

E364 Mar 15

- 1. Real Estate Sales - Spring is the Time to prepare your home for sale**
2. Motion to suppress granted when police did not obtain telephonic search warrant for car
3. Next events: **Middlesex County Bar Association Practice Area Awards Dinner plus charity races**

## **1. Real Estate Sales - Spring is the Time to prepare your home for sale**

To better serve our Probate and Senior citizen clients, Kenneth Vercammen has taken and passed the NJ Real Estate Salesperson test. The examination consists of numerous questions taken over a 4-hour period after taking numerous classes. Mr. Vercammen is now also a licensed real estate agent, is affiliated with is one of the largest real estate agencies in the country. Even if we cannot handle the closing, we can refer you to realtors or attorneys experienced in real estate purchases or sales.

The sale of a home is probably the largest transaction a person will ever undertake. Careful consideration should be given to the technical difficulties involved in the transfer.

### The Contract of Sale

A Contract of Sale is an agreement for the purchase and sale of real estate. This is the most important document in any real estate transaction because it establishes the respective rights and responsibilities of the purchaser and the seller.

Since the Contract of Sale is important and legally binding New Jersey requires a 3-day attorney review period on Contracts prepared by a realtor. Please read the contract before signing. If you have any questions, please ask your real estate agent. If there are any clauses you want added, such as the house sale "As is", make sure they are added to the Contract before signing.

The 3-day attorney review period is to protect the buyer and seller from being forever bound by a contract without them receiving the benefit of legal advice. You only have three days to have your attorney review the contract and make the appropriate changes. Remember that once a Contract is signed and in final form after 3 days, your rights and obligations are fixed concerning the transaction. Your attorney will no longer have the opportunity to structure the Contract to meet your objectives.

## Read and Understand the Contract Before Signing your Contract of Sale

Perhaps the seller may want to retain possession of the property for some time in order to find new accommodations. You should make sure these clauses are included in the contract defining such rights prior to signing. Never sign a contract involving the sale or purchase of real estate until you have done the following:

1. read the entire contract
2. written down your questions and posed them to your realtor
3. made sure all your requested clauses are included, such as the house being sold "as is"

These are only a few matters usually covered in the contract. However, they illustrate the variety of terms and conditions to be considered when you enter into such a transaction.

### Work with your Realtor

Your realtor is a highly trained licensed professional. Their goal is to help you through this closing. They perform substantial work and earn the commissions of between \$8,000- \$16,000. In order to keep your legal fees down, you should be calling you realtor with routine questions regarding the closing. We have learned by past experience if you, your realtor or you family call your attorney's office every day, these calls are not included in the \$800 fee, and there will be a charge for excess calls. The buyer is entitled to obtain a termite inspection and home inspection. Inspections are scheduled by the realtors. If the buyer requests repairs after the home inspection report is done, speak with your realtor first.

The seller is responsible for obtaining the smoke detector certificate, plus municipal certificate of occupancy if required by your town. Discuss these with your realtor. Please also arrange the walk through with your realtor.

### Closing date is approximate

You should understand that the proposed closing date in the Contract is an approximate closing date. The actual closing depends upon the buyer's mortgage company issuing a commitment and a mortgage check. We do not set the closing date that is set by the buyer's attorney. The realtor should be calling the buyer's attorney to determine time of closing and directions to the closing, not our office.

If Seller fails to timely obtain a written mortgage payoff statement, there will be an additional charge of \$100.00 for the Seller's attorney to obtain the written payoff statement.

SELLERS INFORMATION SHEET- To be filled out by seller and returned to seller's attorney

KENNETH VERCAMMEN & ASSOCIATES, PC

1. SELLERS NAME: (as it appears on deed)

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2. Real Estate being Sold: Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_  
Address: \_\_\_\_\_

3. Present Mortgage Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
Loan No. \_\_\_\_\_ 800 Telephone No. \_\_\_\_\_  
(Provide copy of payoff amount)

4. Other Mortgages, including Bridge Loans or Home Equity:  
Name of Mortgage Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
Loan No. \_\_\_\_\_ 800 Telephone No. \_\_\_\_\_  
(Obtain written copy of payoff amount from bank, a verbal payoff will not be good enough)

5. Social Security Number: (H) \_\_\_\_\_ (W) \_\_\_\_\_

6. Is any Seller age 62 or over? If so, name and date of birth: \_\_\_\_\_

7. Name, Address, Telephone number of Condominium Association, if any

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8. Type of Fuel: Gas \_\_\_\_\_ Oil \_\_\_\_\_

PLEASE ATTACH A COPY OF TITLE INSURANCE, SURVEY, & DEED (not original)

9. Marriage Information:  
Date of Marriage \_\_\_\_\_ Maiden or Prior Name(s) \_\_\_\_\_  
Prior Marriages \_\_\_\_\_

(copy of Final Judgment of Divorce needed, not original)

2. New case: Motion to suppress granted when police did not obtain telephonic search warrant for car. STATE v. SHANNON  
A-2549-08T4 02-03-11

The court reversed defendant's conviction of possession of cocaine, finding his motion to suppress the cocaine found in a warrantless search of his Jeep should have been granted. The

search was not incident to arrest, did not occur late at night, the stop was in a residential area, and four Asbury Park Police Officers were at the scene with defendant, who was alone. The court found no exigency existed pursuant to State v. Pena-Flores, 198 N.J. 6 (2009).

3. Next events:

**Middlesex County Bar Association Practice Area Awards Dinner**

**March 16th @ 6:15pm**  **The Pines Manor, 2085 Route 27, Edison**

**Municipal Court Practice Award- Jeremy Solomon, Esq.** He has served throughout Middlesex County as a highly respected and experienced Municipal Prosecutor. Mr. Solomon prosecutes in East Brunswick, South Brunswick and Middlesex Boro. Past award winners include John Novak and Ken Vercammen  
<http://www.mcbalaw.com/cde.cfm?event=320702>

**St. Patrick's Day March 17**

**5:30 Green Derby** 2024 Woodbridge Ave Edison, NJ 08817- **Stop by and Ken V will buy you a beer**

**6:15 Hailey's Harp And Pub- Stop by and Ken V will buy you a beer**

400 Main Street

Metuchen, NJ 08840-1807

7:15 Edison Elks **Stop by and Ken V will buy you a beer**

375 Old Post Road Edison, NJ 08817-4653

3/20/2011 St. Paddy's 10 miler & 5k 9:30 Freehold Keg of beer and some food great FARC event keg is outside. Dress warm

3/26/2011 Rat Race 10:00 AM - 10K and 11:00 AM - 20K Wells Mills Park on Barnegat Bay, Waretown, plenty of free beer, fun Bill Scholl party Rumson Hash event exit 69 on parkway

Sunday, March 27, 5K Run at 10 AM [Captain Ron Zinn 5k](#) WALL TOWNSHIP RECREATION COMPLEX, OFF ALLAIRE ROAD, WALL TWP, NEW JERSEY.

Saturday, April 2, [Fools Run](#) 5k 11am Manasquan, NJ

April 3, 2011 Indian Trails 15k, 5k 9am Middletown [Ken V is past winner]