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# Harry & Victoria Diamond

arry & Victoria Diamond co-founded their Florida-based company, Valor Ventures Inc., in 2012 while they were still dating. They are active members of Broward REIA (BREIA) and have become coaches to their mentor students while having private students of their own in South Florida and the Tampa markets. Both Harry and Victoria are community-minded and volunteer whenever they can. They are both Community Emergency Response Team (CERT) area leaders, as well being members of its Steering Committee. In addition, Harry sits on the Emergency Medical Services (EMS) Advisory Continued on Page 12

Rental Housing Journal, LLC 4500 S. Lakeshore Drive Tempe, Arizona 85282

### Red and Blue **Economics**

By Chris Kuehl, Ph.D.

This is a piece that is almost guaranteed to offend although that is really not the intent. There are a great many issues that seem to separate the country into "red" camps and "blue" camps and most of them are political or rooted to some degree in culture. There are differences over response to the pandemic as well. Are there differences related to the economy also? The short answer is yes but that is too simple. There are four significant economic differences that seem to follow the red/blue divide. The first is whether to focus on the resumption of business or addressing the impact of the pandemic. The second is the extent to which the government should engage in actions designed to blunt the impact of the economic downturn. The third addresses



the approach to other major issues such as climate change and the fourth addresses the extent to which individual choice or collective good dominates policy. All four of these create no small amount of controversy and all four have implications for those engaged in real estate.

From the very beginning of the pandemic crisis there was controversy over how best to handle something that very little was known about. The decision to engage in a massive lockdown or quarantine was based on the fact it was too late to halt the arrival of the virus and there was inadequate testing capacity. The assumption was that the virus would follow the same pattern as the flu outbreaks had in the past and would cease being a major issue within a month or two. The lockdown was expected to end by Continued on Page 18

### To Flood or Not to Flood



By Martha Teears and Susan Gropp

ne of the biggest exposures a property owner has is the potential for a major flood loss which is not covered under your landlord investor or homeowners insurance policy. You must purchase a separate policy for this type of protection. If you have ever been to the Arcana booth at a conference or listened to us speak live or on a podcast, we always recommend the investor to get a flood quote whether the lender is requiring flood insurance or not. Most Federal Emergency Management Agency (FEMA) maps are outdated and sometimes give inaccurate information, especially in an area that is experiencing tremendous development or is "downstream" from a city or town that is growing rapidly. Think about it, when you cover the earth's surface with concrete, that water must go somewhere.

A typical question we hear is: "Why Continued on Page 10



### Tight-Knit Engagement is Key to Our Success

By Rebecca McLean, Executive Director, National REIA

ay back in March, 2020 we headed into a period of unforeseeable circumstances that have forever changed how we look at work and our businesses. It feels like a lifetime ago that those of us that either worked in an office, or were constantly out and about had to change our routine and remain generally alone and mostly at home. I talked in articles and in our broadcasted meetings about how important staying in touch with your REIA community would be during that supposed "short" period of uncertainty.

Now we are over a year-and-a-half past "normal." Connection to community became a lifeline to many and has remained a vital part of doing business and of life. National REIA and your local REIA groups have been working hard to communicate why community matters and making a focused effort to develop even stronger communities to support you, both locally and on a broader national level.

As I write this, and the concern about the growing number of COVID cases is all over the news, my sense of appreciation for the communities we have is even greater. The support we give each other, the ideas we share, and the sheer sense of comradery has been invaluable to me and many others that we have heard from. The need for this sense of community and the tangible and intangible benefits from it is still needed and will likely grow as we head back into fall.

Many have never returned to a "normal" working environment. The greatest challenge for many, other than overly easy access to the refrigerator, is working alone especially for us extroverts! We come up with some of our best ideas from "water cooler" talk, the conversations you have that aren't always intentional as you have conversation with others. Finding ways to connect with people is very important to me.

Fortunately, National REIA has been hosting monthly leadership forums and REIA Now Update calls allowing those of us in the REIA community to connect with each other on a consistent basis. Our tight knit groups have migrated from meetings in hotel ballrooms and conference rooms to Zoom calls and online chats and our connections have remained strong. We have formed tight bonds inside our REIA groups and although the format for communication has changed the relationships are still vibrant.



Our ongoing calls have been invaluable to investors struggling with questions about how to do business in these crazy times and for those that are unsure if the information they are getting is correct. These calls have given us access to some wise advisers, new resources and peers with innovative ideas - all things that will help us make the tough decisions needed to not just survive, but thrive on the other side of this crisis.

