

TEXAS REALTOR®

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December 2021 \$3.50

SEE
YOU

MORE PEOPLE ARE
BUYING HOMES THEY'VE
NEVER VISITED
HERE'S HOW YOU CAN WORK WITH THEM

LATER! p. 20

Make the Most of
Scripts and Dialogues,
Plus Mistakes to Avoid
p. 22

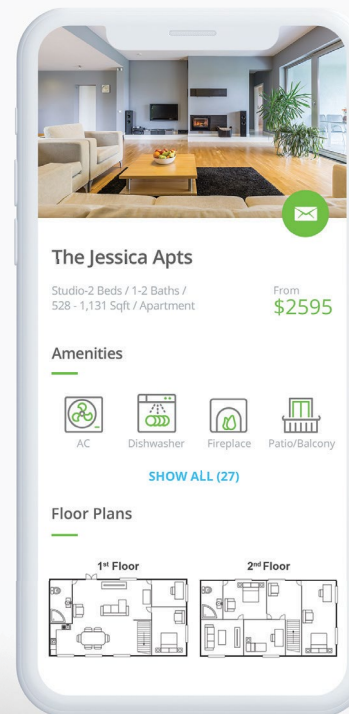
Cemetery on
the Property?
p. 16

Yes, TikTok
can Boost
Your Business
p. 10



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CONTACT THE EDITORS
 editor@texasrealtors.com
 512-480-8200
 P.O. Box 2246
 Austin, TX 78768-2246

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 Mohanna Sales Representatives
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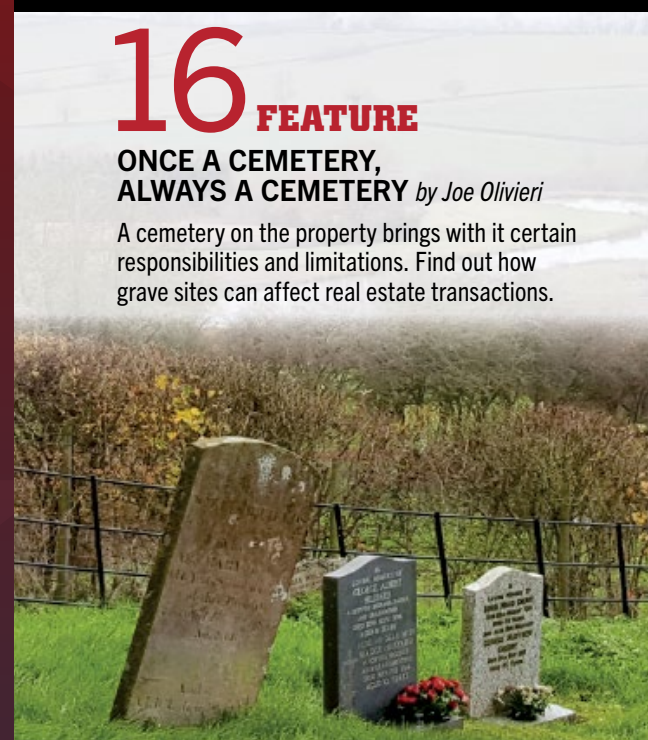
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CONTENTS

16 FEATURE

**ONCE A CEMETERY,
 ALWAYS A CEMETERY** by Joe Olivieri

A cemetery on the property brings with it certain responsibilities and limitations. Find out how grave sites can affect real estate transactions.



24 FEATURE

**HOW DO YOU
 COMPARE
 TO OTHER
 REALTORS®
 IN TEXAS?**

From assistants to drones to how much money they're making, learn how your fellow REALTORS® do business with insights from this year's Profile of Texas REALTORS® Members report.



20 COVER STORY

**HELP CLIENTS BUY
 HOMES THEY'VE
 NEVER VISITED**

by Joe Olivieri

Buying homes sight-unseen is becoming more popular, especially among folks from around the country flocking to the Lone Star State. Here's what you can do to help these buyers get to closing.



INSIGHTS

4 Chairman's column:
 Balance and forward progress

Texas REALTORS® named a Top Workplace of Greater Austin for a third year in a row

5 Texans shine at NAR conference

Highlights from a year filled with advocacy

BUSINESS

6 You can count on these licensed professionals

7 Do your clients know what to expect?

8 What you need to know about working with mortgage professionals

10 Using TikTok in your real estate business

12 Avoid these pitfalls to get the benefits of social media

LEGAL & ETHICS

14 Get up to speed on revisions to liability laws for farms and farm activities

Your Forms:
 Commercial Landlord's Rules and Regulations

15 Complete your Code of Ethics training by December 31

What happened at TREC's November meeting

SHARE THIS

27 Your REALTOR® gives you resources you can trust

TAKE 5

28 What was your name again?

19 FEATURE

**7 TIPS TO MAKE
 TAX PREP EASIER**

You can make tax preparation simpler and less stressful for yourself.



22 FEATURE

**STICK TO
 THE SCRIPT**
 by Bernice Ross

If you're ready to convert more leads into appointments and closed transactions, mastering the right scripts is the place to begin.





Chairman

Balance and Forward Progress—two key factors in the lives of healthy people, strong businesses, and relevant organizations.

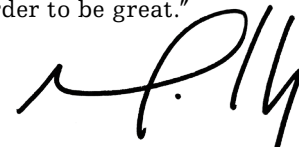
Both of those qualities are at the very core of Texas REALTORS®. Both are important as we conclude 2021 and transition into 2022. And yet, sometimes balance and forward progress can be challenging to achieve.

How do we achieve balance? When riding a bike, you make small, minor, equilibrium-gaining adjustments in multiple directions while leveraging momentum. Texas REALTORS® listens to members who have input and feedback in order to best adapt and meet the goal. Balance is made easier by forward progress.

Forward progress is a product of aiming in the desired direction, application of the right amount of energy, and doing the hard work over time to see the results happen. At Texas REALTORS®, forward progress originates with the strategic planning process, continues with budgeting, and goes to work through the leadership election and committee-member selection process. As we often say, the plan drives the budget, the budget drives the resources, and the people make it happen.

The balance we have experienced will continue with forward progress into 2022 under the watch of some great new leaders and strong committee members.

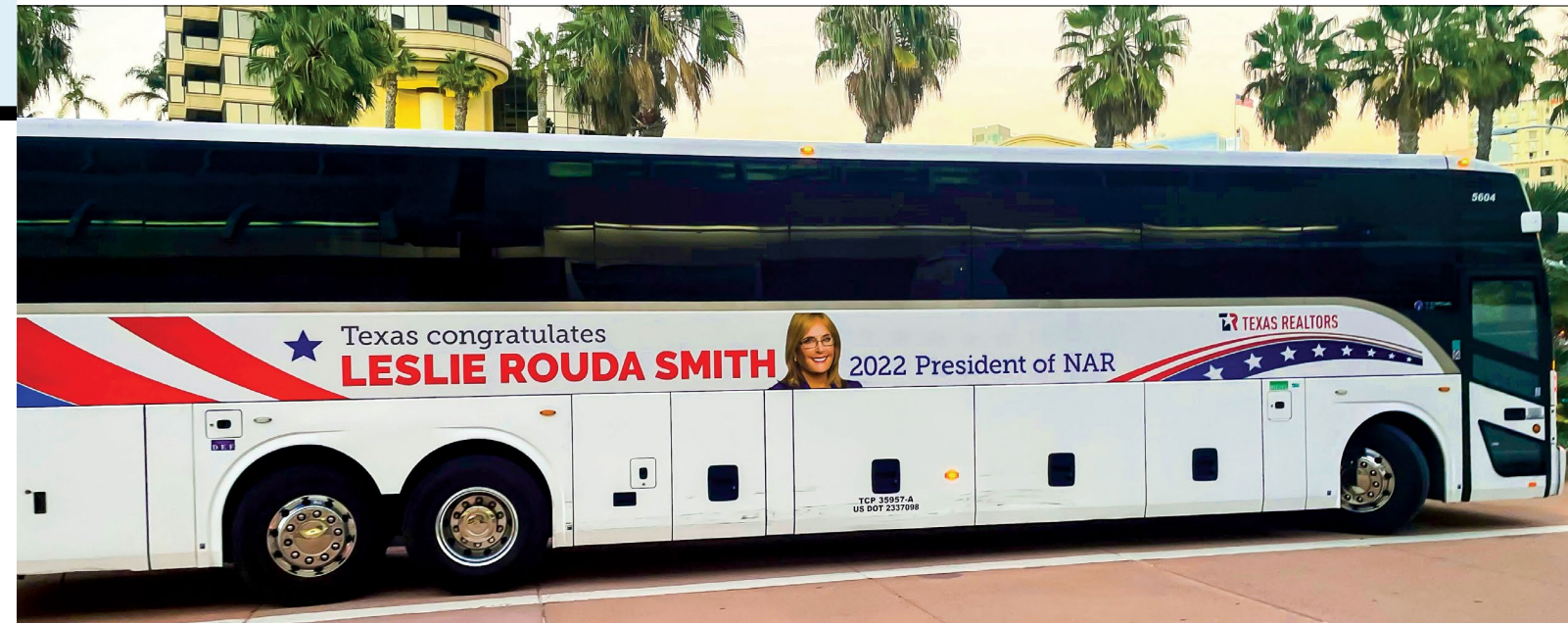
On a personal level, if your life or your business feels like it may be lacking balance, start with forward progress. As we prepare for a new year, focus on starting strong. Create some forward progress. The balance will happen. As Zig Ziglar said, “You don’t have to be great to start, but you have to start in order to be great.”



