	4.2	-19.0%	N/A	N/A	N/A
Avg. Days on Market	65	88	-26.1%	N/A	N/A	N/A
Affordability Index	189	196	-3.6%	N/A	N/A	N/A

	Median Price			Closed Sales		
Region	August 2021	August 2020	% Change	August 2021	August 2020	% Change
Central	$190,000	$186,750	+1.7%	587	680	-13.7%
North	$215,000	$190,000	+13.2%	906	1,120	-19.1%
Northeast	$215,000	$197,018	+9.1%	1,518	1,682	-9.8%
South Central	$294,900	$265,000	+11.3%	1,787	1,827	-2.2%
Southeast	$260,000	$260,000	+0.0%	3,304	3,371	-2.0%
West	$250,000	$235,000	+6.4%	856	882	-2.9%

*Report criteria: Reflecting data through August 2021. *Total statewide closed sales may differ from the summed regional sales due to a small number of sales not being assigned to a county.*

INSIDE THE WRA

WRA Nominating Committee Seeks Candidates

Are you interested in serving in a leadership role for your state association? The WRA nominating committee is seeking candidates for the position of 2023 treasurer. The application is available from the WRA website at www.wra.org/application or by contacting Sandy Bolgrihn at sandyb@wra.org. The deadline for submitting an application is December 31, 2021.

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FEATURE

What's Wrong with that Tree?

Tips for identifying common issues and calling in the experts

Healthy, mature trees increase the value of a property and provide many benefits to the homeowner. But if they're not properly maintained, tree health can decline and removal may be necessary, which can be expensive. By learning to identify some of the most common health and structural issues of mature trees and knowing when and how to involve a certified arborist, you can help your sellers earn top dollar and your buyers benefit from their new investment.

Data from the International Society of Arboriculture as well as the U.S. Forest Service shows that a home with mature, handsome trees sells faster and for a higher price than a similar property without trees. And according to University of Washington researcher Kathleen Wolf, Ph.D., wooded lots sell for more than those in a divided-up field. Most buyers instinctively like trees, for good reason. Trees in residential areas provide a wealth of benefits to the homeowner:

- Trees improve residents' health. Asthma, obesity, anxiety and depression rates are lower in well-treed neighborhoods, according to research published by the International Journal of Environmental Research and Public Health (IJERPH). Plus, an American Journal of Preventive Medicine article found that when neighborhoods lose trees, residents suffer significantly greater deaths from cardiovascular disease.

- The presence of trees is associated with lower crime, according to the IJERPH.

- Treed neighborhoods stay cooler on a hot summer day. Arbor Day Foundation research found that well-placed trees can reduce cooling costs by up to 35%.

- Trees remove pollutants from the air and intercept the impact of rain, reducing stormwater runoff and erosion.

- Trees provide privacy, block unwanted views and bring natural beauty to a property.

Trees on a residential property are an asset for the seller and the buyer. But what if a tree on a property for sale isn't looking so good? What signs do you need to be concerned about? Can these problems be fixed? What do you do if the buyer asks about emerald ash borer or oak wilt? And who can you go to for help?

SIGNS A TREE NEEDS HELP

Trees are resilient by nature. However, if several sources of stress are stacked on top of each other, a tree can start to decline, lose limbs and eventually die. But if we recognize a tree is at risk and can remove some of the stress, a tree can often recover.

Some signs of stress are relatively easy to identify. Other signs are impossible to spot without specialized knowledge and equipment.

Familiarize yourself with the most common signs of stress, but keep in mind that only an expert will be able to identify certain issues.

When checking trees on a property, pay special attention to large trees near the home and outbuildings. If these trees fail, they could cause damage or injury.

Photo 1: Lots of small branches growing from the trunk or large branches

Photo credit: Edward Czerwinski, Ontario Ministry of Natural Resources, Bugwood.org

Photo 2: A "topped" tree where the tops of trunks have been abruptly cut off

Photo credit: Joseph O'Brien, USDA Forest Service, Bugwood.org

Photo 3: Buried root flare with trunk rising straight up from the ground

Photo credit: John Hartman, University of Kentucky, Bugwood.org

Photo 4: Tree with healthy root flare

Photo credit: Paul Langlois, Live Botanical Collections, USDA APHIS PPQ, Bugwood.org

Photo 5: "Mulch volcano"

Photo credit: Fredric Miller, Joliet Junior College, Bugwood.org

Photo 6: Cracks or splits in the bark

Photo credit: Joseph O'Brien, USDA Forest Service, Bugwood.org

CHECK THE CANOPY FOR THESE SIGNS OF STRESS

- Lots of small branches growing from the trunk or large branches (see photo 1).
- Dead branches in the canopy.
- Leaves that are yellowish in summer, except for specialty trees that are bred for yellow leaves.
- Leaves that are dying, tattered, chewed up, deformed, hanging dead on the tree or missing.
- The tree is "topped" (see photo 2).

CHECK THE TRUNK AND BASE FOR THESE SIGNS OF STRESS

- The root flare is buried: the trunk rises straight up from the ground (see photo 3), the tree is surrounded by a "tree well," or there is a "mulch volcano" around the trunk (see photo 5).
- Splits or cracks, especially if there are fungal conks or shelves growing out of the tree (see photo 6).
- Scarring or open wounds at the base of the trunk from string trimmers or lawnmowers.

While these signs of stress vary in seriousness, many conditions can be treated by a good arborist and the tree returned to health. For example, big, old silver maples naturally shed branches that are less productive, and they need to be groomed every few years to prevent these branches from coming down in storms. Leaves may be tattered because of a short-term or preventable issue such as herbicide exposure or leaf-feeding insects. An oak with yellow leaves may be suffering from chlorosis and returned to health by acidifying the soil beneath its canopy and mulching out to the drip line.

Some types of stress will be more expensive to correct or may require the removal of a tree that has become hazardous. "Topped" trees, trees whose root systems have been buried more than two feet, trees with long vertical splits, or significant internal decay are examples of conditions that are more difficult or impossible to correct.

INSECT AND DISEASE ISSUES WISCONSIN REALTORS® NEED TO KNOW

There are a few insects and diseases of trees you should be familiar with as they can affect home sales. The public is aware of them and may ask questions during negotiations.

EMERALD ASH BORER (EAB)

EAB girdles green, white and black ash under the bark, killing the tree within a few years. REALTORS® should become familiar with ash trees because they must be treated with an insecticide to prevent infestation by EAB or they will need to be removed soon. An ash tree with dying branches and a thinning canopy is too far gone for successful treatment and should be removed as soon as possible. As decline progresses, ash trees become fragile and dangerous.

According to Jeremy Kane, certified arborist and executive director of the Urban Tree Alliance in Madison, "ash trees with advanced emerald ash borer infestation quickly lose their structural weight-bearing capacity. Total decline can happen in a single growing season. This means branch failure becomes imminent in a matter of months and hazards for both homeowners and arborists working on them increase quickly. Removing an infested ash while it is still alive can significantly reduce risks and potential costs." The increase in cost is substantial; removing a declining tree may cost twice as much as removing a healthy ash, and removing a dead tree may cost three times as much.