For now, we are monitoring the situation and remaining flexible in order to serve you best. We meet regularly to stay focused on our mission of serving our members and look for insights and new opportunities. Engagement from our members in our calls has led to our new series on alternative investing strategies to add to, or modify your business. Through the end of the year we will be revisiting some creative strategies you probably have heard of, and a few you may not know anything about. Our postings to our news site www.RealEstateInvestingToday.com have nearly doubled with multiple news items being posted every day! We endeavor to keep you informed and up to date on the information that may affect your business.

Many of us struggle with significant uncertainty. Handling not knowing what might come next is a leadership skill that takes time and maturity to develop. Those who have mastered this skill can effectively cope with change, shift gears comfortably and can decide and act without having every piece of the total picture. Developing this skill creates calm amidst the chaos. The good news is this skill, once learned, works for you in all aspects of life, in good times and bad. But even those with great skill could use more certainty. That's why we have our news site, our website with a specific COVID

page, regular emails, monthly Zoom updates, the Real Estate Journal and more. We want you to have the best information possible for managing your real estate investing business.

We are also fighting for you as investors! We have successfully, as a group, made our voices heard when issues affecting our industry and our businesses have been discussed. We have gotten our message out about how bad decisions in government have harmed us and by downstream effect, our communities. Together we are making a difference.

We may not be completely through this crisis. The fall may bring tough news and more changes. No matter what happens you can count on National REIA and your local REIA to focus on the important things - our mission, the work, our impact on communities and the lives and businesses of individual investors, most importantly - the people!

Regardless of what may continue to be a temporary physical separation, I feel remarkably connected to our REIA leaders and members. I think it is because we are more committed than ever to serving you with passion for our industry. Thank you for all that you do, for who you are, for what we do together. We will get through this and will remain strong. We will find new opportunities and see new success. Lean on the support of your REIA community. We're here for you!

Rebecca McLean is the Executive Director of National Real Estate Investors Association.

### Safety Concerns are Everyone's Business

By Charles Tassell

ith several high-profile resident attacks on property owners occurring across the country, it is important to remember to take appropriate precautions when dealing with the general public.

But wait you say, this isn't the public, this is a resident that has rented from me for many months or years. Just the same, some people will never act on bad behavior if they aren't given an opportunity – don't give them an opportunity!

With the ever-increasing COVID-fatigue, political polarization, and dare I say something so old fashioned as the devolution of courtesy and decorum in our country, not to mention the influx of illegal immigrants, there is a growing criminal class and a group of people willing to take advantage of anyone they deem privileged enough. Bottom line; It pays to take precautions.

Just like a good story, please remember the who, what, when, where, and why aspects of the moment.

Overarching all of these is something called situational awareness. It is the opposite of how most phone-obsessed zombies walk around, oblivious to everything around them. While Millennials and Gen Z are notorious for this, the older generations are just as guilty at times – and doing so at the wrong time can have serious consequences. Keeping an eye out for suspicious activity is always important. As for what qualifies as suspicious, most people who have dealt with the public over a long period of time have a pretty good idea of right and wrong behavior, but if you are new to this, please keep in mind: follow your gut. Many attack victims report afterwards that something didn't seem right, but they pushed those

feeling aside, or told themselves it was just in their imagination. Your subconscious will pick up on the nervous ques given off by potential attackers – listen to that little voice and get to a safe-place: distance, lighting and population are all good for starters.

While there are a myriad of good tips out there for the different roles we engage in as renovators and rental property owners, please be sure you know who you are meeting with, first and foremost. Just as due diligence is important for background checks it can also be important if the location is isolated, or at odd hours. A second person or even third person with you, can keep things from getting out of hand as well. For example, when I politely but firmly asked a drug dealer to leave the property he had a moment of sizing me up, and then noticed two of my maintenance men flanking from the sides – he turned tail. Getting a copy of ID ahead of time and letting someone else know the details of the meeting is a good measure of defense.

Additionally, where you are meeting is very important. As noted above, is the location isolated? Is it well lit? If there is a problem, do you have exit routes? Are you meeting at a place someone considers their home, and feels threatened by your presence? Fight or flight fears can cause individuals to act almost irrationally. Even while you don't want to go into a dangerous situation, or put employees in a difficult position, how you engage a resident can increase or diffuse tension. Police officers are trained in diffusing situations and the Internet is filled with pointers and video advice. Learn and follow them.

