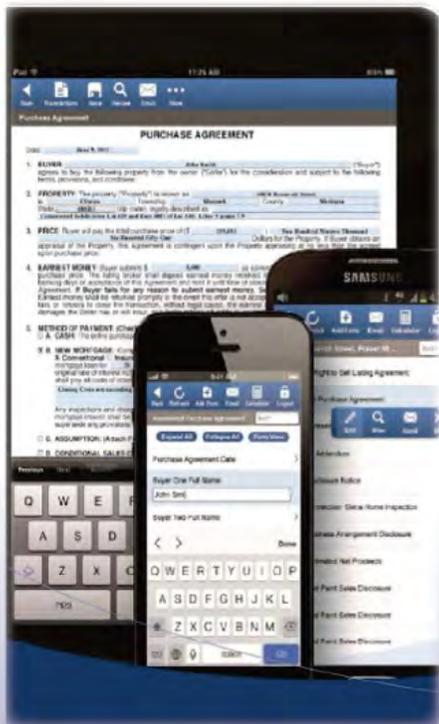




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March 10

DINE
FOR
CHARITY
April 7

REALTOR®
Service
Volunteer
Program
May 6

OFFICIAL PUBLICATION OF THE SANTA CRUZ COUNTY ASSOCIATION OF REALTORS®

REALTOR®

THE VOICE FOR REAL ESTATE IN SANTA CRUZ COUNTY

The REALTOR® is the official bimonthly newsletter of the Santa Cruz County Association of REALTORS® provided as a member service to inform, educate and update members on local, state and national news.

Santa Cruz County Association of REALTORS®
2525 Main Street, Soquel, CA 95073
(831) 464-2000 (831) 464- 2881 (fax)

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ADVERTISING INFORMATION

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OFFICIAL PUBLICATION OF THE SANTA CRUZ COUNTY ASSOCIATION OF REALTORS®

REALTOR®

THE VOICE FOR REAL ESTATE IN SANTA CRUZ COUNTY



Randy Turnquist
2015 SCCAR President
831-566-2590
randy@randyt.com

Message From The President

Don't Miss That Sale

Imagine if you will, it's been a long day, you're just finishing at the office and your cell phone rings. Someone wants to see that listing where the occupants just moved out. They want to see the home as soon as possible. You screen them and they have all the right answers, also you figure this place is on your way home so you agree to meet them. It's dark now; but the neighborhood is well lit and the home is well lit, and neighbors are in close proximity. You proceed with your showing, but while showing the property you happen to be at the back of the house when you hear a commotion in the front room. Upon investigating you find that three or four thugs have let themselves in and you are now the "target". Funny thing, your prospect has left out the back door. You don't know if they are going to call the police or maybe they were a part of this plan. It doesn't much matter at this point; the cops will be there in time to clean up the mess.

We never plan on bad things happening, but we usually see in hind sight what we could have done to prevent it. Let's not wait until it's too late. Let's start thinking about how to protect ourselves (and our clients) ahead of time. Here are some points taken from a personal safety course at the recent C.A.R. meetings.

Just like fire has a triangle of Fuel, Oxygen, and Heat to make fire; Crime also has a triangle consisting of a Perpetrator, a Victim, and an Opportunity.



Set some personal and business standards and DON'T deviate. Here are some suggestions; you can add and subtract from here.

- Don't show a home alone to strangers, even if there is cell coverage
- Don't show a home after dark and alone
- Make a buddy plan; whether they follow you or arrive a bit after you, don't be an opportunity
- Meet at the office and copy the driver's license of the potential client
- Learn to listen to your instincts. 90% of self-defense is the brain
- Slow down so you can listen to your instincts

I attended an excellent safety seminar. The seminar leader remarked that ours is a strange business. We allow the perpetrators to shop on the internet for who is going to be the "target". They can find out everything about us, and we provide most of the details. Our job is to develop relationships with strangers.

One last point. **GET OFF THE X.**

The instructor pointed out that a perpetrator has developed a plan in his/her head about when and where the crime will take place (call it a fantasy). That is the X spot. When you sense something isn't right, **DO SOMETHING RADICAL AND QUICK, GET OFF THE X.** Sometimes a split second radical action, as embarrassing as it may seem later (if it wasn't necessary) can make all the difference in the outcome if it was necessary.

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Message From Your C.E.O.

Kathy Hartman, RCE



Are You Ready for Some Challenges....

I would like to thank all the members that renewed their membership with SCCAR. 2015 is going to be a year of challenges for both the Associations of REALTORS® across the country and the MLS. Change is happening quickly in all facets of our industry. Mandates from C.A.R. and NAR are now consuming huge amounts of association time. Courts are challenging the existing model of independent contractor status with severe scrutiny. CalBRE is evolving and making changes for licensees and brokers.

I recently received a copy of Swanepoel Trends Report for 2015. It's one of the most interesting reads in talking about the vulnerability of the MLS, the race for online supremacy and digital natives step up. In my 37 years in our industry I have seen much change but the changes happening now are like none that I have experienced before. It's not just the generation gap driving change; nor big brokers, legal battles, consumer ratings or the huge threat to our MLS as it is today. It's a combination of all of these factors that is

driving the changes we are experiencing today and what's going to happen to our future as an industry.

I strongly suggest that you find a copy of this year's 2015 Trends Report from Swanepoel and read it; think about what you are reading and the outcomes that could happen to our industry if we don't change.

So with all this being said, I ask all the members of Santa Cruz County AOR to step up and volunteer for a task force, committee or put in your application to serve on the 2016 Board of Directors and help us make the right decisions. As someone once said in their address to a large audience "It takes a Village" to get things done, not just a few passionate professionals who continue to serve our membership over and over. It takes all of us! Your input is valuable, your expertise and your thoughts are necessary for us to succeed in going forward into the future of our industry.

Come be part of our "Village", our Industry and our Future

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Help Direct the Future of SCCAR!

SCCAR is now accepting applications for service on the 2016 Board of Directors. Join a distinguished group of professionals to support the mission of SCCAR: "The purpose of the Santa Cruz County Association of REALTORS® is to enhance the professionalism and integrity of our members and to protect and promote private property rights." Being a part of this process provides a great opportunity to exercise your leadership abilities!

Interested REALTOR® members of SCCAR are encouraged to complete and submit an [application](#) no later than Monday, March 30, 2015.