Marvin Jolly

“LIFE IS LIKE A BICYCLE.
TO KEEP YOUR BALANCE,
YOU MUST KEEP
MOVING FORWARD.”

-ALBERT EINSTEIN



Texans played a prominent role at the national REALTORS® Conference & Trade Expo in San Diego in November with the following officer installations and awards:

- Leslie Rouda Smith**, NAR president
- Kaki Lybbert**, NAR vice president of advocacy
- Sylvia Seabolt**, Women’s Council of REALTORS® president
- Chris Kelly**, broker relations liaison
- Sydney Ealy**, Good Neighbor Award recipient

TEXAS REALTORS® ADVOCACY IN 2021

Despite many challenges due to the COVID-19 pandemic, your state association accomplished a great deal—and even set new records—in 2021 while advocating for REALTORS® and fighting for private property rights. Here are the numbers behind those efforts:

\$5,843,601 TREPAC raised (an all-time high)

44% of Texas REALTORS®—**58,841** members—invested in TREPAC

3,224 bills and resolutions followed during the 87th Texas Legislature (regular session and three special sessions)

12,500+ messages sent to Texas House of Representatives to support HOA reform

533 Texas REALTORS® serving on Legislative Contact Teams

181 online meetings over four weeks during first-ever virtual REALTOR® Day at the Texas Capitol

1,230+ interactions between Legislative Contact Team members and Texas legislators

81% of REALTOR®-supported local candidates won or moved to runoff in May 2021 election.

72,211 page views on knowyourtaxes.org property tax education campaign website

47 bills supported by Texas REALTORS® were signed into law

18 million+ impressions for You Deserve to Know digital ads

100% of bills opposed by Texas REALTORS® failed to pass

TOP WORK PLACES 2021

TEXAS REALTORS® AMONG AUSTIN’S BEST WORKPLACES FOR 2021

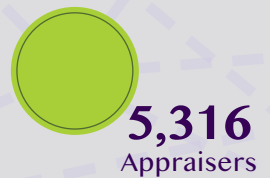
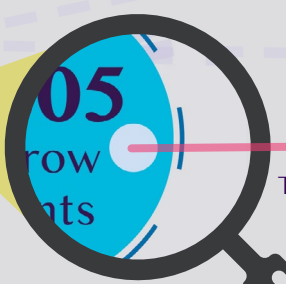
Texas REALTORS® is a Top Workplace of Greater Austin for a third year in a row. The *Austin American-Statesman* honored Texas REALTORS® based on employee surveys about the association’s culture.

“Being named a Top Workplace for three years running speaks to our staff’s ongoing commitment to excellence,” says Texas REALTORS® CEO Travis Kessler. “Our staff is dedicated to serving our members every day, and they bring that same consistency to creating a dynamic, thriving workplace. I could not be prouder of our team.”

Learn more at topworkplaces.com/company/texas-realtors/statesman.

YOU CAN COUNT ON THESE LICENSED PROFESSIONALS

As a member of the Texas real estate industry, you may not know that you have a network of more than 230,000 licensed professionals. It takes many practitioners from several disciplines to make each transaction run smoothly. Here is a breakdown of the most recent numbers (as of press deadline) of active and licensed real estate professionals in Texas.



SOURCES: Texas REALTORS®, Texas Real Estate Commission, Texas Appraiser Licensing and Certification Board, Texas Board of Professional Engineers and Land Surveyors, Texas Department of Insurance, Texas Financial Commission

DO YOUR CLIENTS KNOW WHAT TO EXPECT?



Unrealistic expectations can lead to disappointed and unsatisfied clients. However, you can take steps to avoid going down that path.

With the dynamic real estate market, Job Hammond, associate broker at Dash Realty, Austin, and adjunct professor of real estate at Austin Community College, says, "Communication and trust are essential components of managing expectations with clients."

Ask Questions

Determine ahead of time if your clients' thoughts are in line with the current market. Learning about their previous real estate experience and what they hope to spend or receive for their home is a way to gauge how much you may need to readjust their expectations.

Educate

One way to eliminate obstacles is to be honest and clear in the beginning. When it's a strong seller's market, Hammond tells his clients, "There is no longer a dream house; the dream is getting a house." When it comes to his sellers, he advises that the offers that are received represent the definition of the market price.

Offer Solutions

If your client's want list is not realistic, be ready with other achievable options. For example, Hammond knows that many sellers will not want to show or close during the holidays, so he encourages his buyers to view vacant houses.

The more your clients know and understand, the happier they will be, making your job easier.

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ASK A MORTGAGE PROFESSIONAL

This is part of a series of interviews with other professionals who participate in the real estate transaction.

Jean-Marie Warren

- Mortgage loan officer, Regions Bank in San Antonio
- 2020 president, Texas Mortgage Bankers San Antonio

How do you normally interact with real estate agents?

Warren: As a loan officer, I usually get referrals from REALTORS® to contact their potential buyers. And I then stay in communication with them throughout the qualification process and getting the loan approved.

Cahill: Ideally, the best time to have the mortgage and the real estate people interacting is before the buyers go out shopping for houses. Having that preapproval letter in hand before they go out shopping means they don't fall in love with a house that they're not going to have an opportunity to win on.

What are some of the most common topics that you deal with?

Warren: My job is to provide clients with an understanding of what their options are when applying for a loan, because it is not one size fits all by any means. I get their story from them in the initial prequalification process. After having pulled a credit report, I can pretty well determine which kind of bucket they'll fall into as far as what they can qualify for. And then we discuss the various options within the range that they're in. Then it's a matter of them choosing what fits their personal goals.

Rachel Cahill

- Residential mortgage loan originator, Rocket Mortgage
- Associate broker, eXp Realty in Dallas
- Author/educator, Alliance Academy

Cahill: Dealing with borrowers who have credit issues and income instability is probably the most frequent issue that comes up. Self-employed borrowers have the hardest time, and after COVID, the underwriting guidelines require more documentation.

Another common topic would be proof of funds. I talked with a borrower who was ready to make an offer on a house; she needed a preapproval letter. As we were talking, she informed me that her assets were in her closet in the safe, not in the bank. We call that "mattress money," and unfortunately, mattress money is not used for qualifying. It has to be in the bank and "seasoned" for at least two months.

What do you wish real estate agents knew about your business?

Warren: I wish agents were more aware of mortgage guidelines. If they were, they would recognize possible roadblocks or obstacles during their initial client meetings and get their clients in front of a loan officer as soon as possible. If agents skip those discussions about resources and expectations, or don't know the guidelines, they might be wasting clients' time showing them homes for which they cannot secure funding.

Cahill: I wish agents could help communicate to their

clients about the importance of deadlines and that small delays can add up. Often, buyers don't know how important it is to submit the requested documentation promptly. There are so many transactions going through each lender right now, so if the buyer isn't ready, the lender will move on to the next transaction that is ready. A delay of a day here or there can delay the closing.

I also wish that agents understood the loan process and loan types a little better. Real estate agents don't need to know everything about the loan process, but understanding some basics could save them time and make sure they are working with clients who are able to purchase a home.

What are the most common misperceptions about your role in the real estate transaction?

Warren: Some agents think loan officers have latitude as far as what fees are being charged or what interest rate or discount points are being charged. We honestly don't have that anymore. Also, we do not have control over appraisals. They are dependent on market data.

Cahill: A common misperception is that agents and loan officers aren't on the same team. An agent may say, *oh, your loan officer is going to take care of that.* We're working for the same client and mutually working together. You want to have a good partnership and good communication. Set up a high-trust relationship where the loan officer feels comfortable communicating with you when things are going wrong. It can be a challenge when buyers pick a lender you don't know or a large lender with a customer service department. But learning how to keep communications flowing in those situations will benefit your clients.