Professional hours are not always the easiest to keep when fully employed and building a portfolio, but adhering to even extended bank hours can help limit stress on both

sides of the contract. While meeting before dark is easier during summer's extended daylight season, for safety's sake specific timeframes may need to be instituted and thoroughly communicated to set boundaries. As long-time investors will tell you – boundaries are important!

What is the purpose of the meeting? Will there be cash involved? Will there be keys and access to potentially valuable materials. (Before dismissing the value of items consider how much damage has been done by thieves going after copper pipe, and that most pawn shops have tons of used equipment – turned in by the ersatz owner.) Showing a unit with lots of tools laying around may lead to a theft later that night. As for cash, well, just don't. There are plenty of digital options and alternatives. Besides, the digital options provide tracking and receipts – very necessary as more and more property owners are being asked for validation when a resident's memory (conveniently) fails them.

Finally, if you have concerns about someone's behavior, talk to the authorities. That will either calm things down, or if they do go off, it will be with the police, and they are trained for those situations. Finally, consider if your state or locale will allow you to protect yourself with a concealed firearm. It is no tradeoff for situational awareness nor will it mitigate any of the above considerations, but it may give you the edge to come home, unlike several landlords in Illinois, Kentucky, and Florida just recently experienced. Be safe out there!

Charles Tassell is the Chief Operating Officer of National REIA and a landlord himself.



"What part of 'No' did you not understand?"

#### - SCOTUS to POTUS

### Eviction Moratorium - Rental Assistance - Deadlines for Obligating the Funds

or the slow-moving justice system to move through 3 layers of federal court appeals in a matter of weeks, was like watching molasses turn into lightening. It is not unusual for judges, especially federal judges to sit on their decisions for months on end, sometimes years. In this case, inside of 23 days, three federal court levels heard and weighed-in on the Biden Administration's "acknowledged as likely unConstitutional" extension of the eviction moratorium. It was a breath of fresh air for those struggling for the past 11 months under the nationalizing of housing edict. That being said, there are still state and local moratoria in place though all but New Jersey and New Mexico are planning some form of opening up the eviction process.

### Sky Falling

As in the case of Chicken Little, there has been no mass eviction result, nor has there been a documented increase in Covid due to evictions – the CDC's justification was based on spurious and non-public nor peer-reviewed studies. Those studies, as often generated by the Eviction Lab are rife with problems and consistently non-peer reviewed. They are agendas given with a veneer of sophistication and quality to justify an anti-capitalist and anti-property ownership belief system. It is important to remember a phrase by author Jonathon Swift in 1710,

"Besides, as the vilest Writer has his Readers, so the greatest Liar has his Believers; and it often happens, that if a Lie be believ'd only for an Hour, it has done its Work, and there is no farther occasion for it. Falsehood flies, and the Truth comes limping after it; so that when Men come to be undeceiv'd, it is too late; the Jest is over, and the Tale has had its Effect..."

The grand Jest that was the CDC Eviction Moratorium is over for now, and it is unlikely that Congress will move on this issue, short of another national shutdown.

### **Rental Assistance**

Headlines continue to point out what we have known for months, the Rental Assistance money is only trickling out from the local and state grant recipients. Some of this is due to the difficulty of meeting during a crisis, but in most cases, it is an example of bureaucracy tying itself in redtape. I just recently testified on the complications of one such organization, while they spoke of removing several layers of review recently determined to be slowing down the process. That and the fact that they never returned a call...in 10 months. Email was unresponsive and when a check was released, it contained no identification material

to determine which resident should benefit. But they are working on doing better now. And hiring temp agencies to expand their capacity...something that should have been done at the outset!

The U.S. Treasury has been pushing best practices and answering bureaucrat questions that have bogged down several systems, even encouraging intervention activity at eviction courts. Organizations could set up shop outside the courtroom, process the resident, and if approved on the spot, turn a check around for the housing provider in a matter of days. One key regional difference in the programs has been the demands by some local agencies for housing providers to discount their rents in order to receive funds, or commit to not evicting for some extended period of time. These programs have struggled for participation as housing providers have often opted to forgo the funds and not throw good money after bad. With vacancy rates low, a new paying tenant, sometimes at a better rental rate is a far better choice. Local housing provider stakeholders need to continue providing feedback to organizations highlighting the failures of the program with suggested improvements. As partners in the programming, housing providers can truly have an impact for the benefit of residents and housing providers in the region.