If you have questions, please contact Kathy Hartman at 831.464.2000 or email kathy@mysccar.org

Welcome To The Neighborhood



By Candie Noel,
Bailey Properties, Inc.
cnoel@baileyproperties.com

There is 1 located in Scotland, 3 in Australia, 1 in New Zealand, and 7 in the United States. And yes, there is even a steamship from the 1900's with the name of Ben Lomond. The original Ben Lomond is in Scotland. From this popular and famous craggy peak has grown many namesakes. The Ben Lomond we know and love is located in the middle of the 25 mile long San Lorenzo Valley.

It was a Scot named Thomas Burns who named the area. He purchased land on a mountain in the 1850's to grow grapes and make wine. Thomas named his mountain Ben Lomond after the famous Scotland "Ben". In Gaelic the word Ben means peak and Lomond is beacon. Both the Scotland Ben Lomond and our Ben Lomond are located east of Loch (lake) Lomond.

Ben Lomond, as we know it today, is a census-designated place. The population varies according to the source. The 2000 census says 2,364 people. The zip code 95005 has Ben Lomond at 6,394 residents. Households total around 900. The demographic make up is 88% White. Of that 88%, Germans are the majority with 23%, then Irish at 17%, English 15%, with French, Italian and Portuguese trailing. Where did the Scottish go?

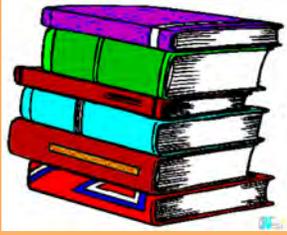
The town started developing around 1880's at the "Y" where Love Creek and the San Lorenzo River meet, a perfect place for the Pacific Mills lumber company. The town is still at this "Y". THE traffic light is at the center of this small community surrounded by coastal mountains redwoods and swimming holes. Small and compact, but lots to do and see in Ben Lomond. Stroll the streets looking at the quaint buildings and historical sites such as the historic St. Andrews Church which was completed in 1899. Take

the kids to the new skateboard park in Ben Lomond County Park, a one acre park in the center of town. Window shop, or really shop at the antiquaries.

Pick up a new hobby at the Santa Cruz Mountains Art Center. Sign up for a class and develop, or find your creative side. Spend an hour in the gallery and enjoy the works of art on exhibit. This is a center where the many, talented, local artists exhibit their works of various media: jewelry, glass, ceramics, basketry, wood, textiles.

Continued on page 8





Education & Professional Development



Register Online by visiting our [Web Portal](#)

March

[zipForm® Training](#)

Wednesday, March 11, 9 am – 12 pm
Cost: \$15 Members, \$30 Nonmembers

Learn to access your C.A.R. member benefits! This once a year training event will cover zipForm® Plus, zipLogix Digital Ink® and zipForm® Mobile. Learn about the current version of zipForm®, online document storage, how to import MLS data using MLS-Connect and your newest benefits, zipForm® Mobile and TouchSign(TM). Feel free to follow along during the training. Bring your laptop and/or mobile devices!

[Search & Report Essentials \(MLS\)](#)

Monday, March 16, 10 – 11:30 am
Cost: Free with RSVP

Learn the foundations of the primary MLSListings search tool, including display options, report formats and client communications.

[Advanced Search & Report \(MLS\)](#)

Monday, March 16, 1 – 2:30 pm
Cost: Free with RSVP

Not all search tools return the same results. That's because zip code borders don't match to city lines and so on. Learn the features, benefits and limitations of each search tool, and how map search allows you to create accurate search areas on your own.

[WIN Series Course 6: Red Flags, Deal Killers & Liability Reduction](#)

Wednesday, March 18, 9 am – 12 pm
Cost: \$20 Members, \$40 Nonmembers

The final course in the series will discuss red flags, deal killers and how to reduce your liability. This course is part of our WIN Training Series that is comprised of 6 classes designed to immerse and educate new REALTORS® in a wide variety of topics. Get your real estate career on a solid foundation by learning about essential industry information and "What's Important Now"!

[Santa Cruz County Pro: Affordable Housing](#)

Wednesday, March 25, 9:30 am – 12:30 pm
Cost: \$20 Members, \$40 Nonmembers

The third in a series of presentations designed to provide REALTORS® with knowledge and information to better assist their clients in buying and selling real estate in Santa Cruz County. Topics to be covered: Programs currently available, How to get qualified, Mobile Home Parks facing legal issues which are prohibitive to lending, Different lending guidelines for rent, co-op and parcel-owned mobile parks, County and city update on rent control.

[Tax Strategies for Real Estate Professionals](#)

Thursday, March 26, 1:30 – 3:30 pm
Cost: \$10 Members, \$20 Nonmembers

Are you overpaying your taxes? Many of us assume our accountants take care of our taxes...but forget that WE are the ones giving them the numbers and records they are using to prepare our tax return. This seminar will help identify between \$2,500 and \$27,000 in NEW deductions that can be used right away to pocket thousands in tax savings. These deductions are based in tax LAW, but presented in simple English that all of us can easily understand.

[Listing Locator \(MLS\)](#)

Monday, March 30, 1 – 2:30 pm
Cost: Free with RSVP

Attend this course and you will learn how to combine tools within Matrix and Realist to analyze consumer buying activities, and then determine the homeowners whose homes match the buying trends of today's home buyers. You will also learn to use the same processes to help buyers find homes that are currently not on the MLS, but perhaps would be interested in selling.

April

[Search & Report Essentials \(MLS\)](#)

Tuesday, April 14, 10 – 11:30 am
Cost: Free with RSVP

Learn the foundations of the primary MLSListings search tool, including display options, report formats and client communications.

[Public Records Search \(MLS\)](#)

Tuesday, April 14, 1 – 2:30 pm
Cost: Free with RSVP

Find out how to search county tax records, ownership information, mortgage facts and distressed data of all California properties. Then, use this information to create marketing plans and tools.

Continued on page 8

REAL ESTATE AND LAND USE LAW UPDATE

CEQA's Supplemental EIR Requirement, and the Latest Decision in the Countrywide Loan Fraud Saga

By Miles J. Dolinger, Esq.

In *Ventura Foothill Neighbors v. County of Ventura*, (2014) 232 Cal.App.4th 429, the court of appeal affirmed a trial court judgment that the County of Ventura violated CEQA in approving an ambulatory care clinic building, and granted a writ of mandate even though construction was already completed. In 1994, the County certified an environmental impact report (EIR) and approved a 72-foot-high building at a certain location. Construction was delayed, and 11 years later, in 2005, the County (and/or the applicant) decided the clinic should be moved to a different site 300 feet away, and it prepared and approved an "Addendum" to the EIR. The Addendum included a revised traffic analysis because of the changed location. However, it represented that the building would be the same size and configuration as originally approved and summarily concluded with no additional analysis that the land use and viewshed impacts would be primarily the same. In 2008, during construction, petitioners learned for the first time that the project would be 90-feet tall, not 72, and they alleged that the revised project would, in fact, have potentially significant visual impacts on the neighborhood that were not previously analyzed. Although the trial court denied petitioner's request for a preliminary injunction to stop construction, the trial court ultimately ruled that the County violated CEQA by failing to prepare and circulate to the public a supplemental EIR, and the court of appeal affirmed the trial court's decision.