EMERALD ASH BORDER RESOURCES

IDENTIFY ASH AND LOOKALIKE TREES: **WWW.CANR.MSU.EDU/UPLOADS/RESOURCES/PDFS/ASH_TREE_IDENTIFICATION_(E2942).PDF**

TREATMENT INFORMATION: **EAB.RUSSELL.WISC.EDU/CONSIDERATIONS-FOR-HOMEOWNERS**

WISCONSIN EAB MAP: **DATCPSERVICES.WISCONSIN.GOV/EAB/INDEX.JSP**

DANGERS AND COSTS OF EAB-INFESTED TREES: **WIDNR.WIDEN.NET/S/ZZKPBQLVQT**

OAK WILT

Oak wilt is a serious but preventable threat to oaks. It is a disease often associated with homes and new building. Infection requires a wound made between April and mid-July and the presence of spore-bearing fungal mats of oak wilt. Building construction provides many opportunities for accidental wounding, and even a nail hole can be enough to allow infection. Oak wilt is often accidentally introduced to a new area when infected firewood is transported to a property. Once oak wilt is introduced, it can spread quickly to nearby oak trees. A red oak cannot be saved after symptoms develop, but an arborist may be able to successfully treat a white oak.

Photo at left: Leaves of a northern pine oak dying from oat wilt. Note the stark line between bronze (dead) and green (live) tissue.

OAK WILT RESOURCES

OAK WILT CONTAINMENT AND CONTROL: **DNR.WISCONSIN.GOV/TOPIC/FORESTHEALTH/OAKWILT**

OAK WILT GUIDANCE FOR BUILDERS: **WIDNR.WIDEN.NET/VIEW/PDF/FNKHLYDCHX/UNDEFINED**

GYPSY MOTH

This insect is established across the eastern two-thirds of Wisconsin, but it is not noticeable most years. However, gypsy moth populations may have a temporary, large increase, or an "outbreak," in an area about every 10 years. Caterpillars can be a nuisance during an outbreak as they strip the leaves off their favorite trees. Oaks, lindens and birch take the most damage, but other trees may also be fed on. While a healthy tree growing in a forest can recover from even complete defoliation, trees around our homes are rarely in peak health and will benefit from protection with pesticides or egg mass removal. Watch for gypsy moth egg masses on the trunks and undersides of large branches of oaks between the months of August and April. If you see some, you should consult with a certified arborist to assess the population and recommend treatments to reduce the population of the pest at that property.

Photo at left: The dark egg mass on the left contains eggs that will hatch the following spring. The pale, torn-up egg mass on the right is empty; the eggs hatched the previous May.

GYPSY MOTH RESOURCES

GYPSY MOTH MANAGEMENT OPTIONS: GYPSYMOTH.WI.GOV

INSECTS THAT MAY BE CONFUSED WITH GYPSY MOTH *(NOTE: GYPSY MOTH DO NOT MAKE NESTS OR SILKEN TENTS):*

- **EASTERN TENT CATERPILLAR: FORESTRYNEWS.BLOGS.GOVDELIVERY.COM/2021/06/01/WHITE-SILK-TENTS-IN-TREES**
- **FALL WEBWORM: FORESTRYNEWS.BLOGS.GOVDELIVERY.COM/2020/08/03/FALL-WEBWORM-ACTIVITY-IN-JULY-2**

WHAT CAN AN ARBORIST DO FOR REALTORS®?

Let's assume you've looked over the trees on a property and the oak in the front yard has a lot of shoots coming off the trunk and some dying branches. You now know those can indicate a health problem, but it is a large tree that adds a lot of character to the property and shades the house from the heat of the summer afternoon sun. It's a valuable tree. Can this tree be saved, or is it a hazard that should be removed? And how much will the options cost?

This is the sort of situation where you should call in the certified arborist with whom you have a business relationship to assess the tree and give their recommendation and a cost estimate. An arborist can often significantly extend the productive life of a tree. Unless a tree is untreatable and becoming hazardous, extending a tree's life is usually a better option than removal. Mature trees are irreplaceable; they provide many more benefits to the homeowner than newly planted trees. There is also a direct cost benefit. Treatments to extend the life of a tree are typically much less expensive than removing a tree near a house.

Whether or not a tree appears healthy, buyers should seriously consider hiring a certified arborist to inspect any large tree that could harm people or property if it fails. Only an expert will be able to identify all potential health and structural issues that may affect a tree.

Mark Pinkalla, ISA-certified arborist and president of First Choice Tree Care, recommends that every home inspection include a tree inspection by a certified arborist. "I frequently get requests from new homeowners to identify and evaluate the trees in the yard, only to discover that a tree that 'looked fine' to everyone involved in the home sale is indeed not fine. The cost of having a certified arborist look at the trees is usually a fraction of the cost of removing one large 'not fine' tree."

You will also want to be prepared to call in an arborist in less-common situations, such as when a tree topples over midway through the sale of a property. A certified arborist can help estimate the value of a tree and cost of removal if an adjustment needs to be made to the selling price.

HOW TO CHOOSE AN ARBORIST

Certified arborists are tree care professionals and businesspeople like you. They are most commonly found in urban areas, where individual trees have high value. There are many in Wisconsin's southeastern counties, the Fox Valley and near larger communities around the state. Some arborists will also service properties distant from their home office. Certified arborists can be in high demand at certain times of the year and after storms, so it's good to develop an ongoing relationship with one so they will make time for you when your need is urgent.

Here are some tips for choosing a qualified arborist:

- Choose an ISA-certified arborist. This credential is given to those who have passed comprehensive tree care exams.
- Look for membership in professional organizations such as the International Society of Arboriculture (ISA), the Tree Care Industry Association (TCIA) or the American Society of Consulting Arborists (ASCA).
- Ask for proof of insurance and confirm with the insurance company.
- Ask for references and check them.

To find an ISA-certified arborist in Wisconsin, visit the Wisconsin Arborist Association website at www.waa-isa.org/find-certified-arborist. If you need less common services such as a valuation of a tree, tree protection on development sites or expert witness testimony, check the DNR list of urban forestry consultants at dnr.wisconsin.gov/sites/default/files/topic/UrbanForests/UrbanForestryConsultantsDirectory2021.pdf.

Mature trees add a lot to the value of a home. With the help of a certified arborist, you can maximize their contribution and minimize their expense for both the seller and buyer.

Andrea Diss-Torrance is Invasive Forest Insects Program Coordinator for the Wisconsin Department of Natural Resources. Patricia Lindquist is Urban Forestry Communications Specialist for the Wisconsin Department of Natural Resources.