### **COVID Fatigue**

After a year and a half of COVID headlines and everchanging guidance, standards and goals, most people are reaching their own level of fatigue with COVID. As noted in our economic update, there are 2 very different views on the subject with variations on the spectrums of governmental intervention around the country. Most of us are familiar with the mantra "location, location, location" when it comes to real estate, but we may not have fully considered the willingness of governmental expansionism in that state or municipality. On the positive side, with interest rates low and housing in high demand, shifting out of those assets into less troublesome locations needs to be a consideration. Much like frogs in an ever-warming pot we get comfortable with the level of regulation in our area, often pointing out that its not as bad as (fill in the blank). However, in some municipalities it may be well worth your time to shift assets before capital gains taxes increase and things get worse. At some point, the regulations will have such an impact on the valuation that you may not be able to get out and still be made whole.

If you are of the mindset that after this current crisis expires, things will go back to normal, please consider that the Spanish American War Phone-line tax was implemented due to the crisis of the new war in 1898 and was only repealed in 2006. Will you and your business survive that long?

#### More Mandates and Lockdowns?

National REIA has always encouraged treating your business like a business and that includes everything from capital to offset market down-turns and unexpected problems to developing systems and protocols to assist in scaling up (or down). Part of that planning also includes looking at the future and trying to read the tea leaves of business fortunes. Our economists were watching and providing insight in to COVID in November of 2019, even now they are sharing insights on the polarization in the country and Delta variant, Lambda variant, and an as-yet unnamed variant starting to rattle scientists. We have entered a new era of intrusive medical policies that depending on your region could severely impact your business. Are you prepared for several years of rolling lockdowns, mandates and new guidance? Ready or not, your business will need to be. Build relationships whenever you can, as best you can, because normal may truly be changing.

### HR 5013 - The Affordable Homeownership Access Act

HR 5013 is an effort that National REIA members have been helping to develop over the past several years. It has been refined and has growing bipartisan support. The effort started initially as the Seller Financing Act, but that did not accurately represent the breadth of the impact of the bill. With this bill individuals would be able to provide seller financing options for more individuals based upon the cost of the housing, as it ranges dramatically across the country. National REIA members will have the opportunity to reach out to their legislators in the House (for now) asking them to join as cosponsors. With current limitations restricting property owners to 3 sales in a rolling 12-month period, this expansion could help numerous individuals have an opportunity to purchase a home in areas and at price points where banks have nointerest!

### S2182 - The Eviction Crisis Bill of 2021

This bill was reintroduced as it was only introduced at the very end of the last legislative cycle. The official justification is:

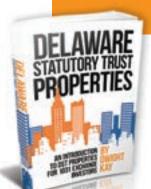
Since 1960, the median household's income grew by less than 40% after adjusting for inflation, yet the median rental payment rose by nearly 80%. With housing costs far outpacing incomes, roughly 3.7 million eviction cases were filed annually in recent years. In 2016, one in 50 renters was evicted from his or her home. This nationwide eviction crisis has undermined family economic security and placed enormous

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## Life Happens; How You Deal With it is What Counts

By M. Jane Garvey

nvestors that have been through a crisis can tell you how important it is to have ▲ backup plans. Notice, I said backup plans, not just a backup plan. Flexibility is needed to not only survive, but to thrive. These plans relate to all matter of things in your business. Of course, the time to be thinking about them is before they are needed. If you wait until they are needed, you may be the guy trying to buy a generator in a power outage, sandbags in a flood, or find funding as banks are failing. If you wait for the crisis to hit you personally, your stress levels may quelch your creativity so you can't even think of ways to deal with the problems you face.

> "Expect the best. Prepare for the worst. Capitalize on what comes." Zig Ziglar

Zig Ziglar hit the nail on the head with this statement. If you are paying attention and preparing, you will be better prepared to thrive rather than just survive. Be the one who has umbrellas to sell in the downpour, shovels and snowblowers to sell as the snowstorm approaches, and excess toilet paper to ingratiate yourself to your friends when they run out. Finding a need and filling it is a winning formula for success. Even better, anticipate the need and be prepared.

What got me thinking about this topic today was some news I heard about credit being pulled by a bank due to a person being outspoken against the current administration. While that is another topic that we need to deal with, it is not the point of today's article. Being prepared is.