The opinion explained the supplemental EIR requirements this way:

CEQA does not require an EIR to be prepared for every step taken in the course of a project. Once a proper EIR has been prepared, no subsequent or supplemental EIR is required unless (1) '[s]ubstantial changes' are proposed in the project, requiring 'major revisions' in the EIR; (2) substantial changes arise in the circumstances of the project's undertaking, requiring major revisions in the EIR; or (3) new information appears that was not known or available at the time the EIR was certified. (See CEQA Guidelines section 15162.)

CEQA statutes do not mention an EIR "addendum", but the CEQA Guidelines indicate that an addendum (which, unlike a supplemental EIR, does not need to be circulated to the public), is proper when there are minor changes to a project that do not meet the threshold for requiring a supplemental or subsequent EIR. (See CEQA Guidelines section 15164.)

In this case, the County's Addendum did not even mention the change in height and summarily concluded that there would be no change in visual impacts. Theoretically, in the Addendum the County could have analyzed the issue and concluded, based on substantial evidence, that the change was not "substantial." The County's poor judgment was in failing to even attempt such an analysis, which, contrary to basic CEQA principles, denied the public an opportunity to voice its concerns about new visual impacts from the change in height in the context of the new project.

COURT OF APPEAL ALLOWS JOINDER OF 965-PLAINTIFF FRAUDULENT LENDING CASE AGAINST BANK OF AMERICA (COUNTRYWIDE FINANCIAL).

What is going on with the lawsuits against Countrywide Financial Corporation and other lenders that made loans to home buyers in amounts they could not afford and who ended up severely underwater or in foreclosure when the real estate bubble burst at the beginning of the Great Recession? Grinding their way through the courts, that's what. One of these cases is *Peterson v. Bank of America* (2014), 232 Cal.App.4th 238. The issue on appeal in this case is a procedural one; the court held that the claims of 965 separate plaintiffs concerning loans made to them by Countrywide Financial -- for intentional misrepresentation, negligent misrepresentation, and unfair competition -- could all be "joined" in a single case against Bank of America, which is the bank that absorbed Countrywide.

The Plaintiffs' factual allegations against Countrywide are astounding. As summarized by the court:

Sometime in the mid-2000's, Countrywide changed the normal game plan of any home mortgage lender from making a profitable loan that is paid back over time to a new game plan by which it would make its profits by originating loans, then tranching them (chopping them up into little bits and pieces) and selling them on the secondary market to unsuspecting investors who would themselves assume the risk the borrowers couldn't repay. At root, everything in the third amended complaint is an elaboration on that theme insofar as it directly affected these plaintiff-borrowers from Countrywide.

In order to make the new game plan work, Countrywide allegedly engaged in an interrelated series of transactions the net effect of which was to saddle the plaintiffs with loans they could not afford. This series consisted of two identifiable phases: Phase one was to create an otherwise artificial upward spiral of appreciating property values. This upward spiral was allegedly accomplished by Countrywide using its own captive appraisal company, defendant Landsafe, to "falsely" inflate all valuations. The inflated values took on a life of their own which inflated all property values in California.

Phase two was to induce borrowers to take improvident loans. Normally a prudent lender would want to lend to a creditworthy borrower who could pay back the loan at the stated interest rate. But given Countrywide's new model business plan in which the ultimate payees of the loans were going to be outside investors who would take the hindmost, Countrywide wanted to saddle borrowers with the maximum amount of debt possible—any risk of default would be borne by investors on the secondary market. Meanwhile, Countrywide would pocket loan fees, commissions and profits from the sale of loans after those loans were tranching and securitized. They key to the second prong, i.e., to inducing borrowers into financial improvidence, was to mislead them as to loan terms.

Continued on page 8

REAL ESTATE AND LAND USE LAW UPDATE

Continued from page 7

(Other published opinions involving similar lawsuits that make similar allegations against Countrywide and other lenders include, Visendi v. Bank of Am., N.A. (9th Cir. 2013) 733 F.3d 863 [dismissal for misjoinder affirmed because the First Amended Complaint did not present common questions of law or fact in case against many different lenders]; Graham v. Bank of America, N.A. (2014) 226 Cal.App.4th 594 [case dismissed after trial court sustained demurrer because complaint could not allege necessary elements of fraud, etc.]; and Bank of America Corp. v. Superior Court (2011) 198 Cal.App.4th 862 [demurrer sustained as to “fraudulent concealment” cause of action (not misrepresentation, etc.) because lender had no duty to disclose to borrowers its alleged intent to defraud investors (i.e., the purchasers of tranching loans), and borrowers did not sustain damage from lender's alleged failure to disclose its alleged intent to defraud investors]).

In the Peterson case, 90 of the plaintiffs also alleged wrongful foreclosure based on the theory that the eventual trustees who foreclosed on the loans were not the original agents designated in the loan papers. (Presumably, the loans were never properly assigned).

The trial court granted Bank of America’s demurrer and dismissed the 3,412-page (!) complaint, but allowed all the individual plaintiffs to re-file separate complaints. That was an important, but short-lived victory for B of A because few plaintiffs or plaintiffs’ attorneys would have had the wherewithal to litigate separate lawsuits. However, the court of appeal reversed, holding that the plaintiffs satisfied the “permissive joinder” requirements set forth in Civil Procedure Code section 378, which essentially require all of the cases to have the same “series of transactions” that will entail litigating at least one common question of law or fact. The court held that this language is to be construed liberally in favor of joinder, in order to prevent a multiplicity of cases that will burden judicial resources, and in order to promote the access to justice than would only be accomplished through an economy of scale in this type of case.

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Welcome To The Neighborhood

Continued from page 5



Ben Lomond is home to a few unique and fun eating (and drinking) spots. Hobnob with the locals and have a hometown breakfast at Spanky’s. Enjoy the entertaining wait staff Ciao Bella. During regular hours or event night The Tyrolean Inn satisfies your German food cravings with pig knuckles, apple strudel and schnapps. No one can forget the infamous road house, Henflings Tavern where you can rub elbows with the biker crowd and Silicon Valley execs alike. Enjoy a burger, drinks, dancing, and the local entertainment. To quote their website, “Bring in people who drink.”