What questions should real estate agents and their clients ask lenders?

Warren: REALTORS® should ask about the processes for a particular lender. Do you underwrite the file as soon as it's turned into processing, or do you wait until

everything is in before you send it to underwriting? Do you offer a preapproval without a property address? Get to know what programs are being offered by lenders.

What are the most important criteria when choosing a mortgage broker?

Cahill: I would say experience, especially if you're working with borrowers who have complicated backgrounds. You need somebody who really knows how to navigate the system. Also, having multiple types of products is helpful. And the lenders you work with should know what they are good at and what they're not good at and can make strong referrals when they can't help your buyers.

Anyone who accepts a residential mortgage loan application or offer or negotiates the terms of a residential mortgage in Texas must have a mortgage loan originator license from the Texas Department of Savings and Mortgage Lending.

Remember: You cannot pay mortgage professionals fees or other valuable consideration for referrals or for being included on a list of preferred agents. You also cannot accept fees or valuable consideration from mortgage professionals for referrals or inclusion on such lists. Read the full rules pertaining to settlement service providers in RESPA Section 8(a) and TREC Rule Section 535.148.

For more information on the difference between prequalification and preapproval, visit texasrealestate.com and search *preapproved*.

TIME TO GIVE TIKTOK A CHANCE?

If you think TikTok is full of teens posting lip-syncing videos, you wouldn't be wrong. But the popular app can also be a fun and innovative way to market your business to an older audience.

More than half of U.S. TikTok users are 30 or older, according to recent estimates by research and analysis firm Statista. Worldwide usage of the app has topped 1 billion people, with about 130 million active users in the U.S. Here are some tips to consider if you're interested in getting started on TikTok.

Show Off Your Best Listings

One way agents use TikTok is by showcasing listings. It's important to highlight top selling points to quickly catch your audience's attention. That will make viewers more likely to scroll through your page, give you a follow, and reach out if they're looking to buy or sell a home.

Give Helpful Information

TikTok is full of creators sharing useful advice on just about anything. You can use the app to give simple but useful tips to users on a variety of real estate topics. Consider making short videos with information that isn't widely known but comes in handy when buying, selling, or renting a home. You might also provide info on how to get started and be successful in the real estate industry or even share lighthearted content relating to the profession that fellow agents may enjoy. Keep in mind, though, to not post content you wouldn't want potential clients to view.

Use Hashtags

Hashtags are a great way to boost content on most social media platforms, including TikTok. These tags make your content easier to find when users search a specific word or watch a lot of videos about certain topics. Include hashtags you think users might search if interested in real estate. Examples include #realestate, #forsale, #homeforsale, #property, and #openhouse. You may also want to include the name of your city, area, or neighborhood, and the name of your business, brokerage, or team.

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Do you use TikTok in your real estate business? *Texas REALTOR*® may want to interview you for an upcoming article. Send an email to editor@texasrealtors.com with the subject line "TikTok."



TikTok: The Basics

- Before you can post your own videos, you must download the app and create an account.
- You can record videos from 15 seconds to three minutes long. You don't have to record everything at once; you can record short snippets and save unfinished TikToks to be posted later.
- Like other social media apps, TikTok uses an algorithm to show users' content. Every user has a For You Page, which is populated with videos selected by the algorithm.
- Users don't have to rely on their For You Page to watch content. They can also follow creators or search for topics of interest.

Analyst

Life Coach

Interior Designer

Project Manager

Real Estate Agent



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DON'T LET SOCIAL MEDIA HURT YOUR BUSINESS

Social media is great for building your brand and finding new leads. However, your activity could be driving prospects away and you may never know it. For example, you probably won't hear from the people who see your social posts, take issue with them, and decide not to hire you. Therefore, when interacting on social media, consider the following do's and don'ts:

DO

- Take the time to proofread before posting. While everyone makes mistakes, sloppy posts may give prospects the impression that you are also careless in your work as a real estate professional. Try loading a grammar app like Grammarly or Hemingway to help catch typos or other grammatical issues.
- Be aware of your tone and how you may be coming across. While it is easy to get caught up in a discussion or debate, be respectful and positive so your true intentions are not misunderstood.
- Make sure the content you share, even on your personal channels, aligns with your brand.
- Ask permission before posting a customer's picture or personal information.

DON'T

- Argue, criticize, or call names. You may not agree with someone or like something another business has posted, but lashing out will only make you look bad. Ask yourself if you would react the same way in person.
- Make judgments about others' motives. Instead, stick with the facts.
- Get caught up in the drama. Step away and give yourself time before replying. After a break, you may decide responding is not worth it.
- Assume that someone won't look you up or share or retweet something you have said.

Remember that just because you're using your personal account, it doesn't mean it won't affect your business. Always be mindful of others and the content you share to protect your reputation.



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A specialty plate costs \$30 per year, with customized lettering costing an additional \$40 yearly. These fees are in addition to normal registration and other applicable fees.

\$22 of each plate fee goes to support the Texas REALTORS® Housing Opportunity Foundation.

All Texas drivers can display how great it is to live in the Lone Star State with this uniquely Texas illustration.

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HOUSING DISCRIMINATION? NOT IN OUR HOUSE.



If recent events have taught us anything, it's this: we have more work to do. Racism is real, tragically so. Discrimination, in all its forms, still casts a long shadow in this country, and too many are being denied the opportunities that all Americans deserve. Our commitment to the diverse communities we serve starts with a Code of Ethics. Our code sets a higher standard for fairness in housing than any federal law, it's backed by a culture of member accountability, and it extends to our work on Capitol Hill, where we continue to advocate for meaningful change.

At Texas REALTORS® we believe that fairness is worth fighting for, and we won't stop until the fight is won. Because that's who we are.

If you experience or witness discrimination in real estate, we urge you to report it.

Visit hud.gov/fairhousing to file a complaint with the Department of Housing and Urban Development.



BEES ARE FARM ANIMALS NOW?

Revisions to Texas liability laws expand the definitions of farms, farm animals, and farm animal activities.

Your farm & ranch clients will want to know about new changes to the Texas Farm Animal Liability Act, sometimes called the Texas Farm Animal Activity Act. The act became law in 1995 and has been amended in 2001, 2011, and earlier this year.

The purpose of the Texas Farm Animal Liability Act is to limit liability for injuries and property damage that occur because of the inherent risks involved in working with farm animals and conducting farming activity. The act does not provide protection in other circumstances, such as where the injury or property damage was the result of faulty equipment, failing to gauge whether the activity could be safely performed, or failing to post conspicuous warning signs.

The latest update, House Bill 365, clarifies that farm owners and lessees are protected under the act. The term *farm* is now broadly defined to include any real estate that is wholly or partially used to raise crops, livestock, bees, or fish. Honeybees in a managed colony are now considered farm animals. The definition of *farm animal activities* was expanded to include vaccinating, transporting, and assisting in customary tasks concerning farm animals.

Farm owners, farm lessees, or farm animal professionals must post warning signs in clearly visible places near stables, corrals, or arenas. The required warning sign language has been amended to say: "Warning: Under Texas Law (Chapter 87, Civil Practice and Remedies Code), a farm animal professional or farm owner or lessee is not liable for an injury to or the death of a participant in farm animal activities, including an employee or independent contractor, resulting from the inherent risks of farm animal activities."

The Texas Farm Animal Liability Act does not change anything related to the state's rules on workers' compensation or an employer's ability to refuse to subscribe to the workers' compensation system.

To learn more, visit statutes.capitol.texas.gov and in the drop-down menus select *Civil Practice and Remedies Code, Chapter 87, Liability Arising from Farm Animals*, and sections 001 through 005.

Your Forms

The *Commercial Landlord's Rules and Regulations* (TXR 2108) is designed to be used with the *Commercial Lease* (TXR 2101). The rules and regulations are intended to maintain the safety and appearance of the property. The notice includes instruction on how the space should be used and guidance on allowed storage, onsite food, and parking, among other directions. Any exceptions or waivers to the rules and regulations must be authorized by the landlord in writing. Tenants initial the form to acknowledge that they have received the notice and that they agree to comply with any future changes to the rules that the landlord may make over time. The *Commercial Landlord's Rules and Regulations* is one of more than 40 commercial forms exclusively available to Texas REALTORS®.



Don't Let Your REALTOR® Membership Get Suspended

Deadline: December 31

If you haven't yet satisfied NAR's requirement to take Code of Ethics training, you have until the end of the year. Otherwise, you will no longer have access to membership rights, privileges, and services from your local, state, and national REALTOR® association.

Visit texasrealestate.com/ethicstraining to check if you still need to satisfy this requirement.