Resources and additional reading

Wisconsin resources

- Find a certified arborist with the Wisconsin Arborist Association: www.waa-isa/org/find-certified-arborist
- Urban forestry consultant listing on the Wisconsin DNR website: dnr.wisconsin.gov/sites/default/files/topic/UrbanForests/UrbanForestryConsultantsDirectory2021.pdf

Additional reading

- Property values: The property value of a well-landscaped home is 5% to 20% higher than a non-landscaped home, according to treesaregood.org.
- A 2002 study by the University of Georgia found that homes in Fulton County (Atlanta) sold for nearly $105,000 more in neighborhoods with mature trees. According to the U.S. Forest Service, homes with street trees in Portland, Oregon sold 1.7 days more quickly and for $7,130 more on average.
- "City Trees and Property Values," from the *Arborist News*: www.naturewithin.info/Policy/Hedonics.pdf
- "Urban Trees and Human Health: A Scoping Review," from the *International Journal of Environmental Research and Public Health*: www.mdpi.com/1660-4601/17/12/4371/htm#B152-ijerph-17-04371
- "The Relationship Between Trees and Human Health Evidence from the Spread of the Emerald Ash Borer," from the *American Journal of Preventive Medicine*: www.sciencedirect.com/science/article/abs/pii/S0749379712008045
- The Arbor Day Foundation's "How to Plant Trees to Conserve Energy for Summer Shade," resource webpage: www.arborday.org/trees/climatechange/summerShade.cfm

BY **TRACY RUCKA**
DIRECTOR OF PROFESSIONAL STANDARDS AND PRACTICES
LEGAL

The Best of the Legal Hotline

Trees and transactions

Do you know how trees affect your transactions?

RECR ENCROACHMENTS

The seller is listing a property for sale. Without consulting the neighbor, the seller planted pine trees near the lot line between the sale property and the neighbor's property. As the trees matured, the trunks and branches are encroaching on the neighbor's property. Where in the real estate condition report can the seller disclose this? If the seller does not disclose, does the listing agent then disclose it to potential buyers?

Encroachments often involve some type of physical object belonging to one person but partially located on or overlapping on land belonging to another, such as, without limitation, fences, houses, garages, driveways, gardens and landscaping. Encumbrances include, without limitation, a right or claim of another to a portion of the property or to the use of the property, such as a joint driveway, liens and licenses. A seller completing a Real Estate Condition Report (RECR) may disclose an encroachment in question F.14, which provides:

> F.14. Are you aware of boundary or lot line disputes, encroachments, or encumbrances (including a joint driveway) affecting the property?

If the seller does not disclose, the listing agent then must decide whether the possible encroachment is a fact the licensee needs to disclose as a material adverse fact or information suggesting the possibility of a material adverse fact. Sometimes the decision whether to disclose is a judgment that only the licensee and the licensee's supervising broker can make after considering all the facts and circumstances in the situation.

More information related to encroachments is available in *Legal Update* 01.06, "Encroachments," at www.wra.org/LU0106.

ADVERSE POSSESSION

A property for sale is adjacent to an apple orchard. A survey revealed apple trees on the sale property about 10-12 feet over the lot line. The seller wants the buyers to acknowledge in an amendment that they are aware of the trees on the property for sale. The buyers said they do not care about the trees on the lot, but they don't want to sign anything that would give the owner of the trees legal rights to the property. Is the drafting of an amendment borderline "legal" and beyond duties of the licensee? What are the possible claims of the adjacent property owner?

The buyers should be referred to legal counsel for a discussion of the neighbor's rights as they relate to the encroaching trees. Because the offer to purchase is binding on the seller and buyer only, it would not control any rights or obligations between the buyers and the owner of the encroaching trees in this scenario. Depending on how long the trees have been on the property and any arrangement between the current or past owners and the owner of the trees, the owner of the trees could potentially have some rights to that land, and possibly a claim of adverse possession.

Adverse possession, in basic terms, can take title from a legal owner and give it to one who has been in possession for an extended period of time, usually 20 years. Six basic elements must be shown to prove adverse possession under any of the adverse possession statutes.

For possession to be adverse, it must be:

1. Actual
2. Open/Visible
3. Notorious
4. Exclusive
5. Hostile
6. Continuous/uninterrupted

Therefore, the neighbor may already have a claim to adverse possession regardless of the pending sale of the property.

To find an attorney, the parties may contact the Wisconsin State Bar's Lawyer Referral and Information Service (LRIS). The LRIS can be reached by phone weekdays at 800-362-9082. The online service is available 24 hours per day at www.wisbar.org/forpublic/ineedalawyer/pages/lris.aspx. The online service permits a user to search for an attorney by geographical location and area of practice.

SELLER DISCLOSURE OBLIGATION

Does the presence of ash trees trigger a seller's disclosure of a defect? What disclosure might the seller be required to make if the seller is aware of emerald ash borer (EAB) on the property?

Sellers complete the RECR according to their knowledge and the definitions of defects. The statutory RECR, in Wis. Stat. § 709.03, provides as follows:

> C. 5. Are you aware of current or previous termite, powder post beetle, or carpenter ant infestations or defects caused by animal, reptile, or insect infestations?

If the seller is unaware of the presence of an EAB infestation in trees on the property, the seller may have no disclosure. However, if the seller is aware of infestation or has information from an arborist regarding infected trees on the property, there would be a disclosure duty. Specifically in Madison, the city identified EAB in certain areas and marked certain terrace trees for removal. Such information would be disclosed by the seller in the RECR. The seller makes disclosures based upon the seller's knowledge and information and the advice of the seller's attorney.

ORCHARDS AND POTENTIAL ARSENIC

The broker heard there may be contamination issues with a property for sale that was once a cherry orchard. Which disclosures are necessary when the property for sale is or was an apple or cherry orchard?

Throughout Wisconsin, pesticides once used to control pests in fruit orchards left contamination. If the seller is aware of contamination for a property that currently is or previously was an orchard, the seller may be referred to the RECR or Vacant Land Disclosure Report (VLDR) to disclose. Item C.2 of the RECR refers to other potentially hazardous or toxic substances on the property. In the VLDR, item B.6 refers to brownfields or other contaminated land, and item F.5 refers to soil contamination. The WRA worked with the Department of Agriculture Trade and Consumer Protection (DATCP) to create the WRA Lead/Arsenic Pesticide Addendum. Once disclosures have been made, the WRA addendum can be used to negotiate for a soil evaluation contingency. The WRA Lead/Arsenic Pesticide Addendum is available in zipForm and in the WRA PDF forms library at www.wra.org/FormsLibrary (for subscribers only).

TREE REMOVAL PRIOR TO CLOSING

After the offer was accepted and before closing, the seller's large tree and some juniper bushes sustained storm damage. The seller had the tree and bushes removed from the property. The buyers are now requesting the stumps be grinded down. Is this a legal responsibility of the seller to do this, or is the seller's responsibility to simply clean up and remove fallen trees?

The WB-11 Residential Offer to Purchase provides the seller will maintain the property in materially the same condition as the date of acceptance of the offer to purchase. If there is property damage between the acceptance date and closing, the seller is obligated to repair the damage unless the cost of the repairs exceeds 5% of the selling price. When there is damage to landscaping or trees, it may be necessary to work with a landscaper, arborist, appraiser and/or insurance provider to determine the amount of the damage.

