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## A lot of lot changes have these buyers concerned

By **Elizabeth Rhodes**  
*Seattle Times staff reporter*

A reader writes:

**Q:** Last summer we paid a home builder a premium to get a specific lot in a new development. A few months later, the plot plan was altered, which changed the way the house would sit on the lot. We voiced reservations about this, but the builder assured us the new plan would be better than the old one. Now that the house is built, we can see it's not. Besides our house facing a different direction, we have a small, oddly shaped backyard that slopes instead of the huge, level, rectangular yard we were supposed to have. What can we do to get the builder to offer us another house or some compensation? He seems reluctant to do anything.

**A:** Much hinges on the contract you signed with the builder, plus any addendums and conversations you had with him, said Kirkland attorney Jeanette Bowers Weaver.

"You'll have a better case if a document exists that identifies the dimensions and shape of the lot," she said. "Also, is there a document that allows the builder to make any changes to the lot size and shape?"

For example, a contract could include a clause giving the builder the right to change lot dimensions for an unanticipated reason — such as local officials deciding that room must be created for a storm-water retention pond.

"However, I'd be surprised if a builder hadn't already dealt with issues like that that would necessitate a plot-plan change," Bowers Weaver said.

She suggests you review the plat applications at your local planning department. Look for reasons the dimensions of your lot might have been changed and how they might have changed. If the builder simply requested a change so he could make the lots smaller to squeeze in more houses, that would be unacceptable, Bowers Weaver said.

It's possible you could have a breach-of-contract claim against the builder. A real-estate attorney can review your documents and help you explore your options.

**Q:** The toilet backed up two months after my daughter moved into a rental house. The repairman found the sewer line clogged with female products and other material and said the line had other problems because it's almost 100 years old. My daughter was taught by a relative who's a plumber never to flush products down the toilet and told the landlord she didn't do so. He sent her a big repair bill anyway and said he'd sue in small-claims court if she doesn't pay. Advice?

**A:** The fact that the landlord sent the bill "doesn't mean anything at this point," said attorney Danny Lazares of the Tacoma firm of Felker Lazares & Johnston.

Rather than taking her to small-claims court, Lazares said it's more likely the landlord will wait until your daughter moves out and then keep her security deposit (presuming she has one). If that happens, your daughter can sue in small-claims court to recover the money.

The key to a successful defense is the person who did the repairs. Lazares suggests your daughter contact him. Ask him exactly what clogged the line. Ask him if he can estimate the age of the material. If it's older than two months, that's proof your daughter is not at fault. Also ask what role the sewer line's age and general condition played. If you can get this in writing, that's even better.

All that will be helpful if this does go to court. Also helpful would be an affidavit from you, her parents, regarding any family rules you've instilled in her about flushing things down the commode.

**Q:** I'm a renter new to Seattle. Is buying a condo for the equity, saved rent and tax breaks a wise move? Will such a move ever backfire on me? How can I find newer developments that are not listed in multiple-listing-service listings?

**A:** Newer developments often advertise in the New Homes Saturday section and the Sunday Real Estate section of this newspaper.

Whether buying a condo is a good move is completely subjective, and the answer can lie in asking yourself some questions that begin not with financials, but with mind-set.

Are you ready to accept the tradeoffs of ownership? Certainly you'll get a place of your own that may increase in value. Last year, King County condos appreciated 8.36 percent, and detached homes appreciated 15.43 percent, according to the Northwest Multiple Listing Service.

As part of owning a condo, you'll be responsible for the interior of your unit. So if the faucet breaks or the refrigerator dies, you're in charge of the solution. You also could be asked to pay a special assessment for a specific condo repair, such as paving the parking lot or installing new windows. That's common.

Condo ownership also has its own dynamic. Are you comfortable with consensus decision-making, or would you rather be in charge? Being a condo owner means acknowledging that the way you live is governed by the will of the group — or the lack of it — and that to change any part you don't like means getting involved.

Buying a condo can backfire on you if you don't get a good inspection and don't carefully read the public offering statement (for a new condominium) or resale certificate (for a resale) to learn exactly what you're getting. In a resale, you also should read the last year's worth of minutes from association and board meetings. They can reveal problems or upcoming financial obligations.

A purchase also can backfire if you think you might sell within two years because the cost of selling that quickly could wipe out any gain.

There are Web sites with calculators that can help you run the numbers on renting vs. owning. One is [www.mtgprofessor.com](http://www.mtgprofessor.com), which has a "Buy Now or Save First" calculator and an essay on buying now versus later that explores factors you should consider.

*Home Forum answers readers' real-estate questions. Send questions to Home Forum, Seattle Times, P.O. Box 1845, Seattle, WA 98111, or call 206-464-8510 to leave a question on a recorded line. The e-mail address is [erhodes@seattletimes.com](mailto:erhodes@seattletimes.com). Sorry, no personal replies. More columns at [www.seattletimes.com/columnists](http://www.seattletimes.com/columnists).*

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