HIGHLIGHTS FROM TREC'S NOVEMBER MEETING

The Texas Real Estate Commission met November 8. Here are highlights relevant to you:

Contract Updates Get Final Approval

The commission finalized changes that were approved on an emergency basis in August. These changes related to language in Paragraph 6 notifying parties that if the property is in a public improvement district, the seller must attach the statutory notice. The contracts were also changed to reflect the new addendum in Paragraph 22, Agreement of Parties. Finally, the changes remove the reference to TREC oversight of residential service companies, which are now overseen by the Texas Department of Licensing and Regulation. All changes previously approved on an emergency basis have been in use and available to Texas REALTORS® since September.

Proposed Changes to Broker Education and Experience Requirements

Based on feedback from the Broker Responsibility Working Group, TREC is considering the following changes to the education and experience requirements to get a broker's license:

- Applicants must have at least one transaction per year in four of the past five years.
- The experience points required to be earned by applicants is reduced from 3,600 to 360, along with corresponding reductions in the amount of points transactions are worth.
- Listings and buyer or tenant representation agreements no longer qualify for points, and a brokerage team management or delegated supervisory position is worth 12 points per month instead of 20, with no maximum on the number of points allowed.

Copies of the proposed changes, including how to comment on the proposals, will be posted on the TREC website.

Continuing Education Change

The commission amended the rule that allows license holders to obtain CE credit for a course taken to fulfill a requirement of a professional designation, such as GRI. Though the rule no longer lists specific designation courses, license holders may still receive CE credit for such courses as long as the providers have approval for the course through the usual course-approval process.

Texas REALTORS® Members Appointed to Committees

Several Texas REALTORS® members were appointed to TREC's Education Standards Advisory Committee. License holder members are Charles Porter, Kassie Locke, Julie Jackson, and Bob Baker (alternate). Educator members include Candy Cooke, Byron Underwood, and David Turnquist (alternate). The commission also confirmed Ruben Peña as a committee member. Congratulations to those Texas REALTORS® members volunteering to serve in these important roles!



ONCE A CEMETERY, ALWAYS A CEMETERY

by Joe Olivieri

The first burial transforms a parcel of land.

Once dedicated as a cemetery, the land becomes frozen in time, unable to be developed. The property owners cannot desecrate or change the land in a way that disturbs interred remains. Instead, the property owners are sort of like trustees holding the property for the benefit of those people buried or entitled to be buried in the property. Therefore, the property owners must allow family members to access the site.

That may sound like the end of a cemetery's story right there. But there's more involved if your clients are buying or selling property with at least one grave on it.

2018 Texas REALTORS® Chairman Kaki Lybbert bought and co-owns a cemetery in Grand Prairie and is knowledgeable about cemetery issues. 2014 Texas REALTORS® Chairman Dan Hatfield specializes in farm & ranch properties and has sold land with cemeteries on them. Here is information they have learned about handling final resting places.

FOR SELLERS

Most of the time, this issue comes up with farm & ranch properties—large tracts of land may have old homesteads on them, and those old homesteads may have cemeteries.

“For sellers, the rule is disclose, disclose, disclose,” Hatfield says. “If you have a cemetery, no matter how old it is, you need to disclose to whoever is buying it any pertinent information. Let them know if anyone has ever asked to see the grave, because the buyer would need to grant permission for the family to access it.”

Cemeteries often show up on property surveys. Many cemeteries—even small ones—appear in online databases such as findagrave.com and billiongraves.com, Lybbert says.

Sometimes, property owners are surprised to learn there's a cemetery on-site. Perhaps the owner hired someone with a bulldozer to clear brush

and the bulldozer operator accidentally damaged a hidden burial site. In that situation, the owner could face legal liability, Hatfield says.

“Nothing will prevent you from being sued, but at least if your client didn't have any knowledge at all, and the operator of the bulldozer didn't know, their testimony can help them defend themselves,” he says.

Typically, the first thing property owners do when they find a cemetery—or when buyers purchase property with a cemetery—is to fence it off. This keeps farm animals from getting in and damaging the graves, Hatfield says.

Property owners could also clean up the site by, say, cutting the grass, but they are not required to. Whatever your clients do, they cannot dismantle or destroy the graves. There are several offenses described in Sections 28 and 42 of the Texas Penal Code related to disturbing and damaging human burial sites that are punishable by fines and jail time.

FOR BUYERS

Hatfield recommends that buyers learn everything they possibly can about the cemetery because they will have to grant access to the graves. “Understand who the relatives are ... how often they come out there ... does the family do an annual pilgrimage to the site?”

Cemeteries are not considered a benefit to a property buyer since you cannot develop that land. “It's not a positive unless you are into Halloween or something,” Lybbert jokes.

That said, having a cemetery on a property is not a dealbreaker most of the time, according to Hatfield—just so long as everyone gets all the information they need and understands what's required of them.

“For 95% of these transactions, there's not an issue in the world, and most people are very respectful. It's not a big deal. For that 5% who want unlimited access to the site and everything else, you should know what your rights are. Be very aware that there are burdens that go along with what you have to deal with.”

continued on page 18...



For sellers, the rule is disclose, disclose, disclose. If you have a cemetery, no matter how old it is, you need to disclose to whoever is buying it any pertinent information.

- Dan Hatfield

MAYBE NOT FOREVER...?

The only way to remove a cemetery or apply any other use to the property, according to Section 711 of the Texas Health and Safety Code, is to have the cemetery dedication removed by a district court or if the cemetery is enjoined or abated as a nuisance.

“It is a real process to relocate graves: you need to contact all of the survivors, post the notice, and remove the graves and move them to another cemetery, among other tasks. For an individual landowner, you wouldn't really do it,” Dan Hatfield says, adding the only time it happens is when there's a project large enough to undertake the effort.

Photo: © Paula / stock.adobe.com



Photo © iStockphoto.com

continued from page 17...

There are buyers who purchase properties with cemeteries to get into the cemetery business, Lybbert says. Beyond selling plots, cemetery owners can make money offering burials, urns, monuments, tents for funerals, and other services related to the ceremony.

Even a small, 6-acre cemetery like the one Lybbert owns has a lot of capacity. “You figure there’s 43,000 square feet in an acre, and a cemetery plot is about 3 feet by 10 feet ... 43,000 square feet divided by 30— that’s a lot of spots, even though it’s a very old cemetery and we’ve got graves dating back to the 1870s.”

JOE OLIVIERI is assistant editor for Texas REALTOR®.

ACCESS GRANTED

When it comes to cemeteries, can anyone be buried there, or is it only for a certain family? There are differences between public and private cemeteries a property owner or prospective buyer should know about.

Public cemeteries allow anyone to be buried there and typically have a dedicated public access by easement. Maybe the public has its own entrance to the site, or the cemetery is accessible from a public road.

Private cemeteries could be small family plots in the interior of large tracts of land. In this case, state law requires the landowner to allow access to the cemetery during reasonable hours. There are provisions outlined in Section 711 of the Texas Health and Safety Code related to allowing access.

The cemetery could be carved out of the property if the cemetery can be accessed from a road. Most of the time, the cemetery is in the interior of the property, Kaki Lybbert says.

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These 7 Tips Make Tax Prep Easier

Few people would call preparing your taxes enjoyable, but there are several ways to make the process less stressful at the end of the year. Keisha Rondeno, certified public accountant and managing principal of Keisha L. Rondeno, CPA in Houston, offers these tips to help you have a better experience.

Know Your Deadlines. If you are an independent contractor, you’re required to pay estimated quarterly taxes on your net income on January 15, April 15, June 15, and September 15.

At the end of the year, independent contractors must pay any remaining estimated taxes and file their taxes. When you file depends on your business structure: S-corporations and partnerships file on March 15, while sole proprietors, LLCs, and corporations file on April 15.

Remember Your W-9s and 1099s. If you paid an independent contractor more than \$600 this year, they must give you a signed W-9 form so you can give them a 1099 form before the end of January.

Keep Track of Your Vehicle Expenses. Track your mileage throughout the year. Write down starting and ending mileage every time you drive for business. Showings, client meetings, and even potential client meetings count. Document your gas purchases, vehicle repairs, new tires, and registration—all of this may be partially deductible.

Deduct Home Office Expenses. “Working from your home office, there are expenses on the personal side that you can utilize for tax purposes,” Rondeno says. Rent, utilities, insurance, and repairs may be partially deducted from your taxes.

Your home office must be a dedicated workspace. You cannot deduct your children’s playroom, but you could if you had a dedicated space in that room where you only worked on real estate.