The first question may relate to the amount of damage, and the secondary question relates to what constitutes a proper repair. It may be necessary to have the assistance of an arborist to determine what services and associated costs are possible to help meet the terms and conditions of the offer to purchase. If the parties are unable to negotiate to find a mutually agreeable solution, they should be referred to private legal counsel for advice on the matter.

COMPONENT INSPECTION

The buyer is looking to purchase a wooded parcel of land and wants an arborist to inspect the trees on the property. How does the buyer go about including such a contingency?

The Inspection Contingency in the WB vacant land offer is three-prong. The blank line of the contingency can be completed when the buyer wants a "qualified independent inspector" to inspect some specific feature of the property such as the roof, chimney, trees, landscaping, amenities and all other improvements. The buyer can specifically list the trees as the component to be inspected.

OVERHANGING TREES

There is a large 120-year-old oak tree on parcel A. Due to the size of the tree, some of the branches hang over parcel B. What rights does the owner of parcel B have relating to the trimming of the oak tree?

Keep in mind that real estate licensees cannot provide legal advice, and if consumers are looking for guidance on how to handle the overhang of tree branches and rights relating to cutting, the real estate licensee should not provide the consumer with legal opinions. The broker may suggest the neighbors work cooperatively to address concerns.

Notwithstanding, the following is for informational purposes relating to encroachment of tree branches.

In *Aman v. Aushwitz* (No. 84-1761, Ct. App. 1984), Aushwitz cut a branch off Aman's plum tree and two of Aman's bushes that encroached over Aushwitz's land. Aman sued his neighbor for trespass and for damages to the tree and bushes. Aman was awarded $860 when the trial court found that Aushwitz trespassed at least 18 inches while cutting the tree branch and because he was careless and negligent while cutting.

Aushwitz appealed to the Wisconsin Court of Appeals. The court noted that the trial court had failed to consider the common law encroachment created by tree branches and bushes. Under English common law, Aushwitz had a common law, self-help right to cut encroaching branches at the property line. Alternatively, Aushwitz could also have sued for an injunction against Aman to remove the private nuisance created by the encroachment.

Since Wisconsin adopted English common law, the property owner has control of the space above his land to an indefinite distance. Thus, a party offended by having the neighbor's vegetation overhanging their property may simply cut the vegetation overhang down at the property line without notice to the adjacent owner. The court concluded that Aushwitz was not careless and negligent in cutting down the bushes over his land, that Aman should not receive the awarded damages, and that the case should be sent back to the trial court to see if there are any compensable damages resulting from the 18-inch trespass.

Obviously it may be more courteous and civilized for the adjoining owners to first discuss the encroaching branches and the effect of trimming them. It is certainly wise to retain a professional to do any trimming or tree removal because, if done improperly, there is a possibility of causing damage to the landscaping or trees. The broker must refrain from providing legal advice and may recommend the parties contact a surveyor, an arborist and possibly legal counsel if they cannot come to a mutually agreeable solution.

Tracy Rucka is Director of Professional Standards and Practices for the WRA.

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BY **CORI LAMONT**
SENIOR DIRECTOR OF LEGAL AND PUBLIC AFFAIRS
LEGAL

The Forest and the Trees

A brief look into managed forest law

The Managed Forest Law (MFL) is a topic the WRA legal team rarely discusses because the average agent will not come across the MFL in their practice.

"Wisconsin's 17 million acres of forestlands and millions of urban trees significantly enhance the quality of life in our state," according to the Wisconsin Department of Natural Resources (DNR) at dnr.wisconsin.gov/topic/forestry. And for that reason, we thought it was time to offer a few reminders and pointers regarding the MFL.

What is the MFL?

Enacted in 1985, the MFL is an incentive program for landowners that encourages sustainable forestry on private woodland. The landowner pays reduced property taxes because they agree to follow a set forest management plan. A summary of the MFL by the DNR can be found at dnr.wisconsin.gov/topic/forestlandowners/mfl.

What land can participate in the MFL?

Any privately owned forestland.

How is a property eligible?

Per the DNR, "To be eligible for the MFL program, a landowner must have a minimum of 20 acres of contiguous land and at least 80% of that land must be productive forest land." See dnr.wisconsin.gov/topic/forestlandowners/mfl.

How do landowners apply?

An application must be filed by June 1 for entry into the program the following January 1. To learn more about the application process, visit dnr.wisconsin.gov/topic/forestlandowners/mfl.

Can the property be withdrawn?

Yes. According to the DNR, land may be voluntarily withdrawn at any time by submitting a withdrawal form, which is the Declaration of Withdrawal Managed Forest Law (2450-140) form, located at dnr.wisconsin.gov/topic/forestlandowners/

mfl. However, it is important to understand there will be fees, outlined in the next paragraph, associated with removing land from the MFL.

Is there a withdrawal fee?
Yes. As stated by the DNR, "A withdrawal tax plus a $300 withdrawal fee will be assessed. The type of order determines the way the withdrawal tax is calculated." See dnr.wisconsin.gov/topic/forestlandowners/mfl. See dnr.wisconsin.gov/sites/default/files/topic/ForestLandowners/Withdrawal_Instructions.pdf to learn more about the withdrawal process and associated consequences.

Does the seller need to disclose that the land is in the MFL?
Yes. The seller must disclose that all, or part, of the property is managed forestland under the MFL.

Will the MFL continue after a change of ownership?
Yes. The DNR has an informational handout titled, "MFL Land Transfer of Ownership Factsheet." Access the handout at www.wra.org/DNR/MFL/Handout.

How long is property typically in the MFL?
Property remains in the MFL typically for 25 or 50 years.

What must be done if the ownership of the land changes?
When ownership of land enrolled in the MFL program changes, the new owner must sign and file a report of the change of ownership on a form provided by the DNR as well as pay a fee.

By filing this form, the new owner agrees to the associated MFL management plan and the MFL program rules. The DNR Division of Forestry monitors forest management plan compliance. Changes made to the property that are subject to an order designating the property as managed forestland, or to its use, may jeopardize an owner's benefits under the program, or may cause the property to be withdrawn from the program and may result in the assessment of penalties.

Is the MFL addressed in any WB offer?
Yes. In the WB-13 Vacant Land Offer to Purchase, in the Government Programs contingency, the MFL is addressed on lines 195-205.

MANAGED FOREST LAND: If all, or part, of the Property is managed forest land under the Managed Forest Law (MFL) program, this designation will continue after closing. Buyer is advised as follows: The MFL is a landowner incentive program that encourages sustainable forestry on private woodlands by reducing and deferring property taxes. Orders designating lands as managed forest lands remain in effect for 25 or 50 years. When ownership of land enrolled in the MFL program changes, the new owner must sign and file a report of the change of ownership on a form provided by the Department of Natural Resources and pay a fee. By filing this form, the new owner agrees to the associated MFL management plan and the MFL program rules. The DNR Division of Forestry monitors forest management plan compliance. Changes a landowner makes to property that is subject to an order designating it as managed forest land, or to its use, may jeopardize benefits under the program or may cause the property to be withdrawn from the program and may result in the assessment of penalties. For more information call the local DNR forester or visit https://dnr.wisconsin.gov/topic/forestry.