Education & Professional Development

Continued from page 6



Attendees will learn how to access and use REALIST public records to provide detailed ownership, transaction and property characteristics information.

Market Intelligence Reports (MLS)

Monday, April 20, 10 – 11:30 am
Cost: Free with RSVP

Knowing your current market conditions and performance history makes you the knowledgeable real estate expert clients want to work with. Stay quickly and easily up-to-date with market trends and statistics. Matrix has a number of tools available to build statistical analysis of local market conditions and performances. We'll teach you how to build and publish charts, tables and graphs for client presentations and social media posts.

Santa Cruz County Pro: County Projects

Wednesday, April 22, 9:30 am – 12:30 pm
Cost: \$20 Members, \$40 Nonmembers

The fourth in a series of presentations designed to provide REALTORS® with knowledge and information to better assist their clients in buying and selling real estate in Santa Cruz County.

Topics to be covered: major projects on the table, planning obstacles facing builders, “Historical Registry” and how it can affect a property, solutions to red tags and un-permitted structures and the biggest hurdles working with county/city planning/building depts.

DINE FOR CHARITY

Tuesday, April 7, 2015



Dine at the award winning Shadowbrook Restaurant and help low income first time homebuyers in our community. On Tuesday, April 7th, the Shadowbrook will generously donate 30% of the evenings sales to the SCCAR Housing Foundation. These proceeds help fund our Closing Cost Grant Assistance Program whose monies help make the dream of homeownership a possibility for those in need. For more information about Housing Foundation programs, visit www.sccarhf.org.

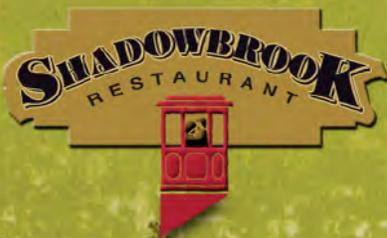
HOW TO PARTICIPATE: If you are making a reservation for dinner or enjoying appetizers in the Rockroom, please tell your Shadowbrook server your group affiliation is the 'SCCAR Housing Foundation'. Reservations can be made by phone at 831-475-1511 or online at www.shadowbrookcapitola.com



Cornett Family enjoying their new home thanks to a Housing Foundation grant

Tuesday, April 7, 2015

Shadowbrook Restaurant
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Hours 5- 8:45 pm



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Annual Installation and Awards Luncheon Honors SCCAR's Finest



SCCAR 2015 Board of Directors (from l to r)

President Randy Turnquist, Directors Lauren Spencer, Pete Cullen, Connie Landes, Greg Mann, President-elect Candie Noel, Directors Frank McCue, Deborah Calloway, Immediate Past President, Frank May, Director Sandy Kaplan, Treasurer, Carol VanAusdal and Director Morgan Lyng.

A beautiful sunny day, posh venue and stunning views greeted this year's installation attendees. This year's installation and awards luncheon was celebrated at the Chaminade Spa & Resort on January 12.

The event honored incoming President, Randy Turnquist and the 2015 Officers and Directors: President-Elect, Candie Noel, Treasurer, Carol VanAusdal, Immediate Past President, Frank O. May, Directors: Lauren Spencer, Pete Cullen, Connie Landes, Greg Mann, Frank McCue, Deborah Calloway, Sandy Kaplan, Morgan Lyng.

Longtime member and close friend of Randy's, Gary Gangnes was on hand to officially swear in Randy, the Officers and Directors. Luis Alejo's office presented Past President, Frank May, with a



Randy and Immediate Past President, Frank May having some fun.

certificate of recognition for his leadership. President Randy Turnquist was also honored with a certificate of recognition from Assemblymember Mark Stone's office.

This event also celebrates our 2014 SCCAR award winners. All were quite surprised and a few happy tears were shed. We thank these individuals for their commitment to the community and our industry.

REALTOR® of the Year – Candace Bradfield, Bradfield & Associates

Affiliate of the Year – Julie Lynn, JCP-LGS

Lifetime Achievement – Lauren Spencer, Coldwell Banker Residential Brokerage

Community Service – Vicki Wees, American Dream Realty

Past President – Frank O. May, Frank May & Associates

25 Years of Membership – Barbara Dimitruk, First American Title Co. and Loree Doan, Stewart Title

A delightful and seamless event was enjoyed by all and reminded us of the outstanding professionalism of SCCAR members and their commitment to the community and the real estate industry.

More pictures on next page.



SCCAR President Randy Turnquist and MC Gary Gagnes



Past president Candace Bradfield, Director Frank McCue and Treasurer Carol VanAusdal



Randy Turnquist at the Presidential podium



Luis Alejo Representative, Javier Gomez presenting immediate Past President Frank May with a certificate of recognition for his leadership and contributions to our community.



PVAOR president Dana Sales with Javier Gomez, Luis Allejo's Representative



Mike Sibia, Robert Bailey and Dave Walsh



Leslie Villegas of State Senator Bill Monning's office and Kieran Kelly of Assemblymember Mark Stone's office presenting a certificate of recognition to President Randy Turnquist



Loree Doan, Stewart Title and Barbara Dimitruk, First American Title were recognized with an award for over 25 years of membership.



Vicki Wees, American Dream Realty, won the well-deserved 2014 Community Service Award



SCCAR Director, Lauren Spencer received the prestigious Lifetime Achievement award.



Randy Turnquist presented past president, Candace Bradfield with the coveted REALTOR® of the Year award.



Our Affiliate of the Year, Julie Lynn, JCP-LGS Disclosures



Century 21 M&M's John Melo, Lauren Greene and Pamela Easton



Kieran Kelly of Assemblymember Mark Stone's office, Past President, Barbara Palmer and President-elect, Candie Noel



Ryan Buckholdt, Opes Advisors, Lindy Harte, Coastal Homes and Bobbie Herteman, Real Options Realty provide the perfect picture!

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Apple users (iPhone and iPads) can download the companion app from the App Store. Search for "zipform" to find the app. All other users can use the Internet browser on smartphones or tablets and go to www.car.org.

Google Chrome is recommended as the best web browser. All users need an Internet connection to use zipForm® Mobile.