Save Those Restaurant Receipts. Through December 31, 2022, you or your business can deduct 100% of your food and beverage expenses at restaurants as long as you or the business owner is present when the food or beverages are provided, the expense is not lavish under the circumstances, and the meeting is with a client or prospective client. “Make sure you have a receipt for the meal you purchased. You have to say who you were with and what the purpose of the meeting was. You can simply write on the receipt, ‘Met with Jane Doe about the property she’s purchasing.’”

The pre-existing 50% deduction remains for buying food or beverages at businesses that sell primarily pre-packed food or beverages not for immediate consumption, such as grocery stores, convenience stores, and vending machines.

Listen to Experts, Not Social Media. There’s a lot of financial misinformation and misleading business advice on social media. Some influencers don’t explain how to implement the advice they’re describing. Rondeno recommends working with a tax professional or CPA who can correctly report deductions.

Keep Up with Your Bookkeeping. “The one thing that would help a lot of real estate agents that I always recommend is the earlier you start gathering your items together, the better. The longer you wait, the more tedious and difficult it will become. In a perfect world, you should record your information and the money going in and out on a weekly or monthly basis,” she says. Knowing where you stand with your finances helps you make smart business decisions because you know exactly how much money you are working with.

If you do not keep up with your bookkeeping and accounting, you tend to fall behind. “The hardest thing is having expenses from February or March and trying to remember what they were for in October or November.” When you fall behind, you are more likely to miss deductions you could have taken.

“
In a perfect world, you should record your information and the money going in and out on a weekly or monthly basis.

- Keisha Rondeno

Photo © iStockphoto.com

See You Later!

Buyers can and will close on properties sight-unseen. Here are some ideas to help them.

by Joe Olivieri

Are eager out-of-state buyers entrusting you with their relocations?

Are professional obligations keeping your out-of-town clients from touring the property?

Do your tech-savvy prospects just prefer doing business online now?

Buying homes sight-unseen is becoming more popular, especially among folks from around the country flocking to the Lone Star State. Amy Smythe Harris would know. The ASH Realty Group broker and real estate educator has been helping clients buy Houston-area homes sight-unseen for more than 13 years. “Because I’ve been doing it for so long, I think my mindset hasn’t changed that much. I think with the arrival of COVID-19, there are more and more consumers who are fine buying sight-unseen.”

Here’s her advice for how to help these clients get to closing:

Social Media Gets Them in the Door

While most of her clients who buy homes sight-unseen are referrals, Smythe Harris just recently connected with a few new prospects off

her online presence alone. Prospects are visiting your social media accounts and website before they ever reach out to you.

Listing agents will reach more remote buyer prospects by promoting active and coming-soon properties on their channels. Be sure to follow all MLS and advertising rules regarding coming-soon listings, and secure proper copyright permissions before uploading any media to the MLS or online. Make sure your photos and videos look their best. Smythe Harris recommends photo editing services such as [boxbrownie.com](#).

Meet Them Where They Are

Sometimes, Smythe Harris uses Facebook Live to livestream video. Other times, she will post a private video to YouTube. She also uses Zoom. Be able to use several methods and platforms to connect with clients. You may lose clients if you don’t use the platform they prefer. Be sure to get the written permission of the sellers or listing agents before videoing or livestreaming their property because there could be privacy issues involved with recording another person’s home.

Videos Are a Must

Whether recorded or livestreamed, videos are essential these days to help remote clients. As a buyer’s representative, you need to get yourself and the property on camera before your buyers consider making an offer. Listing agents need to offer video walkthroughs; clients near and far are relying on this footage to review the property. Smythe Harris has also recorded videos of driving to the property to give buyers a feel for the neighborhood.

Do Your Homework

It’s likely your sight-unseen clients will already have done lots of research online. Smythe Harris gives clients 27 documents in addition to the buyer offer package. “It’s all of the analytics I can find: the RPR, days on market, the mortgage loan inspection, the trends analysis I run. They see all of that,” she says.

A few things she doesn’t provide are data on crime, nearby sex offenders, and whether someone died on the property. Smythe Harris points them to the Texas Department of Public Safety, the state’s sex offender registry, and [diedinhouse.com](#).

Ask About Clients’ Top Concerns

In-person and remote buyers alike will want to know about the major homeowner topics, such as the quality of local schools. Remote buyers may have other, less obvious concerns. “I have a lot of people who don’t like it if the streets are narrow. I tell them to look on Google Street View before we look at a property.”

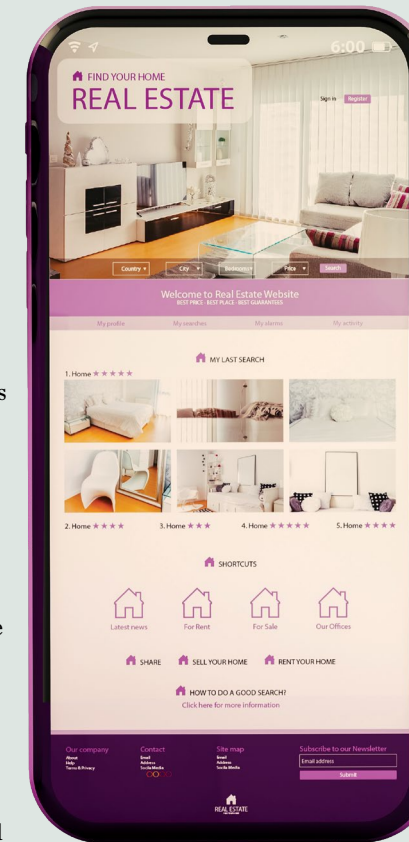
Find Compatible Vendors

Years ago, Smythe Harris would attend closings via Skype. “If a title company wouldn’t allow me to Skype in, then I would request a different title company,” she says.

Trust and Rapport Are Everything

Spending six figures or more on a property without ever setting foot in it takes trust. The relationship you build with your sight-unseen buyers is what makes these sales possible. It’s all about hearing your voice, responsive communication, and accountability, she says. ✨

JOE OLIVIERI is assistant editor for Texas REALTOR®.



When using photo and video apps, avoid misrepresentation or exaggeration. Do not edit images and videos in any manner that could violate TREC rules or sections of the Code of Ethics related to presenting a true picture in advertising.



THESE FORMS CAN HELP YOU

Buyers who choose to make offers without having physically visited the property may be more likely to find surprises when they finally visit for the first time. The following forms note the importance of seeing a property first-hand at certain points and document whether a buyer chose to proceed with a transaction without ever visiting the property in person.

General Information and Notice to Buyers and Sellers (TXR 1506) provides helpful information on a number of topics, including a paragraph titled Inspections, Repairs, and Walk-Through. This paragraph notes that buyers should not only have the property inspected by a professional but should accompany the inspector during the inspection. It also states that buyers should walk through the property prior to closing to ensure that repairs and other contractual provisions have been met.

Buyer’s Walk-Through and Acceptance (TXR 1925) has a section to indicate if the buyer has walked through the property or has chosen not to. The form also states that the buyer accepts the property in its current condition. By requesting that the buyer signs this form with the appropriate box checked, you get clear written documentation that the buyer chose to proceed with the transaction despite not having visited the property.

NOTE: The business apps, software, and platforms listed in this article are recommended by this source alone and provided as a service to members. Inclusion of these apps, software, and platforms does not imply any endorsement, approval, or certification by Texas REALTORS®, and their use is completely voluntary. Furthermore, Texas REALTORS® does not guarantee the accuracy, completeness, or efficacy of information obtained via such source and is not responsible for, and expressly disclaims all liability for, damages of any kind arising out of their use, reference to, or reliance on.

Stick to the Script

How to persuade like a top producer. by Bernice Ross



One thing virtually all top producers have in common is mastery of their scripts and dialogues. In the hands of a top producer, a great script sounds completely natural, easily overcomes client objections, and moves the client forward to closing. If you're ready to convert more leads into appointments and closed transactions, mastering the right scripts is the place to begin.

Did you know that most successful cold callers have their scripts in front of them even if they have been making cold calls for years?

While there are hundreds of real estate scripts to choose from, the real issue is identifying which scripts will work best for you and your business. The best scripts are short, ask a question, are easy to remember, and strengthen the connection between you and the client. They must also sound unscripted.

Why so few agents use scripts effectively

Agents struggle with scripts for a wide variety of reasons. Here are some of the most common ones:

1. They don't listen

When agents first start using a script, they're so focused on what to say that they often fail to hear what the client actually says. Here's one of my favorite examples from the Mike Ferry Organization.

Agent: When do you plan on moving?

Prospect: When I die.

Agent: And when will that be?

Although this script meets two important criteria of a successful script (i.e., it's short and it asks a question), the challenge in this case is that the agent failed to hear what the client is saying.

2. The script is too long

The longer a script is, the more difficult it will be to remember. Shorter is better.