Can the buyer and seller modify the MFL agreement in the WB-13?
No. The landowner agrees to honor the MFL agreement and therefore the buyer is agreeing to the same terms if they move forward with the purchase.

Can the buyer force the seller to take the land out of the MFL?
No. While the buyer can attempt to negotiate, the seller will withdraw the land from the MFL, so the parties need to consider the financial consequences. Private legal counsel should be consulted when considering contingencies to withdraw the land from the MFL.

Cori Lamont is Senior Director of Legal and Public Affairs for the WRA.

BY **JENNIFER LINDSLEY**
STAFF ATTORNEY AND DIRECTOR OF TRAINING
LEGAL

Forms Update

The Real Estate Examining Board (REEB) and the Real Estate Contractual Forms Advisory Council have been hard at work improving the WB forms that you use in your transactions. As many of you know, the WB offers were polished up within the last couple of years, and after working through the residential, condominium and other offers, the council finally made it to the end of the offer to purchase "line" by updating the WB-16 Offer to Purchase — Business With Real Estate and the WB-17 Offer to Purchase — Business Without Real Estate. In addition, the council made some improvements to the WB-46 Sale. All four forms have been approved by the REEB with an optional use date of September 1, 2021, and a mandatory use date of October 1, 2021.

Lines 1-10 of the WB-25 Bill of Sale

Upon the Effective Date below, Seller conveys to ___________________________(Buyer), for good and valuable consideration, all of Seller's interest in the personal property identified in the Personal Property Schedule at lines 11-31 and in the attached Addenda per lines 32 (if any).

Effective Date This Bill of Sale is only effective upon the successful closing of the Buyer's offer to purchase, dated _______________, to purchase Seller's property located at ________________________ and payment additional consideration (if any) in the amount of $___________________("none" if left blank) no later than closing.

NOTE: A copy of the fully executed closing statement and a receipt, or other reasonable evidence of full payment of any required additional consideration, shall be confirmation of the Effective Date for this Bill of Sale.

WB-46 MULTIPLE COUNTER-PROPOSAL

The new WB-46 Multiple Counter-Proposal looks nearly identical to the previous version, and it might be difficult to even spot the differences. That is because the form as designed was functioning in the exact way it was intended to function. This form allows a seller to engage in non-binding negotiations with multiple buyers at the same time, giving sellers a powerful tool, especially in a competitive market. The changes to this form were not to modify its function but rather to improve the layout and add some features that agents thought would enhance its usefulness.

So, what changed?

- The two signature spots for the sellers used to be two separate lines on the previous form. In the revised WB-46 Multiple Counter-Proposal, the signature spots for the sellers are on one line, with one spot being on the left side and one on the right.

- The two signature spots for the buyers used to be two separate lines on the previous form. In the revised WB-46 Multiple Counter-Proposal, the signature spots for the buyers are on one line, with one spot being on the left side and one on the right.

- The Approval by Buyer section contains a line to indicate who presented the multiple counter-proposal to the buyer and when it was presented as well as a line for the buyer to reject or counter the multiple-counter proposal. In the previous version of the WB-46 Multiple Counter-Proposal, the buyer's opportunity to reject or counter came first, followed by the information on presentation. In the new WB-46 Multiple Counter-Proposal, the information on presentation comes first, and the buyer's opportunity to reject or counter follows. The same information is included, the locations in the form have simply switched.

- The revised WB-46 Multiple Counter-Proposal has a new addition to the Acceptance by Seller section; the seller now has an opportunity to reject or counter the buyer's approved multiple counter-proposal. Line 50 of the revised WB-46 Multiple Counter-Proposal reads, "This Multiple Counter-

Proposal approved by Buyer is **(rejected) (countered) STRIKE ONE** (Seller's Initials) _______________."

WB-25 BILL OF SALE

Like the WB-46 Multiple Counter-Proposal, the revised WB-25 Bill of Sale looks a lot like the previous version of the form because the WB-25 Bill of Sale was functioning exactly as intended and did not need extensive revisions. The revisions to the WB-25 Bill of Sale improved layout and functionality, but the purpose of the form remains the same: the seller uses a bill of sale to legally transfer ownership of personal property to the buyer. A seller uses a deed to transfer ownership of real property to a buyer and a bill of sale to transfer ownership of personal property to a buyer.

So, what changed?

- A major change to the WB-25 Bill of Sale is that it now has an effective date tied to the successful closing of the transaction. In the previous version of the WB-25 Bill of Sale, the transfer of ownership was immediate upon the seller signing the WB-25 Bill of Sale and delivering it to the buyer. This occasionally led to some unintended consequences. Consider the following scenario: A buyer submits an offer that includes the seller's washer and dryer. Along with the offer, the buyer drafted a WB-25 Bill of Sale on the previous version of the form that includes the washer and dryer. When the seller signed to accept the offer, the seller also signed the WB-25 Bill of Sale and delivers it to the buyer. The moment the seller signed the previous version of the WB-25 Bill of Sale and delivered it to the buyer, the seller immediately transferred legal ownership of the washer and dryer to the buyer even if the transaction ultimately does not close. To avoid this error of accidentally transferring ownership of personal property in a transaction that does not close, the updated version of the WB-25 Bill of Sale does not transfer ownership of the personal property until the transaction closes.

- The seller's representations regarding ownership and right to transfer the personal property is modified slightly in the updated version of the WB-25 Bill of Sale. The language that is crossed out of the following statement is omitted in the updated version of the WB-25 Bill of Sale. "Seller hereby warrants and represents that Seller owns said personal property free and clear of all liens and encumbrances, ~~that Seller~~ has good right to sell the same and Seller will warrant and defend the same against the lawful claims and demands of all persons, except: ___________________________________.

- The following note is in both the previous and updated versions of the WB-25 Bill of Sale, but it is bolded in the updated version. **"Note: The above warranty applies only to title. If there are any other warranties or representations as to other characteristics of the personal property a separate agreement must be drafted."**

- The previous version of the WB-25 Bill of Sale included four signature lines for individual sellers. The updated version of the WB-25 Bill of Sale includes two signature lines for individual sellers and a set of signature lines to accommodate a seller that is an entity such as a limited liability company or corporation.

WB-16 OFFER TO PURCHASE — BUSINESS WITH REAL ESTATE

WB-17 OFFER TO PURCHASE — BUSINESS WITHOUT REAL ESTATE

The business offers to purchase win the prize for being two of the longest forms and, some might say, the most complicated. With the recent revisions, the WB-16 Offer to Purchase — Business With Real Estate increased from 14 pages to 17 pages, and the WB-17 Offer to Purchase — Business Without Real Estate increased from 11 pages to 12 pages. Many of the revisions to the business offers incorporated the changes that were made to the other offers such as including default deadlines, improving the flow of the form and including the Foreign Investment in Real Property Tax Act (FIRPTA) provision. Other changes to the forms were more technical and relate to those transactions involving a business with or without real estate. Due to the technical nature of the improvements to the business offers, they will not be addressed here. For those who want to review all the changes to the business offers, a highlighted version of each of the business offers showing the changes is available on the WRA forms update resource webpage at www.wra.org/FormsUpdate.