Texting and Tweeting About Record Retention Obligations of Brokers and The Statute of Frauds

Terry Rein
Bosso Williams, APC

*Real Estate
Legal
Matters*

What are the record retention requirements with respect to a Realtor's texts and tweets used in connection with a real estate transaction? The law has recently changed concerning a Broker's obligation to retain texts and tweets. This is great news, especially for those of us who would not have a clue about how to remove a text or tweet from a smart device. The new law also gives guidance as to when a text or a tweet can be used to satisfy the Statute of Frauds for purposes of contract formation.

Background re: Record Retention Requirements for Brokers.

A broker must retain for three years copies of all documents executed by him or her or obtained by him or her in connection with any transactions for which a real estate broker license is required. (Business and Professions Code §10148(a)). Generally speaking, licensed activity is defined as performing certain acts on behalf of another or others, or in expectation of compensation. Licensed acts include the purchase and sale of real property, the leasing of real property, or the negotiation of loans or the collection of payments with loans secured by liens on real property or on a business opportunity. (Business and Professions Code Section 10131 et seq).

Texts and Tweets before January 1, 2015.

CalBRE issued a Real Estate Bulletin (Spring 2013) about record retention requirements with respect to Electronic Communications (EC), including e-mails, text messages and tweets. The Bulletin concludes that EC must be maintained by the broker as part of the transaction file. The Bulletin also states that courts have found that electronically generated writings are "documents" and are discoverable under the same rules that pertain to written materials. CalBRE cautioned that failing to maintain EC's that are created as part of licensed activity is in violation of the record keeping provisions. The Bulletin concludes:

To ensure compliance in this electronic age, every licensed California real estate broker should have written office policies and procedures setting forth how EC that are created, sent or received in connection with an act for which a license is required will be maintained and made available for inspection.

Texts and Tweets On and After January 1, 2015.

Effective January 1, 2015, the law regarding record retention of EC's has thankfully changed. In CAR-sponsored legislation, the California legislature approved Assembly Bill 2136, (amending Business and Professions Code §10148), which provides that electronic messages of an "ephemeral nature" such as text messages, instant messages and tweets are exempt from the record retention requirement (unless designed to be retained or to create a permanent record).

E-Mail Retention Requirements. The new legislation does not expressly exclude emails from the record retention requirements.

Therefore, CalBRE's instructions from its Spring 2013 Bulletin should still be followed with respect to emails.

Contract Formation Through Texts or Tweets? While on the subject of texts and tweets, AB 2136 also addresses when an EC is sufficient to create a binding real estate contract or lease. Generally, contracts for the sale of real property or a lease for more than one year must be in writing under the Statute of Frauds. (Civil Code §1624). Under AB 2136 (amending Civil Code §1624), an EC of an ephemeral nature that is not designed to be retained or to create a permanent record, including, but not limited to, a text message or instant message format communication, is **insufficient** to constitute a contract to convey real property, **unless**:

- a) the sender confirms in writing that a contract has been made between the parties;
- b) the receiving party receives that notice no later than the fifth (5th) business day after the contract is made (or any other period of time that the parties may agree in writing); **and**
- c) the sender does not receive, on or before the third (3rd) business day after receipt (or the other period of time that the parties may agree in writing), written objection to a material term of the confirmation.

Therefore, although in limited circumstances ECs can be sufficient to constitute a contract, real estate professionals should not get in the practice of texting or tweeting their offers and acceptances. To promote certainty and enforceability, it is important to obtain signatures on all contract documents.

Terry Rein is a transactional real estate attorney at Bosso Williams in Santa Cruz. This article is published for educational purposes and with the understanding that the information contained herein does not constitute legal advice.

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Legislative Day

WEDNESDAY | April 22, 2015



Legislative Day is an annual event in which REALTORS® from around the state meet with legislators to discuss important issues affecting California's REALTORS® and property owners. Laws created in Sacramento have a tremendous impact on your ability to do business from point of sale mandates to taxes to housing opportunities.

RSVP by Wed., April 8

Free to SCCAR members who contributed the additional \$49 to the REALTOR® Action Fund (RAF). Cost for non RAF participants is \$49. Register online at www.mysccar.org or complete the form below. Reservations made that do not attend will be charged \$49.

Seating is limited!
Be sure to register early!

Itinerary in Sacramento

- * 8-9 am : Registration, Sacramento Conv. Center
- * 9 - 11:30 am: **Opening Session**; Hear keynote speakers and be briefed on current and proposed legislation that will affect your business.
- * 11:30 am - 1 pm: Region 10 Luncheon
- * 1 - 5 pm: Meet with legislators and attend a member director forum
- * 5 - 7 pm: Capitol Reception; mix, mingle & network with fellow REALTORS & legislators. Free to those who contributed \$148 to RAF!

Let's Carpool! SCCAR will give the carpool driver a \$50 gas card!

Name: _____ Company: _____

Phone: _____ Email: _____

Cash Visa MasterCard American Express Check #: _____ Check payable to SCCAR

Name on card: _____ Billing Address: _____

Account#: _____ Exp. date: _____ 3 digit security code: _____



REALTOR® Volunteer Service Program (RSVP)

Local Seniors Need Your Help

What is RSVP?

RSVP is a one day community outreach program that will take place on Wednesday, May 6, 2015, during “Adopt-A-Senior” Week. The program provides free assistance to qualified seniors who cannot otherwise perform certain household tasks due to physical or financial constraints. This will be RSVP’s eighth year running.

Who Does the Work?

REALTORS® and Affiliates of the Santa Cruz County Association of REALTORS® take time each year to perform household tasks that seniors and the homebound cannot do on their own.

Services We Provide

- Wash windows
- Flip a mattress
- Rake leaves
- Move furniture
- Change light bulbs
- Light vacuuming
- Remove trip hazards
- Change furnace filters
- Trim overgrown hedges
- Replace smoke detector batteries



How Do I Sign Up?

RSVP is purely volunteer driven and could not happen without the generous assistance of our members. Teams are formed from SCCAR volunteer members and spend approximately half a work day performing the tasks above. The seniors we serve are most grateful and you would be surprised at how much fun you will have! Make it a group effort and have your office sign up for a team.

To sign up, please complete a [Volunteer Application](#) and return to SCCAR, Attn: Andrea Harbert by the March 31, 2015 deadline. For further information and past photos please visit www.mysccar.org/rsvp.

If you are unable volunteer your time, please considering making a donation to this very worthy cause with a check payable to: SCCAR (Note:RSVP).



Thank you to our wonderful sponsors!



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Lisa Whitcomb

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Market Influencers

How Will Oil Price Drop Affect Housing?

According to many sources, oil price drops can be good for housing. But, there are some downsides. Here's our analysis.

