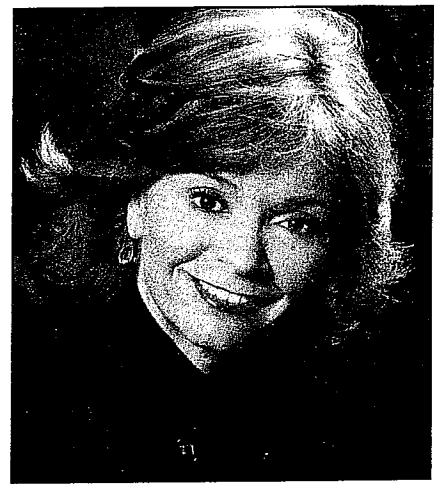


NORTH AMERICAN TITLE COMPANY

Like Clockwork®

*Formerly Sentinel Title Corporation
Your BRAC Specialist*



*BETSIE RUSSELL FOR
ALL YOUR REAL ESTATE NEEDS*

**Residential • Commercial • New Construction • Waterfront
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***SERVING: ANNE ARUNDEL, PRINCE GEORGES, HOWARD, BALTIMORE,
QUEEN ANNE COUNTIES AND BALTIMORE CITY***

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SELLING AGENTS

- ★ Competitive fees with outstanding service.
- ★ Reissue rates on your sales, YES, your sales with prior owner's title policy.
- ★ Owner's title insurance written & tailored to the property being sold.
- ★ Settlements — our place or yours — evenings & weekends.
- ★ Foreclosures, Estate Sales, 1031 Exchanges.
- ★ Title Insurance to riparian rights and piers.
- ★ All settlement quotes in writing on a HUD-1 settlement statement.
- ★ Owner's title insurance policy given to buyers at the table. No deductibles for your buyer on our owner's title insurance policy.
- ★ Commissions wired to your central office account from settlement.

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- ★ Copy of current Deeds.
- ★ Copies of subdivision plats, forest conservation easements, front foots.
- ★★ Expert in critical area verification, waterfront properties and new construction.
- ★ Assistance with assigning the 10 year builder's warranty to the new buyer.
- ★ Calculation of agricultural transfer tax.
- ★ Copies of covenants, codes & restrictions.

PLUS, assistance of a full-time Real Estate Attorney, Pamela Roberts, at no charge!



★★ CRITICAL AREA MAPS

*Available at the North American Title Company Severna Park office.
537 Baltimore Annapolis Blvd. Severna Park, Maryland 21146*



Critical Area Checklist for Listing Agents

1. Establish if the property is located within 1000 feet of a stream, river, or the bay.
2. Obtain from North American Title or Land Records a copy of the current Deed.
3. Obtain from North American Title or the tax department a copy of the assessments tax credits or conservation credits that may appear. (Remember, community owned waterfront still shows on a tax bill as waterfront.)
4. Get a copy of the property's records at the Health Department if property is on well and septic as there may be limitations that could affect the ability to expand an existing house or where a home can be sited on a lot.
5. Potential buildable lots – It is not wise to list a property described as a “possible buildable lot” since there are many factors that may prevent a lot from ever becoming buildable, such as perc tests, tax accounts, zoning and permitting issues.
6. A separate tax account number does not necessarily mean you have a separate building lot nor does a Deed. If any structures, such as pools or garages, are built too closely to the lot line, you may have a merged lot. This may require some engineering work or possible removal of structures.
7. The record Deed should contain references to water rights. Owner's Title Insurance does not cover riparian rights. It is very important to establish what water privileges, if any, the property has at time of listing. If it is waterfront and has anything less than full riparian rights, you must disclose this fact in the remarks section of the listing and in all advertising.
8. Some communities have community owned waterfront which creates an issue for building a pier. Piers will only be granted on properties with full riparian rights or those with community pier agreements in which case all parties – including the county, the community association and the owners - must sign a community pier agreement that is then recorded in the land records.
9. A new law was passed on July 1, 2008 with regard to impervious surfaces and lot coverage. Allowable impervious surface is now determined from past plats as long as they are recorded after 1985. Also, in Anne Arundel County, you can no longer trade off impervious surface. In some cases, you could be required to remove parking area or other potential areas in order to remodel.
10. The critical area is an overlay zone whereby you must check the maps at the county that the property is located in to establish your critical area zone. The property could be designated as being in an intensely developed area, limited development area or a Resource Conservation Area (RCA), one house per twenty acres. This critical area zone designation takes precedence over normal zoning.
11. Buffer Management plans and Forest Conservation plans are different. Make sure the owner provides you with both and full copies are initialed by all parties prior to settlement for disclosure purposes.
12. Building Permits - The number of critical area permits that are currently open is hard to believe. Furthermore, a home can receive a USE & OCCUPACY certificate and still have open permits and critical area violations. Be sure to get a clearance report from Planning and Code Enforcement.
13. It is prudent to have all sellers sign an affidavit disclosing that, to the best of their knowledge, all structures on their property were built with permits. You may also want to add the language that your brokerage will be held harmless in case they give you incorrect information. At the very least, be sure to find out what permits they did obtain. If they are unsure or you receive a confession of guilt, then call North American Title and we can help guide you to the correct authorities to find out about their permitting.
14. Check for shared driveway and maintenance agreements for ownership to roads and any easements where a second party may have access to the water.
15. Remember, a home or lot can only be advertised as waterfront if the owners own to the waters edge and have retained their riparian rights. Lack of disclosure could cause your contract to fall through.