3. The script is focused on telling rather than questioning

The person asking the questions controls the conversation. Rather than focusing on why the prospect

should hire the agent, the most effective scripts ask a series of questions instead.

4. It sounds like they're using a script!

For a script to work for you, it must mirror how you normally speak. If it doesn't fit your speech patterns, it comes off as sounding artificial and breaks the connection with the prospect.

Consequently, begin by reading the script out loud and recording it on your mobile device. If it doesn't sound right, rewrite the script. Repeat the recording and replay process until it sounds natural. Continue to replay the recording until you can repeat the script from memory and it sounds natural.

The main elements of a script are a greeting (avoid *Hello* because it starts with an upstroke that makes you sound weak), your name and company, the reason you're calling, and a closing question. Here's an example of this basic format for prospecting for first-time buyers:

Agent: Good morning. I'm Sally Agent with ABC Realty, and I specialize in helping renters become homeowners. Is help with becoming a homeowner a service you want?

Prospect: I'd like to become a homeowner now but don't have the down payment.

Agent: Let's set a time to meet where I can go over the different down payment assistance programs in our area that can help you to buy now. Does tomorrow morning at 10 a.m. work for you or would 4 p.m. be better?

Always remember, your primary goal when you use a script is to set a face-to-face appointment where you can get a contract signed! ✪

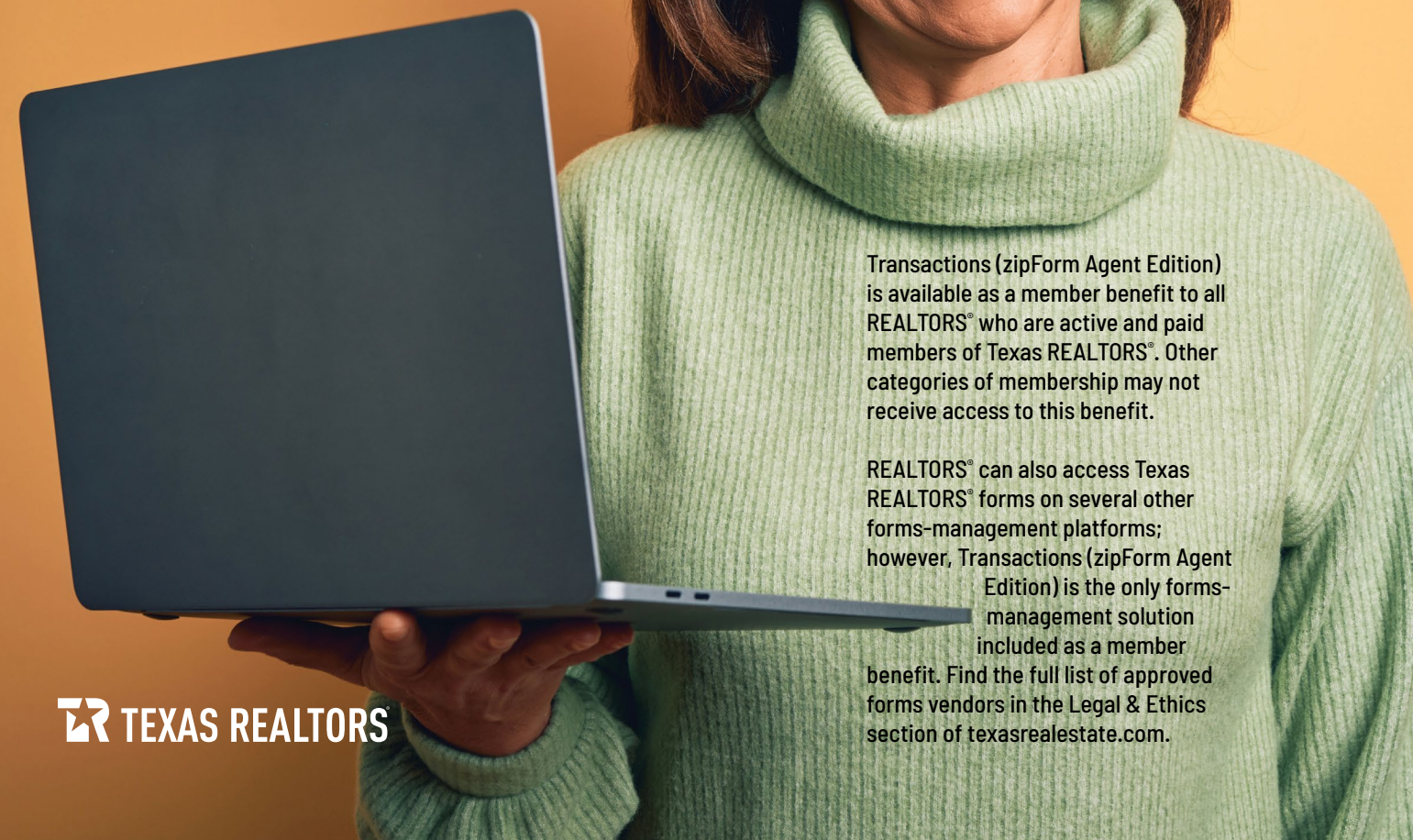
BERNICE L. ROSS, the CEO and president of BrokerageUP!, Inc. and realestatecoach.com, is an international author, speaker, and trainer with over 35 years of real estate sales and leadership experience. Based upon over 1,400 published articles, four best-selling real estate books, plus authoring the CAR WomanUP! white papers, Inman News called Bernice "America's Top Real Estate Coach."

Do You Use zipForm?

Texas REALTORS® Has You Covered!

While NAR is no longer providing zipForm as a member benefit starting in 2022, don't worry ...

You will continue to receive this powerful forms management solution—now called Transactions (zipForm Agent Edition)—as part of your member benefits from Texas REALTORS®. You also get unlimited signatures from Digital Ink.



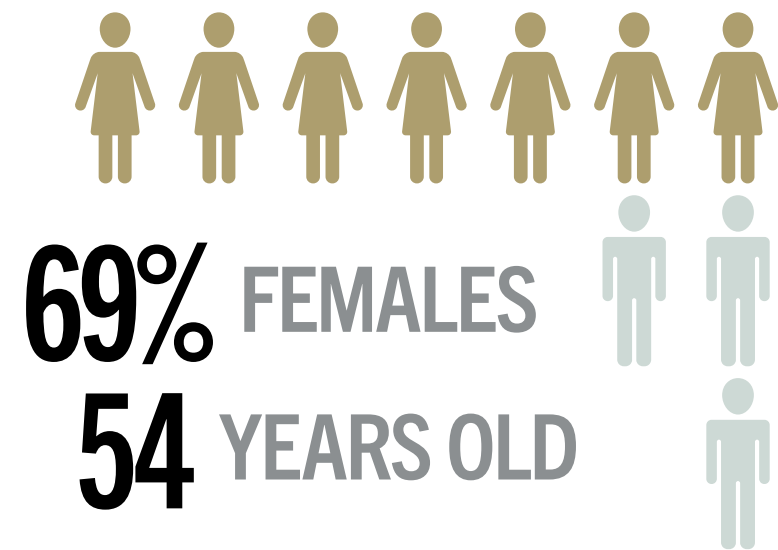
Transactions (zipForm Agent Edition) is available as a member benefit to all REALTORS® who are active and paid members of Texas REALTORS®. Other categories of membership may not receive access to this benefit.

REALTORS® can also access Texas REALTORS® forms on several other forms-management platforms; however, Transactions (zipForm Agent Edition) is the only forms-management solution included as a member benefit. Find the full list of approved forms vendors in the Legal & Ethics section of [texasrealestate.com](https://www.texasrealestate.com).

 TEXAS REALTORS

WONDERING HOW YOU COMPARE TO OTHER REALTORS® IN TEXAS?

Check out these highlights from the 2021 *Profile of Texas REALTORS® Members*.



30% OF TEXAS REALTORS® HAVE LESS THAN 3 YEARS OF EXPERIENCE

26% HAVE MORE THAN 15 YEARS

82% ARE VERY CERTAIN THEY WILL REMAIN AN ACTIVE REAL ESTATE PROFESSIONAL OVER THE NEXT TWO YEARS.

14% ARE SOMEWHAT CERTAIN.

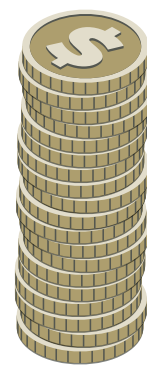
NUMBER OF PERSONAL ASSISTANTS



MOST COMMON TASKS FOR PERSONAL ASSISTANTS

- Process new listings and enter them in the MLS
- Manage closing paperwork

Notes: Information about compensation, earnings, sales volume, and number of transactions is from the 2020 calendar year, while all other data are representative of member characteristics in early 2021. The primary measure of central tendency used in the report is the median, which is the point at which half of the responses are above and below the reported number.