Steve Murray, REAL Trends publisher

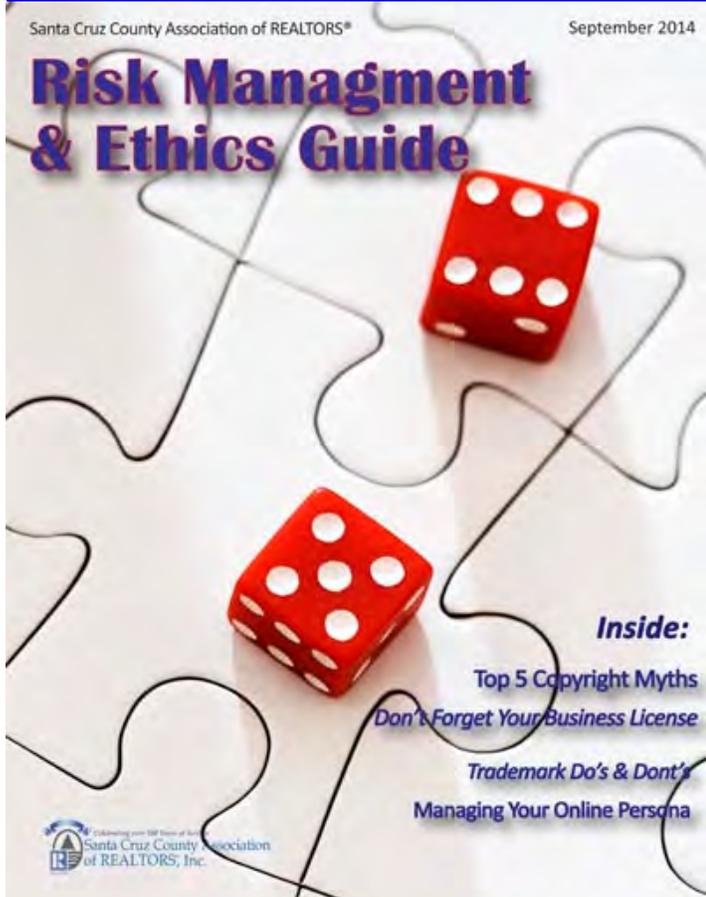
If you've been to the pump lately, you've surely had sticker shock in a good way. Another positive thing about oil price drops is that, experts say, it's a good thing for the housing market. American consumers will have more spendable income, feel wealthier and be able to save more (hopefully for that down payment). This can lead to more household consumption on all kinds of things related to housing, including the ability to invest in new homes. Along with the loosening of standards from Fannie and Freddie and lowering of costs by FHA, this could add measurably to housing sales in the United States.

The Flip Side

Others caution that there will be job losses in the energy states (Texas, Oklahoma, Colorado, Alaska, North Dakota, Montana, Ohio,

Louisiana, and Pennsylvania, to name a few) and that employment will take a material hit in those states. Further, lower expenditures for gasoline have little impact on the ability of households to qualify for a . What matters is a consumer's income, not their monthly consumable living expenses. So, there are many forecasters who think that the crash in oil prices (and natural gas has followed it down) may have, at the best, a neutral effect on the housing market.

We haven't seen a crash in energy prices for this duration and depth in some time. This one is not caused so much by over-supply (that is estimated in a single-digit range on a per-day basis) but by forecasters who see the world's economy slowing every-where in the face of the increased production of hydrocarbons. *Continued on page 17*



Risk Management & Ethics Guide In Stock at SCCAR!

Pick up this handy reference that will help you avoid ethical mishaps!

NOMINATE A REALTOR®

Are you or someone you know doing great work serving the community? REALTOR® Magazine wants to hear about it!

The Good Neighbor Awards recognize REALTORS® for extraordinary accomplishments in community service.

Winners receive \$10,000 grants for their charities, as well as national and local publicity for their cause. Winners will also be flown to the National Association of REALTORS® annual conference where they will receive their award in front of thousands of fellow REALTORS®.

Past winners all report that their charity benefited from additional donations and volunteers as a result of the exposure.

Entry deadline is May 15, 2015. [Learn more about the Good Neighbor Awards.](#)

Nominate yourself or someone else today!

How Will Oil Price Drop Affect Housing?

Continued from page 16

So, this decline is more about a slowing global economy (evident in current data) and less about some huge oversupply.

What are the impacts on the American housing market when the world's economy slows? With over 12 percent of all purchases last year coming from outside the country, it could have a material impact, especially when you consider that the country with the largest numbers of its citizens buying our real estate, Canada, has broad exposure to the world's natural resource economy.

It will be an interesting year.

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QUOTABLE OIL QUOTES

“Formula for success: Rise early, work hard, strike oil”
J.Paul Getty

“The oil can is mightier than the sword”
Everett Dirksen



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Call Us: 831-464-2000 | Email: contact@mysccar.org | www.mysccar.org

Market Analysis

A Different Look at the 2015 Housing Market

Everything we read says this year will be better than last year. Here's a look at the possible, negative impacts.

While we would love to believe all the positive reports, 2015 may not be as good as 2014. Among the potential adverse impacts are:

- Foreign investors and buyers may reduce their purchases due to the strengthening of the dollar and weakness in their home country economies. This may especially be true for Russian buyers and investors.
- While the job market appears robust, with total jobs added in 2014 the best results in 14 years, family and household incomes remain stagnant. The percentage of working-age Americans who have full-time jobs remains at nearly a 36-year low. The rise of home prices (even offset by lower mortgage rates) creates a situation where affordability becomes a larger issue.

Finally, the entire mortgage arena may remain an issue. There are

two areas of concern to some forecasters. Even though Fannie and Freddie are loosening underwriting guidelines, it does not mean that mortgage lenders are going to jump in quickly. They were badly burned in the downturn and have been battered by settlements. They are gun shy about moving too quickly. Also, there are strong feelings that, at some point, interest rates will rise. There are also some new appraisal requirements that may put a damper on housing sales, as well.

Now, when rates start to rise it tends to bring a rush of buyers into the market. That could happen here. Ultimately, it makes it more difficult to buy a home.

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Santa Cruz County AOR

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Wednesday, March 11, 2015

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10:00 a.m. -10:45 a.m. | zipLogix Digital Ink®

11:00 a.m.-12:00 p.m. | zipForm® Mobile

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MLS UPDATE

MLSListings, Inc.

Improvements and Updates with MLSListings

We are nearly a month into the integration of our new My Listings and Matrix systems, and we have been challenged in making sure these updated tools meet all of your needs. Working tirelessly in the New Year, our team looks to continually communicate and update features in these new tools that will improve the way you do business.