Funding! If you rely on bank financing to do deals, you should make sure that you have alternate plans in place. The fine print in many agreements for Home Equity Lines of Credit, Business Lines of Credit, Credit Cards, and other funding allows the lender to pull the funding at any time. Sometimes it is just the additional available funds that are pulled. This can be horrible if you are counting on those funds to finish out a rehab. Funds that you have already borrowed can sometimes be called due as well.

Read the fine print so that you know what you have signed up for. Some of the most brilliant people I know have

been caught unprepared when funding disappeared overnight.

It may seem unbelievable that lenders would pull financing when borrowers are current on their payments. Trust me, it has happened, it does happen, it is happening, and it will happen! Your ability to survive an economic shift may be dependent on your preparedness and willingness to have backup plans in place.

Lenders will also pull funding commitments when the borrower's circumstances change. Try losing a job, losing a spouse or a business partner mid deal. You will quickly find that the lenders look at you differently. If you have deals under contract, what are your plans if you can't close them because your funding disappears?

For funding safety, I would suggest that you always have accounts at more than one bank, and if feasible a credit union as well. Build a relationship with each of them. Have some private lenders at the ready too. You should develop relationships with friends who could bring strong credit, money, or other assets to a transaction for a piece of the deal if needed. Having these relationships in place may necessitate giving up some of your profits when you don't need to, so that they will be available when you need them.

You may be able to use these same relationships and connections to solve other people's funding problems.

Right now, there is tremendous inflationary pressure on our economy. The relentless spending by government is only adding to the likelihood that we are in for an economic day of reckoning. While it is tough to predict what exactly this will look like, I would suggest that you learn everything you can about seller financing. Practice using it as well.

When I started investing in real estate, interest rates were in the high teens. People were getting double digit interest on their savings accounts. Lenders wanted 18%+ for mortgage rates if they were willing to lend. Strangely, people still were doing deals. Why? Because life happens. People get transferred, people get old and need to move out of their homes, people die and their heirs need to sell their property, people get divorced, people lose their homes to foreclosure, etc. On the other

side of the coin, people get transferred or promoted and want to buy a home, people inherit money and want to buy real estate, people get married and start a family and want to buy, people retire and move, life goes on.

Life continues to happen, even in an economy with huge inflation. There is a need that needs filling. We managed to successfully do deals by giving the seller more on their money than the bank would, while we paid less than the bank would have charged. Sellers were willing to listen since buyers were somewhat scarce. The main hurdle that needed to be cleared was the middlemen that didn't want the buyer and seller to have a conversation. Some of the smarter ones were more open to the conversation happening during this time since they were not getting paid if the deals didn't happen.

Bank funding was available for rehabs, and the high interest rates were more tolerable for short term. That worked while real estate was a part time gig. After we quit our jobs and found that banks were reluctant to lend, we used partners who could enhance our credit so the banks would lend us money. The key to success in all of this was creating deals that worked for everyone and building relationships that allowed for the partnerships.

Take the time to look for vulnerabilities in your current strategies and situation. The time for developing your back up plan is now, before you need to implement it. Prepare so that you can not only survive, but thrive, in the changing market.

Jane Garvey is President of the Chicago Creative Investors Association.

### Wholesaling and Options in an IRA: How it Works

By John Bowens

hen real estate investors discover they can use their IRA, solo 401(k) or other tax-exempt account to invest in real estate, they sometimes mistakenly think it will take a while to build up the balance needed to get started with any type of significant real estate investing.

With a new IRA, you're limited to only contributing so much out of pocket each year. In tax year 2021 you can contribute up to \$6,000 to a traditional or Roth IRA when you're under age 50; up to \$7,000 when you're 50 and older.

Despite these relatively low dollar amounts, there are strategies for real estate investors looking for ways to grow their IRA in a short period of time. Provided you follow the rules, wholesaling or conducting real estate options provide two such opportunities grow a small retirement account significantly.