Jennifer Lindsley is Staff Attorney and Director of Training for the WRA.

Latest Legal Resources

As a REALTOR®, your everyday business transactions are legal in nature. Your WRA membership includes access to various WRA legal resources, all designed to ensure you practice real estate legally and correctly.

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Your WRA membership gives you access to the WRA Legal Hottips online library: a collection of discussions from the WRA Legal Hotline. The library dates back several years with hotline Q&As about disclosure, liability and much more related to Wisconsin real estate law. New hottips are published every week. (WRA login required.)

Search the Q&As: **WRA.ORG/LEGALHOTTIPS**

LEGALTALKS EXPLAINER VIDEO

"New WB Form Changes — Effective October 1"

The latest online video in the LegalTalks video series details the revised WB forms that are mandatory for use on October 1, 2021.

Watch: **WRA.ORG/LEGALTALKS/2021WB**

LEGAL UPDATE

August 2021: 2021 Forms Update

Learn about the revisions to the updated 2021 versions of the WB-16, WB-17, WB-25 and WB-46 forms as well as the updated WRA-BDR.

Read: **WRA.ORG/LEGALUPDATES**

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Learn more:
WWW.WRA.ORG/LEGALHOTLINE

Congress Debates Build Back Better Plan

The National Association of REALTORS® (NAR) is concerned about three tax proposals that could limit real estate investment at a time when the U. S. desperately needs more housing.

Over the next two months, President Joe Biden and congressional Democrats plan to consider their ambitious legislative plan, the "Build Back Better" plan. The plan includes two bills: one covers hard infrastructure like roads and bridges, while the other addresses social infrastructure like health care and education. To help fund these two bills, Congress and the Biden administration are considering many different tax proposals.

NAR has identified these three tax proposals as specific tax provisions to avoid because they will set our affordable housing efforts backward:

- Limitation on 1031 like-kind exchanges: By allowing property owners to defer capital gains when one property is exchanged for another, like-kind exchanges help get real estate into the hands of new owners with the time, resources and desire to restore and improve the properties. Section 1031 is a key tool used in the development of affordable housing.

- Capital gains tax rate increases: High capital gains taxes on real property will negatively impact the after-tax return of larger real estate development projects, including affordable housing, meaning that fewer projects will move forward. Lower capital gains rates provide an incentive to invest capital, which increases economic growth and creates jobs and more housing.

- Taxing unrealized capital gains at death: Proposals to tax the unrealized gains of owners of capital assets above a certain level upon their death would penalize many hardworking Americans who have spent their lives saving and building equity in their properties and businesses so they can provide security for themselves, their families and others. This proposal would create a second estate tax that could unfairly destroy family succession plans and result in many properties needing to be sold to pay the tax.

NAR will continue to educate lawmakers on these issues and more as Congress debates the details of the Build Back Better proposals.

BY **JOE MURRAY**
DIRECTOR OF POLITICAL
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GOVERNMENT AFFAIRS

2022 Elections: Four Factors that Matter

In February 2021, political analyst Charlie Cook wrote a piece for the National Journal titled "The four factors that matter in predicting 2022." The four factors included political history, exposure, environment and circumstances. Cook predicts these four factors will have significant influence over next year's national elections.

The November 2022 midterm elections are 13 months away, and that's an eternity in politics. Many things could happen to influence the elections in Wisconsin. For example, President Joe Biden and the Democratic Congress are locked in a fight with Republicans over taxes and spending, immigration, election integrity and COVID-19 pandemic issues. In Wisconsin, Democratic Gov. Tony Evers remains at odds with legislative Republicans over a variety of issues that include school funding, social justice reform and the state response to the coronavirus pandemic. Both national and state issues will influence voters in Wisconsin. All this said, the four factors cited by Cook certainly apply to Wisconsin next year. Let's take a closer look.

HISTORY

History favors the Republicans in the 2022 midterm elections nationally and in Wisconsin. American voters typically put a check on power, and the president's party has lost House seats in almost every midterm going back to the 1930s. Since 2006, the party in power has suffered significant election losses up and down the ballot. Figure 1 illustrates national midterm election losses for federal and state elections over the last four midterms for Democrats and Republicans. In Wisconsin midterm elections, the party of the White House suffered congressional and state legislative losses as well.

EXPOSURE

Cook defines "exposure" as the number of seats each political party must defend, particularly at the top of the ticket. In Wisconsin next year, the Democrats will have to defend five stateside constitutional offices versus only one for Republicans.

In the 2018 Wisconsin midterm elections, Democrats ran the table at the top of the ticket. They now hold — and must defend — the offices of governor, lieutenant governor, attorney general, state treasurer and the secretary of state, even though few people pay attention to the state treasurer or secretary of state. Only one partisan statewide office is held by a Republican, Sen. Ron Johnson.

This means Democrats are far more politically exposed than Republicans. And the degree of exposure is greater because

FIGURE 1

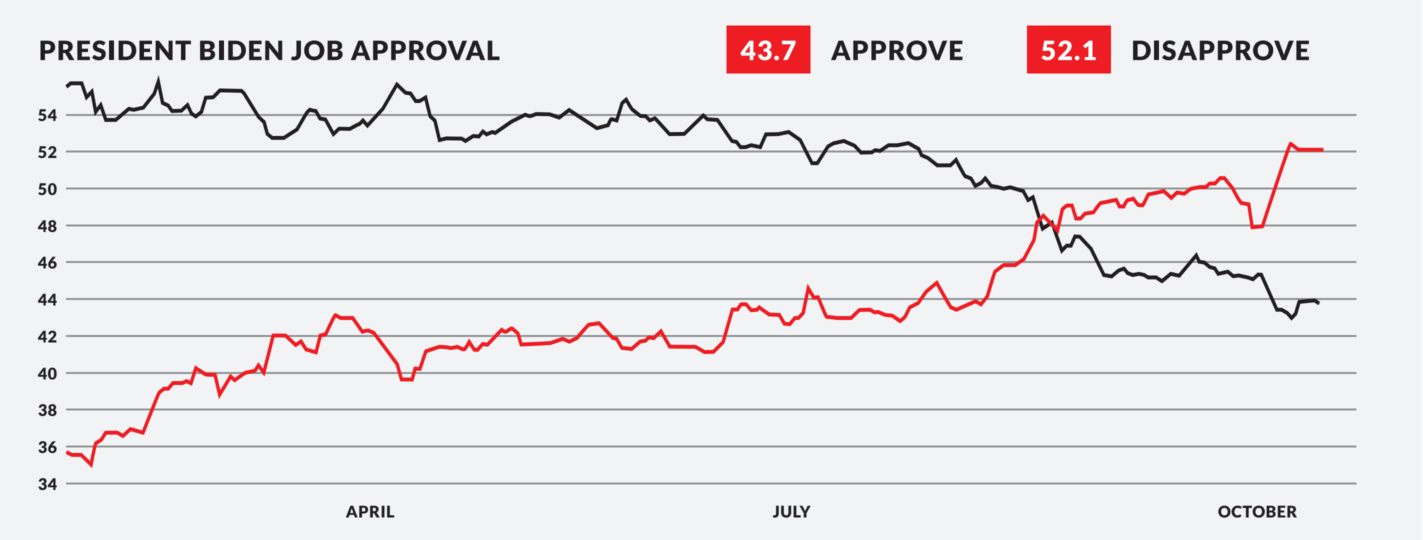
Administration	Job Approval	Senate	House	Governors	State Legislators
Bush 2006	38%	-6	-30	-6	-334
Obama 2010	45%	-6	-63	-6	-729
Obama 2014	44%	-9	-13	-3	-312
Trump 2018	40%	+2	-40	-6	-323