Here is a look at some of the new functions now offered to you with your MLSListings subscription:

What's new in Matrix?

- **An updated look and feel.** New colors, tab names, map icons and more.
- **New format for MLS Numbers.** It will now be necessary to use ML plus the number to search using MLS Number.
- **Reorganized search screens.** New statuses, easier location for searching by date, new building descriptions and more.
- **Revised location search.** Searching by city now uses postal city, quickly search by typing, and enjoy an easy-to-read property history screen.
- **New personalization options.** Update your info; add branded headers, customizable search result screens and more.

- **Redesigned client portal.** Your clients will now be able to create and save searches, you can communicate directly with your clients on the portal, and it's easier than ever to use on mobile.

What's new with My Listings?

- **Completely redesigned.** Ready to use on any device.
- **Get tips for each field.** Dynamic tips based on the field you're currently using.
- **Easier photo upload.** No more limits. No more resizing. Just upload and go.
- **Online exclusions.** We've done away with faxing. It's all online.
- **Add a coming soon listing.** It's now built into the system.

Your colleagues can see the listing, but it doesn't leave the MLS. If you have encountered any features that are not working properly or you have a question about any of our new functions, please contact us by calling 1-866-734-5787 or by emailing support@mlslistings.com. We also have a "[What's New, Improved and Updated](#)" page that list any issues we've fixed thanks to your feedback.

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cgordon@geodisclosure.com



Affiliate News



Julie Lynn
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All Together Now

I'd like to start by saying thank you to the Santa Cruz real estate community for choosing us to be your trusted local source for accurate Natural Hazard Disclosure Reports for the last 15 years. It's been a pleasure to work for you, and we really appreciate your support.

Some good news

I'd like to announce our new colleague that has joined us here at *GeoDisclosure*: Cate Townsend. Cate brings another layer of expertise to the *GeoDisclosure* team with over ten years working as a geologist in the environmental consulting industry. A resident of Santa Cruz County since 1989, Cate graduated from UC Santa Cruz alongside Chris Gordon and began working in the Natural Hazard Disclosure business when the disclosure requirement came into effect in 1998. Cate is excited to be a part of *GeoDisclosure* where she will be providing a higher level of expert knowledge in environmental contamination in Santa Cruz County.

Some not so good news: The Drought

Here is a fact that's worth repeating: Santa Cruz County is the only county in the State of California that relies entirely on the rainfall for our water supply. We don't import water from any outside source but rely on our own streams and aquifers, meaning our water supply is finite. We are currently over pumping our aquifers and our streams have dwindled in the face of this possible fourth year of drought conditions. While we don't know when the drought will end, the most recent climate studies indicate that the western U.S. may be entering into a historic mega-drought cycle that could last 30 years or more. Thank goodness last December we had a healthy dose of rain that brought us up to nearly half our normal rainfall for the season and prompted the City of Santa Cruz Water Department to temporarily lift the water rationing program for the City of Santa Cruz. Now it looks as if the tap has been shut off again with a dry January and February. In the meantime, while we are trying to find alternative sources which might include a desalination plant or installing a new pipeline from elsewhere in the state (both of which are potential long-term projects), we will have to improve upon our already good water conservation practices.

Some people might not be aware of the many water saving incentives being offered by water districts in the County and by private organizations such as HERO (Home Energy Renovation Opportunity). Incentives include everything from rebates and free water saving devices to free home water and energy evaluations to no-down loans for installation of larger water conserving systems.

There's a New Chair in Town

Look out SCCAR, I'm ready to rumble and will be taking over as the Chair position for the SCCAR Affiliate Committee. Dimitri Timm did a wonderful job in 2014, guiding the affiliates through several successful events. He is now stepping aside as chair, but will still be participating and involved with the committee.

As the winner of the "2014 Affiliate of the Year", I want to express my sincerest appreciation to those who nominated me and look forward to bringing our mission and vision forward. I am more than proud to represent the affiliate members of SCCAR for 2015.

Please show your appreciation and support for your local affiliates who volunteer their time and efforts. Affiliate members are a vital part of SCCAR as they provide needed support and services to the real estate industry. We are always looking for additional affiliate members, for more information about becoming a new affiliate member please contact SCCAR at (831) 464-2000.

Check the water districts websites in Santa Cruz County for water saving incentives. You might be amazed by all they have to offer. A list of links can be found [here](#). Besides offering rebates for high efficiency toilets and washers, most of the water districts will pay you to replace your lawn with native drought tolerant plants, or to replace your impervious pavement with permeable material to help recharge the ground water: just a few of the many things they have to offer in an effort to save you water and money.

The HERO program is relatively new to Santa Cruz County and is an innovative approach to providing home owners a no-upfront-cost financing solution for water and energy saving projects. It worth taking a look at: <https://www.heroprogram.com/>.

I'd like to end by saying that there are developed countries in the world that make due with much less water than we are accustomed to using. They are doing well. If everyone here does their part in conserving water we will have more than enough water to get us through this drought, and may not have to resort to very costly desalination plants or water importation.

Chris Gordon, owner of *GeoDisclosure*, is a local expert in the local geology and natural hazards offering drainage and erosion consultations for properties. Call Chris to make an appointment: 831-469-4438.

Santa Cruz County Housing Statistics

January 2015: Santa Cruz County - Single Family Residential												
City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	28	79	15	83	\$826,216	\$810,000	\$459	98.0%	\$12,393,250	1,629	12,508	4.5
Ben Lomond	5	8	1	36	\$535,000	\$535,000	\$578	96.0%	\$535,000	926	7	1.7
Boulder Creek	4	27	6	44	\$473,583	\$478,500	\$319	97.0%	\$2,841,500	1,535	26,644	3.3
Brookdale	0	1	0									
Capitola	4	18	3	77	\$756,333	\$769,000	\$682	99.0%	\$2,269,000	1,066	1,960	2.8
Corralitos	0	9	3	49	\$608,166	\$602,000	\$341	99.0%	\$1,824,500	1,784	9,452	4.7
Davenport	0	1	1	11	\$656,000	\$656,000	\$537	125.0%	\$656,000	1,222	8,189	2.1
Felton	8	27	5	73	\$418,360	\$490,000	\$261	95.0%	\$2,091,800	1,424	12,362	4.1
Freedom	0	2	1	73	\$435,000	\$435,000	\$400	95.0%	\$435,000	1,088	10,062	0.9
La Selva Beach	2	12	1	109	\$690,000	\$690,000	\$310	99.0%	\$690,000	2,223	20,386	6.2
Los Gatos	3	23	1	123	\$690,000	\$690,000	\$353	98.0%	\$690,000	1,956	48,090	3.3
Mount Hermon	0	0	2	63	\$579,000	\$579,000	\$339	100.0%	\$1,158,000	1,791	7,710	0
Santa Cruz	34	112	26	75	\$927,975	\$722,000	\$487	98.0%	\$24,127,350	1,841	20,577	2.8
Scotts Valley	10	25	4	30	\$681,500	\$708,500	\$447	104.0%	\$2,726,000	1,682	20,368	2.7
Seacliff	1	2	1	12	\$1,260,000	\$1,260,000	\$1,178	115.0%	\$1,260,000	1,070	3,833	2.8
Soquel	9	27	5	129	\$851,500	\$780,000	\$305	98.0%	\$4,257,500	2,642	90,727	5.1
Watsonville	17	54	17	54	\$475,979	\$454,500	\$249	96.0%	\$8,091,650	1,716	9,496	2.7