GROSS INCOME

before taxes

\$32,140 FOR AGENTS
\$80,560 FOR BROKERS
\$123,800 total household income

SALES

10 TRANSACTIONS
\$1.9 MILLION SALES VOLUME



AGENCY
11% exclusive buyer agents
6% exclusive seller agents

58% OF TEXAS REALTORS® SAID **LACK OF INVENTORY LIMITED POTENTIAL CLIENTS** IN COMPLETING A TRANSACTION

PROPERTIES MANAGED: (median for property managers) **39**

REALTORS® WITH AT LEAST **16** YEARS OF EXPERIENCE GENERATED **44%** OF BUSINESS FROM PAST CUSTOMERS AND CLIENTS.

THAT'S TWICE AS MUCH AS REALTORS® WITH 6-15 YEARS OF EXPERIENCE.



MEDIAN ANNUAL SPEND ON SOCIAL MEDIA ADVERTISING:

\$60

11% spent at least \$1,000
5% generate more than half their business via social media

7% HAVE A BLOG

36% ARE AFFILIATED WITH A FRANCHISED COMPANY

5 YEARS' TENURE AT CURRENT FIRM

57% GET **E&O** PROVIDED BY FIRM

26% ARE MEMBERS OF A TEAM
Median team size: 3 members



6% personally use drones
33% hire professional drone operators

95% ARE REGISTERED TO VOTE
93% VOTED IN LAST NATIONAL ELECTION
86% VOTED IN LAST LOCAL ELECTION

70% VOLUNTEER IN THEIR COMMUNITY

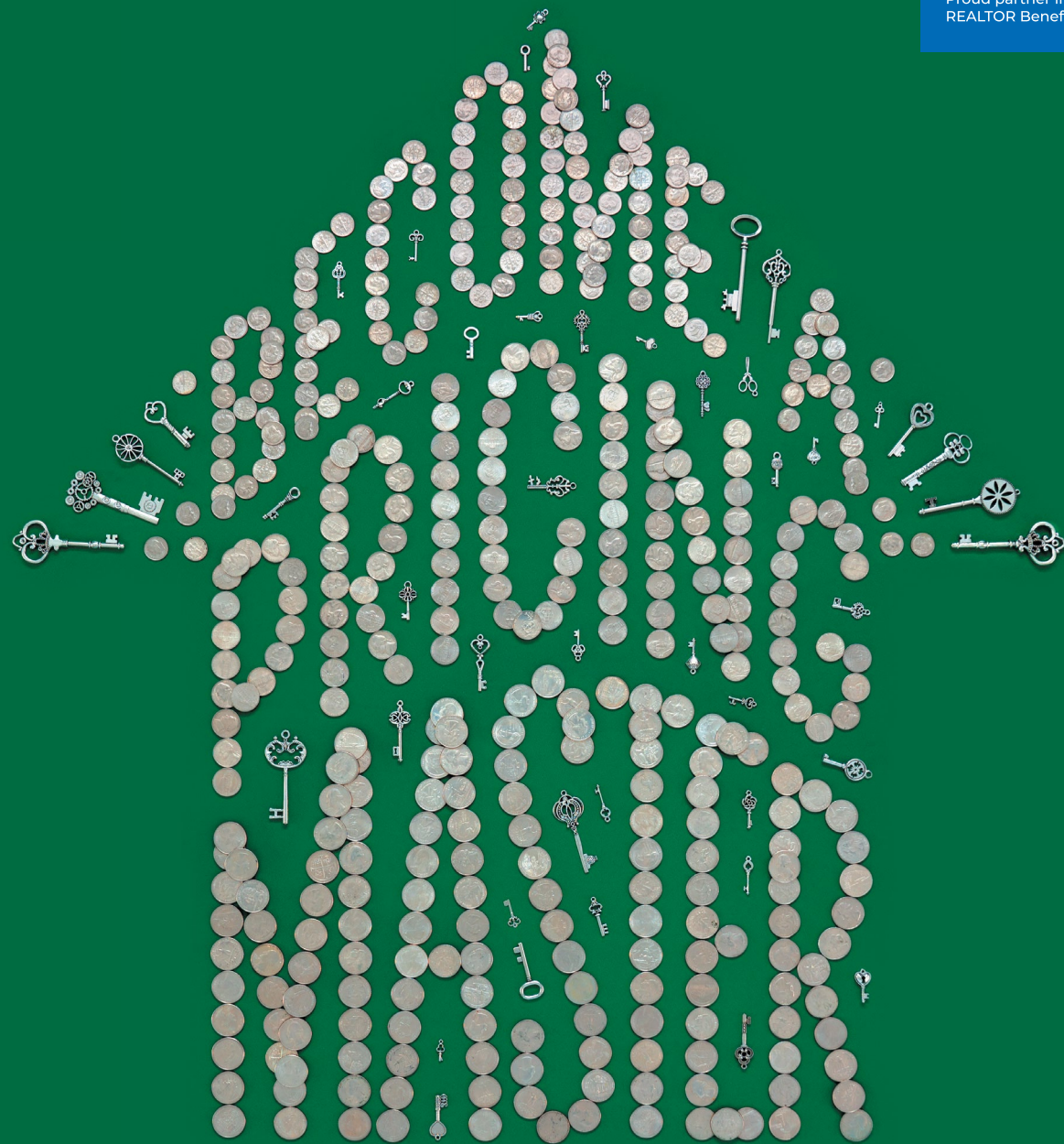
23% ARE FLUENT IN A LANGUAGE OTHER THAN ENGLISH

84% own their own HOME

13% ARE VETERANS
1% ARE ACTIVE DUTY SERVICE MEMBERS

\$4,630 ANNUAL BUSINESS EXPENSES (AGENTS)

Find the complete survey results and other research and surveys at texasrealestate.com/research.



NAR's PSA Certification is the key to mastering the CMA.

Regardless of your experience in the real estate industry, you know that properties don't come with a sticker price — that's where your professional expertise and commitment to accurate pricing comes into play.

NAR's Pricing Strategy Advisor (PSA) Certification prepares you to:

- Select appropriate comparables and make accurate adjustments
- Guide buyers and sellers through the details of comparative marketing analyses (CMAs) and the underlying pricing principles that comprise the real estate transaction
- Collaborate effectively with appraisers

Get started at pricingstrategyadvisor.org



SHARE THIS

Help clients better understand real estate transactions by giving them this information. Download a PDF of this page at texasrealestate.com/sharethis.

YOUR REALTOR® GIVES YOU RESOURCES YOU CAN TRUST

You know that REALTORS® are knowledgeable, trusted professionals who can help you buy or sell a home, lease a property, or assist with other real estate transactions.

You may be tempted to ask your REALTOR® subjective questions, such as “How are the schools around here?” “Do you know if there are many families with young children in this neighborhood?” or “Is this a high-crime area?”

You may be surprised to learn that REALTORS® are prohibited from offering their opinions in these areas. Instead, they are required to point you toward unbiased, third-party resources on these matters.

Why? As a member of the local, state, and national REALTOR® organization, your REALTOR® has promised to uphold a Code of Ethics to maintain the highest standards of professionalism.

That means your REALTOR® avoids exaggeration, misrepresentation, or concealment of pertinent facts related to the property and transaction.

That means your REALTOR® will not discriminate against anyone on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity, which includes volunteering information about the composition of a neighborhood.

That means REALTORS® are prohibited from providing any specialized professional service outside of their area of expertise. For example,

they cannot tell you if that water heater will last a few more years or whether the foundation is a problem.

What your REALTOR® *will* do is guide you through the steps of a complex transaction, share with you the best market data available, explain your options, and help you achieve your goals. Your REALTOR® will also recommend you contact a lawyer if some aspect of the transaction requires it. Your REALTOR® brings industry know-how and professional connections you can't get anywhere else. Your REALTOR® can help you with negotiations, pricing, and advice—and will always do so with the highest level of integrity.



When you hire a REALTOR®, you are hiring a trusted professional. You can count on the information you receive from a REALTOR® as you make one of the biggest financial decisions of your and your family's life.

TAKE 5



WHAT'S YOUR NAME AGAIN?

Forgetting someone's name shortly after being introduced has happened to everyone. At a networking event or after meeting a potential client, it can not only be awkward, but you could come across as uninterested or unprofessional. Here are strategies to remember the names of the people you meet.

MAKE ASSOCIATIONS

Surely you'll remember Shirley with the curly red hair? Linking a name to a person's look, a song lyric, a rhyme, or alliteration helps adhere it better to memory than trying to remember it alone.