Source: Doug Sosnik

FIGURE 2

Administration	Constitutional Offices*	Senate	House	State Legislators
Bush 2006	0	0	-1	-13
Obama 2010	-2	-1	-2	-18
Obama 2014	0		0	-4
Trump 2018	-3	0	0	0
Biden 2022	?	?	?	?

Source: State Elections Wisconsin. *Constitutional office include governor, attorney general, treasurer and secretary of state.



Wisconsin is a true swing state, not a reliably red or blue state. Swing states, by definition, are more competitive, attract more outside spending on both sides and tend to be more susceptible to the current political environment, whichever way the political winds are blowing.

In the state Legislature, Republicans hold comfortable majorities in both the Assembly and Senate. This is where the GOP has the most exposure. The amount of exposure is difficult to project until the new legislative district lines are finalized through the redistricting process. Most insiders expect the redistricting process to be finished by early spring 2022. After that process concludes, most likely in the courts, it will be easier to see where the GOP is most exposed in legislative districts.

ENVIRONMENT

Cook notes, "Midterm elections are usually referenda on the sitting president or the party in control, so whether a president and his party have a tailwind or a headwind is very important."

Most pollsters will point to presidential job approval as a key metric to determine which way the voters are trending. It's not the only metric, but generally the best one to watch.
When President Biden was sworn into office in January, his job approval rating was 55.8% with a disapproval rating of 35.5% (+20.3%) in the Real Clear Politics average. By October 9, his numbers stood at 43.4% approve and 50.3% disapprove (-6.9%).

In the August 2021 Marquette Law School poll of Wisconsin voters, Biden's job approval numbers stood at 49% approve, 46% disapprove and 4 % undecided. As you can see, President Biden's job approval numbers are down in both national and state polling.

Sean Trende, senior elections analyst for Real Clear Politics, had this to say about Biden's job approval ratings moving from positive to negative territory: "Abysmal elections for parties in power have occurred when the president was generally unpopular: witness 1994, 2010 and 2018. Thus, the trend in President Biden's job approval has to be concerning for Democrats."

CIRCUMSTANCES

Cook defines "circumstances" as "relatively unique attributes or situations that may make an election deviate from historical trends."

As it stands now, some 13 months before the 2022 midterm elections, one issue is being discussed by political prognosticators as significant enough to influence next year's elections from historical trends: the Mississippi 15-week abortion ban case currently under review by the U.S. Supreme Court.

Bill Scher, contributing editor to Politico magazine, highlighted the pending case: "The Supreme Court has already decided to review Mississippi's stayed 15-week abortion ban, and will likely issue its ruling in late June or early July, about four months before the midterms. Upholding the law would require either overturning *Roe v. Wade* or severely scaling back its enshrinement of abortion rights." If the Supreme Court overturns *Roe v. Wade*, it's the kind of issue that could cause election results that are contrary to historical trends. Regardless of whether one is pro-choice or pro-life, it's the kind of issue that generates passion on both sides, and it could impact the midterm elections in unpredictable ways.

Joe Murray is Director of Political and Governmental Affairs for the WRA.

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Is Your CRM Working for You?

The key to giving clients what they want lies in understanding them, and a CRM system does just that. A CRM system facilitates various pieces of the transaction by giving you and the client ease of communication, organized data and improved customer service. All of this will streamline the process of making sure needs are met and actions are resolved in a timely manner.

Your clients are the most important part of your business, and keeping them happy should be your top priority. Don't put your business at risk; invest in a quality CRM tool, and prove to your clients that you care about their satisfaction. The CRM process shouldn't be about working harder but about working smarter, so that your clients get what they want — and you do, too. Most people see CRM as just another tool, as more work and another thing that takes time away from the main task of selling.

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Happy Forms, Happy Fall

Fall is in the air, and revised forms are here

Five new forms are now available for your use in Wisconsin real estate transactions. Last month, the Real Estate Examining Board approved updated versions of four WB forms, all of which have a mandatory use date of October 1, 2021. These forms are available on the DSPS website, in zipForm and in the WRA PDF forms library at www.wra.org/FormsLibrary (for subscribers only).

In addition, the WRA also updated the broker disclosure form, the WRA-BDR, last month. The updated WRA-BDR is available in zipForm and in the WRA PDF forms library at www.wra.org/FormsLibrary (for subscribers only).

WB-16 AND WB-17

The WB-16 Offer to Purchase — Business With Real Estate and the WB-17 Offer to Purchase — Business Without Real Estate were updated to reorganize the sequence of provisions to echo the transactional flow in the other WB offers to purchase and to incorporate the standard provisions used in the other offers such as Earnest Money and the Inspection Contingency.

The terminology in the WB-16 was recalibrated to use the terms Real Estate, Other Assets of the Business, and Assets, avoiding the term Property as it is confusing in the business offer context. In the WB-16 and WB-17, references assuming the inclusion of accounts receivable were removed, and the provisions for Allocation of Purchase Price, Sales and Use Tax, and the Appraisal Contingency were updated and improved.

WB-25

The WB-25 Bill of Sale was modified so that it is effective only upon the successful closing of the buyer's purchase of the seller's real estate, and an entity signature block was added to the form.

WB-46

The WB-46 Multiple Counter-Proposal was updated to streamline the language and add a place at the end where the seller can reject or counter an approved multiple counter-proposal.

WRA-BDR

The WRA Business Disclosure Report was updated to include standard real estate disclosure items and upgrade the disclosures to be more thorough and encompassing. The disclosure items in the report substantially mirror the disclosure items in the definition of "Conditions Affecting the Business, Assets or Transaction" in the WB-16.

LEARN MORE

To learn more about these revised forms, visit the WRA forms update resource webpage at www.wra.org/FormsUpdate. There you can access yellow-highlighted samples of the revised WB forms as well as see the full list of all WRA resources related to these October 2021 form changes.