January 2015: Santa Cruz County - Common Interest Development												
City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	10	22	5	72	\$408,700	\$399,000	\$390	98%	\$2,043,500	1170	1019	4
Boulder Creek	2	3	0									
Capitola	3	10	2	42	\$389,000	\$389,000	\$489	100%	\$778,000	799	588	2.6
Freedom	1	2	0									
La Selva Beach	0	2	0									
Santa Cruz	7	28	5	30	\$504,500	\$407,000	\$379	100%	\$2,522,500	1287	1220	3.1
Scotts Valley	5	10	0									
Watsonville	2	18	6	15	\$316,816	\$329,450	\$255	97%	\$1,900,900	1230	1336	2.9

December 2014: Santa Cruz County - Single Family Residential												
City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	13	71	16	61	\$860,250	\$786,500	\$407	98.0%	\$13,764,000	2134	24197	3.2
Ben Lomond	0	5	4	47	\$526,250	\$510,000	\$390	100.0%	\$2,105,000	1490	12012	0.8
Boulder Creek	6	30	12	64	\$423,872	\$413,488	\$338	101.0%	\$5,086,475	1244	12582	2.5
Brookdale	0	4	1	65	\$396,000	\$396,000	\$257	99.0%	\$396,000	1538	7579	4
Capitola	2	16	8	43	\$916,625	\$847,000	\$679	100.0%	\$7,333,000	1406	4207	1.9
Corralitos	2	14	3	38	\$620,333	\$600,000	\$318	96.0%	\$1,861,000	2939	171626	8.4
Davenport	0	2	0									6
Felton	8	25	8	29	\$469,166	\$455,000	\$408	98.0%	\$3,753,335	1187	79655	2.6
Freedom	0	3	2	73	\$373,150	\$373,150	\$438	100.0%	\$746,300	1037	13308	1.8
La Selva Beach	0	11	2	69	\$750,000	\$750,000	\$331	94.0%	\$1,500,000	2287	14136	3.9
Los Gatos	5	21	5	83	\$1,236,248	\$1,272,500	\$376	94.0%	\$3,284,998	2548	55583	17.4
Mount Hermon	0	2	1	5	\$600,000	\$600,000	\$372	109.0%	\$600,000	1612	7100	6
Santa Cruz	17	112	47	63	\$1,272,334	\$770,000	\$522	98.0%	\$59,799,704	1875	16356	2.1
Scotts Valley	6	22	10	59	\$810,585	\$780,500	\$369	105.0%	\$8,105,850	2127	6946	1.7
Seacliff	1	2	1	13	\$675,000	\$675,000	\$325	113.0%	\$675,000	2079	8451	3
Soquel	3	23	4	51	\$847,750	\$860,000	\$496	98.0%	\$3,391,000	1748	80281	2.6
Watsonville	12	60	19	49	\$502,447	\$415,000	\$295	99.0%	\$9,546,500	1499	23528	2.8

December 2014: Santa Cruz County - Common Interest Development												
City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	3	20	9	55	\$564,253	\$596,500	\$395	98%	\$5,078,281	1422	1433	2.9
Boulder Creek	0	1	1	62	\$215,000	\$215,000	\$352	98%	\$215,000	610	610	2
Capitola	2	10	2	48	\$399,000	\$399,000	\$499	99%	\$798,000	800	806	2
Freedom	0	2	0									
La Selva Beach	1	3	0									3.6
Santa Cruz	7	27	9	61	\$558,611	\$466,000	\$395	101%	\$5,027,500	1290	1205	1.6
Scotts Valley	2	6	4	30	\$425,875	\$436,000	\$349	97%	\$1,703,500	1219	1361	1.6
Watsonville	6	23	3	24	\$300,000	\$290,000	\$257	103%	\$900,000	1108	1263	4.1

Data provided by MLS Listings, Inc.

March 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5 Tour Marketing Meeting 8:30 - 9 am	6 Local Govt. Relations 8:30 am	7
8	9 Education Committee 9:30 am	10	11 zipForm® Training 9 am - 12 pm Housing Foundation 2 pm	12 Tour Marketing Meeting 8:30 - 9 am	13	14
15	16 Search & Report 10 am Adv. Search & Report 1 pm	17 	18 WIN: Red Flags & Deal Killers 9 am	19 Tour Marketing Meeting 8:30 - 9 am	20 Board of Directors Mtg. 8:30 am LAPP Seminar 9 am	21
22	23	24	25 SCCP: Affordable Housing 9:30 am Budget & Finance 8:30 am	26 Tax Strategies 1:30 pm Tour Marketing Meeting 8:30 - 9 am	27	28
29	30 Listing Locator 1 pm	31				

April 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 Tour Marketing Meeting 8:30 - 9 am	3 SCCAR Closed <i>Good Friday</i>	4
5 	6	7	8 Housing Foundation 2 pm	9 Tour Marketing Meeting 8:30 - 9 am	10 Board of Directors Mtg. 8:30 am	11
12	13 Education Committee 9:30 am	14 Search & Report (MLS) 10 am Public Records Search (MLS) 1 pm	15 Charlie Krackeler License Renewal 9 am	16 Tour Marketing Meeting 8:30 - 9 am	17	18
19	20 Market Intelligence (MLS) 10 am	21	22 SCCP: County Projects 8 am	23 Tour Marketing Meeting 8:30 - 9 am	24	25
26	27	28	29 Budget & Finance 8:30 am C.A.R. - Sacramento	30 Tour Marketing Meeting 8:30 - 9 am C.A.R. - Sacramento	May 2	

View our Calendar Online at www.mysccar.org