QUIZ YOURSELF

Who doesn't want to ace a test? If you go into every introduction knowing that you will ask yourself what you heard, you will pay more attention. For an added incentive, when you get the correct answer, reward yourself.

ASK QUESTIONS

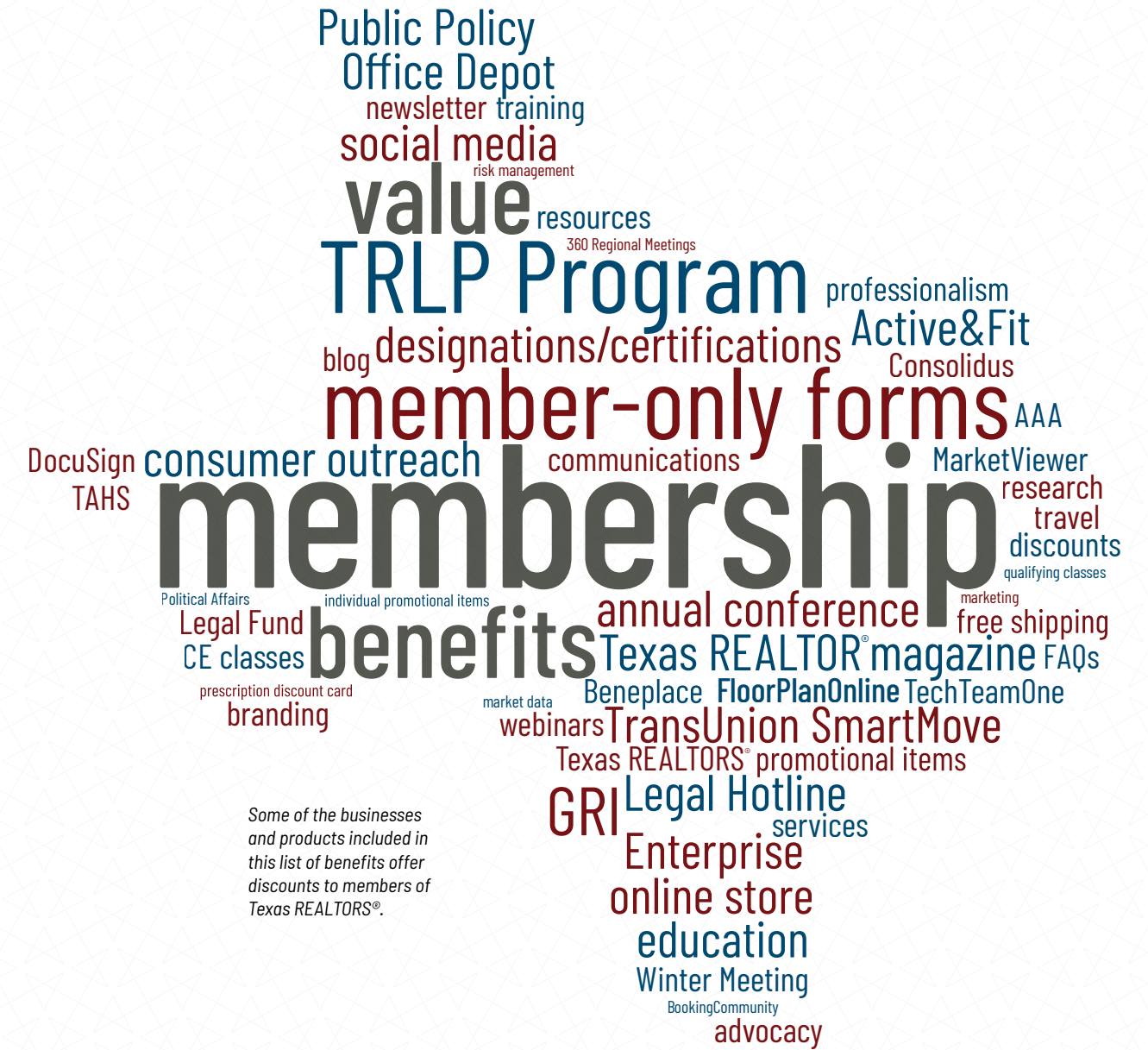
Finding out more about the other person makes it easier to find a connection. Knowing that you and Bill like the same coffee shop can give you a reference point for remembering his name.

SPELL IT OUT

It's easy to get caught up in the moment of shaking hands and not actively listening. But by taking the time to spell it out in your head or type it into your smartphone, you are forced to focus and process it.

REPEAT REPEAT REPEAT

Repetition is an excellent way of reminding yourself of something. Not only is it a helpful habit to repeat people's names back to them or use a name to introduce a person to someone else, but it also makes you sound more personable.



Some of the businesses and products included in this list of benefits offer discounts to members of Texas REALTORS®.

YES, YOU GET ALL THIS FOR YOUR DUES

As a member of Texas REALTORS®, you receive thousands of dollars of value from your membership. You get members-only access to 150-plus forms, contracts, guides, and model policies—plus, you can call the Legal Hotline to speak to an attorney about real estate topics. Your membership also includes Transactions (zipForm Agent Edition) forms management software and unlimited e-signatures with Digital Ink.

Texas REALTORS® promotes your interests, protects your industry, and fights for property owners' rights. You also have access to in-person and online training, including CE courses, designations, and certifications created by and for REALTORS®. On top of it all, you receive discounts on great products and services that will save you time and money.

GET EVEN MORE!
Check out your member benefits at texasrealestate.com/benefits



Closing Delayed Or Client's Loan Denied?

We Close Most Loans Turned Down By Banks!

**And Offer FAST 3 Weeks Closings For Conventional & FHA Loans!
Close In 10 Days If Appraisal Waived!**

We are a Texas based Mortgage Company with access to many Lenders and hundreds of loan programs. Let us help your clients find the right loan program and close on-time.

Need A FAST Pre-Approval? We Now Have Loan Officers Available 7 Days A Week!

Have Clients Call (800) 674-7720 Or Apply At: NewHomesMortgage.net

Below are some of the most popular loan programs.

No Income Or Employment Stated!

No DTI, No Ratio, No Tax Returns!

Your Clients Can Now Buy Owner Occupied Homes With No Income Or Employment Stated. Minimum 20% Down And Minimum 640 FICO Required

Conventional Loans from 620 FICO & UP.

=====
FHA Loans from 550 FICO & Up

FAST 3 WEEKS CLOSINGS!

Conventional, FHA, VA & Jumbo Loans
Close in 10 Days if Appraisal waived.
If needed Appraisal will be quickly ordered and must be received within 2 weeks to close in 3 weeks. Minimum 640 FICO Required for Quick-Close Loans.

BANK STATEMENTS Loan Program

Qualify with Bank Statement Deposits
Self Employed, No Tax Returns

SELF EMPLOYED

Independent Contractor
1099 Loan Program
No Tax Returns

SELF EMPLOYED

Only 1 Year Tax Return Or 1 Year Profit & Loss Statement Only
Loan Program

No Income Stated

Loan Programs For Owner Occupied, Or Rental Or Business Purpose Properties.
Buy, Refinance Or Cash-out

ITIN Loans

Self Employed Or W2 Employee. Use Tax Returns Or Bank Statements. With or Without FICO scores.

DOWN PAYMENT ASSISTANCE?

100 % NO MONEY DOWN
CONVENTIONAL OR FHA LOANS
Seller Credit For Closing Costs Okay!
All Borrowers Welcome. The Borrower(s) Do Not Need To Be First Time Home Buyers.
Minimum 660 FICO Required

DACA Recipients

Conventional Or FHA Loans
=====
FOREIGN NATIONAL LOANS WITH NO CREDIT NO INCOME

HARD MONEY LOANS

Close In 3 Days Or Less!
FIX & Flip Or Ready To Move In
Investment Or Owner Occupied!

Client Buying a New Home?

Long Term Low Interest Rate Locks Available for New Home Buyers!

Residential * Multi-Family/Mixed Use * Commercial * Farm & Ranch
LOANS TO BUY * REFINANCE * OR CASH-OUT - Anywhere in Texas!

Have Clients Apply To Be Pre-Qualified Or Pre-Approved FAST!

Questions? Call (800) 674-7720

Apply At: NewHomesMortgage.net



**Open House Mortgage Corporation
DBA New Homes Mortgage**

The One-Stop-Shop for Mortgage Loan Programs!™

100% Conventional Loans Made Up Of 95% First Lien And A 5% Second Lien. 100 % FHA Loans Made Up Of 96.5% FHA Loan And A 3.5 % Second Lien. Interest Rates Are Subject To Change. All Loans Are Subject To Lender Underwriting Approval.