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ABR DESIGNATION

October 26-27: Madison and virtual

The Accredited Buyer's Representative (ABR) designation equips you with the skills for representing buyers during the homebuying process. With the ABR training course, you'll gain the tools to build a buyer representation business, guide buyer-clients through the home-search process and more.

The Madison live classroom course is full, but virtual course registration is still open.

Sign up: **WWW.WRA.ORG/OCT21-ABR**

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November 9-10: Madison

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Finish up your 2020-21 appraisal CE biennium with the WRA's slate of appraisal course offerings this fall. Instructors Tim Andersen, Jason Tillema and Joshua Walitt will equip you with new insights to enhance your valuation techniques, plus you'll be able to earn CE credits before the December 2021 appraisal biennium deadline and renew your license on time. After all, a lapse in your license would place you, your business and your clients at risk ... ouch!

See page 26 for the complete listing of fall appraisal CE courses.

Sign up: **WWW.WRA.ORG/OCT21-APPCE**

CE ON DEMAND

Earn your credits entirely online

As the leading expert in Wisconsin real estate practice for over 100 years, the WRA is your top choice in Wisconsin real estate CE. The WRA strives for professionalism and competency in Wisconsin real estate, and it shows in course content.

With nearly the first half of the 2021-22 CE biennium behind us, now is a great time to get started on your state-required credits, and you can do that entirely online with the WRA's CE On Demand.

Start today: **WWW.WRA.ORG/OCT21-CE**

LANDTRUST
TITLE SERVICES

When it comes to your transaction,
YOU CALL THE PLAYS

At Landtrust, we go above and beyond to communicate with you so there are no unknowns or surprises – making sure you're in the loop and in control from beginning to end. Unlike other title companies, you have one single contact every step of the way.

MEET CANDACE LIEBNER

Director of Sales, WI

Candace is a native of Wisconsin who gets the local real estate market. With over 24 years of experience in title, mortgage and lending operations, she understands the importance of completing your title and closing transactions with unparalleled, personalized service. She will go above and beyond and ensure your transactions close smoothly.

CONTACT CANDACE FOR A TEAM PLAYER YOU CAN COUNT ON.

(262) 483.3220
CANDACE.LIEBNER@MYLANDTRUST.COM

TRAINING PRODUCT	TRAINING FORMAT	DETAILS & REGISTRATION
PRE-LICENSE TRAINING		
ONGOING VIRTUAL TRAINING		
Broker Pre-license Course	On Demand	www.wra.org/Oct21-BPL
Sales Pre-license Course	On Demand	www.wra.org/Oct21-SPL
SCHEDULED TRAINING		
Sales Pre-exam Review Webinar: November 5, 2021	Virtual webinar	www.wra.org/Oct21-SPLwebinar
Sales Pre-exam Review Webinar: December 3, 2021	Virtual webinar	www.wra.org/Oct21-SPLwebinar
PROFESSIONAL DEVELOPMENT		
ONGOING VIRTUAL TRAINING		
GRI On Demand	On Demand	www.wra.org/Oct21-GRI
Line by Line Forms Training	Online Video Series	www.wra.org/Oct21-LinebyLine
Quick Start	On Demand	www.wra.org/Oct21-QuickStart
SCHEDULED TRAINING		
ABR Designation Course: October 26-27, 2021	Madison and virtual	www.wra.org/Oct21-ABR
REPA Course: November 9-10, 2021	Madison	www.wra.org/Oct21-REPA
APPRAISAL CONTINUING EDUCATION		
SCHEDULED TRAINING		
7-hour National USPAP Update: October 28, 2021	Appleton	www.wra.org/Oct21-AppCE
Proper Questions: October 29, 2021	Madison and virtual	www.wra.org/Oct21-AppCE
USPAP, Your Workfile and You: October 29, 2021	Madison and virtual	www.wra.org/Oct21-AppCE
Rock-solid Report Writing: November 2, 2021	Madison and virtual	www.wra.org/Oct21-AppCE
Tools and Analysis: November 2, 2021	Madison and virtual	www.wra.org/Oct21-AppCE
Non-lending Appraisal Assignments: November 3, 2021	Madison and virtual	www.wra.org/Oct21-AppCE
7-hour National USPAP Update: November 4, 2021	Madison and virtual	www.wra.org/Oct21-AppCE
Analyzing Markets: November 16, 2021	Pewaukee	www.wra.org/Oct21-AppCE
Appraisal vs. Reconsideration of Value: November 17, 2021	Pewaukee	www.wra.org/Oct21-AppCE
Excel and the Residential Appraiser: November 17, 2021	Pewaukee	www.wra.org/Oct21-AppCE
REAL ESTATE CONTINUING EDUCATION		
SCHEDULED TRAINING		
Course 3: October 20, 2021	Lake Geneva	www.wra.org/Oct21-LakeGenevaCE
Course 4: October 20, 2021	Lake Geneva	rwww.wra.org/Oct21-LakeGenevaCE
Course 3: October 21, 2021	Green Lake	www.wra.org/Oct21-GreenLakeCE
Course 4: October 21, 2021	Green Lake	www.wra.org/Oct21-GreenLakeCE
Course 5: October 27, 2021	Lake Geneva	www.wra.org/Oct21-LakeGenevaCE
Course 6: October 27, 2021	Lake Geneva	www.wra.org/Oct21-LakeGenevaCE
Course 5: October 28, 2021	Green Lake	www.wra.org/Oct21-GreenLakeCE
Course 6: October 28, 2021	Green Lake	www.wra.org/Oct21-GreenLakeCE
Course 5: November 8, 2021	Sturgeon Bay	www.wra.org/Oct21-SturgeonBayCE
Course 6: November 8, 2021	Sturgeon Bay	www.wra.org/Oct21-StursgeonBayCE

Check Out The Latest Content

WRA 360

Cutting-edge industry news every month

THE LATEST EPISODE:

EP. 9: "Low Inventory, High Demand and Rising Prices. What's Next?"

With single-family sales volume growth and price appreciation in Wisconsin exceeding 10% year over year, the question on many of our minds is: "can it be sustained?"

In this episode of WRA 360, economist, noted housing expert and Wisconsin native Dr. Mark Eppli will discuss the viability of the recent run-up in housing prices and sales volumes given the COVID-19 resurgence, housing supply shortage, interest rate environment, employment disruptions, and federal fiscal and monetary stimulus. The forecast may surprise you!

Watch: www.wra.org/WRA360

CAPITOL INSIGHTS

Real estate advocacy podcast

THE LATEST EPISODE:

EP. 32: "Whose Money Is It Anyway?"

What happens to tax proceeds after a property is sold in foreclosure? Rep. Shannon Zimmerman sits down with the WRA's Tom Larson to discuss a proposal that would prohibit local governments from retaining the proceeds from the sale of non-homestead properties.

Listen: www.wra.org/CapitolInsights

LEGAL UPDATE LIVE

Wisconsin real estate legal discussion

Watch: www.wra.org/LUL/Ep13-18

HOUSING REPORTS

Monthly analysis in Wisconsin housing

Watch: www.wra.org/HousingVideo