This list is simply a guideline to be used for informational purposes only and an attempt to help you and your sellers better understand the complexities of critical areas. We wish to be of service to you and help with any questions you may have about critical areas or providing you with contact information for any related governmental authority.




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FOR ALL OF YOUR SETTLEMENT NEEDS!






Critical Areas Checklist for Buyer's Agents

1. Establish if the property is located within the critical area, that is, within 1,000 feet of a stream, river or the bay. Do not depend on the listing agent to know whether the property you are showing is located within the critical area.
 - * The Department of Natural Resources is currently revising their maps on every property in the State of Maryland. Therefore, any property located within 1,000 feet of mean, high tide near a major body of water or stream will be mapped.
 - * Remember that the 100 foot buffer applies only to riparian waterfront and with slopes over 15%, the expanded buffer setbacks could apply.
 - * Under the newest revisions of the Anne Arundel critical area law and planner guidelines, remodeling is severely affected. Do not just call the county. Go with your clients and have them ask questions to their hearts' content. It is your responsibility to tell them the property is in the critical area. Unfortunately, MRIS does not have a category to check off. We have recently seen properties that have had swimming pools, for example River Watch in Annapolis, where the pool was built within the last ten years, and new buyers were not allowed to rebuild pools that had been filled in.
2. Do not rely on old feasibility studies or drawings that are over 10 days old. Most agents gather work that was done by engineers prior to the new guidelines, simply transferring that material without suggesting a current update. Doing so could cause you and your broker to be at risk as this is not sufficient.
3. Critical area violations run with the property, not the seller. A Use and Occupancy permit can be issued with open violations and no final inspections on piers and swimming pools. Tree removal and exceeding the grading permit are those most frequently seen. Note the recent court case of the Baltimore City judge who was not only fined, but also had to remove and replace a 1,000 foot bulkhead.
4. We at North American Title have 25 years experience of teaching critical area classes. This is important for you as a buyer's agent because riparian rights, easements to the water, road maintenance agreements, shared pier agreements, ownership of piers, access easements to the water, critical area easements and forest conservation easements are not covered by title insurance, not even the Advantage or premium policies. This is important to you as an agent because these mistakes are not covered by your Errors and Omissions insurance either.
5. On older homes, the property is no longer "grandfathered in" for impervious surface lot coverage. This means if the house currently exceeds present day laws, you must have an engineer calculate the exact coverage. If the impervious surface exceeds current law, you could be required to remove all excess impervious surfaces to remodel. This is especially important in some of the older communities such as Amberley, Fishing Creek, Round Bay, and Linstead, just to name a few.
6. Waterview is one of the most valuable assets with residential property in our area. However, the county will not allow the removal of limbs over 10 feet from the base of a tree. If you do not have a view and a listing agent advertises that you can remove trees, ask for the Buffer Management Plan.
7. You must establish whether the property is waterfront, waterview, or community owned waterfront as part of your due diligence.
8. Get a copy of the property's perc records at the county health department if the property is on well and septic and remember that new properties will require the nitrogen-based septic systems.
9. Run, do not walk, if an agent tells you that you can obtain interior remodeling permits within the critical area without going to the county. The county will still require that all structures are in compliance and will even go as far as checking through aerial photography for the past 15 years to ensure compliance.

This list is simply a guideline to be used for informational purposes only and an attempt to help you and your buyers better understand the complexities of critical areas. We wish to be of service to you and help with any questions you may have about critical areas or providing you with contact information for any related governmental authority.



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