### Wholesaling in an IRA

Wholesaling is essentially an A to B to C transaction. For example, there is a seller – someone who owns a property. Maybe it's a vacant house, estate sale, or probate. The seller is in some sort of position to sell the property at a discount. You as the investor have the opportunity because you found this deal to negotiate a discounted price and sell it to an end buyer who buys and rehabs properties. Maybe they don't want to go out and hunt for transactions. They prefer to find someone like you, a wholesaler that has good deals, and they can acquire those properties from you in

In addition to the seller there is your IRA: it could be your Roth IRA or traditional IRA. A lot of investors like to use their Roth IRA for these types of transactions because of the tax-free upside. With a Roth IRA when you put money in it's after tax, it grows tax-free. As long as you follow the rules, when you take a withdrawal after 59 ½, you pay 0-percent tax. You could also use a Coverdell education savings account (CESA) or a health savings account (HSA) and receive these tax advantages.

The property goes under contract in the name of the IRA or other account. For example, instead of the contract buyer listed as John Bowens, it will be listed as "Equity Trust Company custodian FBO (for benefit of) John Bowens's IRA." Because I have my account with Equity Trust Company, I log into my Equity Trust account online. I key in all the information and I request that Equity Trust Company writes the check or sends the wire transfer out to open escrow for my earnest money deposit.

My earnest money deposit must be paid for from my self-directed IRA. I couldn't



write a personal earnest money deposit for a property and then have my IRA benefit.

### Wholesaling example: \$500 into \$10,000

Let's say I put a property under contract for \$50,000. I then sell that contract to a rehabber for \$60,000. I write an earnest money deposit to the seller, person "A" for \$500. My total investment from my self-directed IRA is \$500.

Some active wholesaling investors might wonder, "why \$500 down? Sometimes I only put a dollar down or \$10." A self-directed IRA, is a tax-privileged account and there's no clearly defined guideline in terms of \$10 is not enough, but \$500 is OK. It's a rule of thumb that's used in the industry. Check with your tax attorney or CPA to determine what they feel is in your best interest. But I know that a lot of investors prefer to put maybe a few hundred dollars down on a deal so that they have some "skin in the game."

In this example, I have \$500 down, and a contract for \$50,000 assigned to an investor buyer. The contract is assigned from B to C, from my IRA, HSA, or CESA, to the end buyer. My self-directed IRA may not have 50,000, but the account had enough for the earnest money deposit, secured the contract, and then assigned the contract to the end buyer.

In this case, I have a \$10,000 assignment fee, which goes back into the self-directed Roth IRA. And because it's in my self-directed Roth IRA, there's no short-term capital gains tax.

### Tax-free profits for an HSA: Mark from North Carolina

Here's another example of wholesaling, with a different type of account: Mark

from North Carolina established an HSA and deposited \$500. To find properties, he performs a direct mail campaign, mailing letters to absentee owners of properties. When they reach out to him, he negotiates to buy their properties.

He found a property in North Carolina and put it under contract for \$10,000. His HSA made a \$100 earnest money deposit. Then he assigned that contract to an investor buyer for 15,000. He made the spread of 5,000. After his \$100 earnest money deposit was accounted for, he made a \$4,900 tax-free profit for his HSA.

Should he choose to withdraw that money, as long as he uses it for healthcare-related expenses, it's tax-free. You could plug-and-play a Roth IRA, traditional IRA, solo 401(k) – you name the tax-exempt investment account, you can deploy this type of strategy.

### Real estate option example

A real estate option is very similar to a wholesale transaction. The difference is that a real estate option gives the optionee the right to buy a property at a future date at a predetermined price, similar to a stock option.

Here's an example: This past year, an Equity Trust named Chris put a commercial property (storage facility) under contract in her Roth IRA with an option. It was an A to B to C transaction, just as before. The seller, who is player A here, owned a commercial building and Chris's Roth IRA (Chris on behalf of her Roth IRA), put the property under contract in a distressed situation.

Chris has investors in her network who are looking for commercial real estate deals. She brought player A and player C together leveraging a real estate option. Her Roth IRA wrote a check to the seller for \$2,000 to put the property under contract with an option. She had the right to assign the option contract to anyone.

She assigned the option contract to the end investor buyer, who bought the contract for a \$20,000 assignment fee. She invested \$2,000 and made a \$20,000 profit, tax-free because it was in her Roth IRA.

The real estate option vehicle parallels the wholesale transaction vehicle; however, from a legal documentation perspective, they are two different transactions. In terms of preparing your real estate option contract versus a traditional purchase agreement, speak with your real estate attorney.

### Things to consider about this strategy

When using your self-directed IRA or other account for wholesaling or options, be cognizant of your account being viewed as running itself, like a

business, and potentially being subject to unrelated business income tax (UBIT). If you perform too many of these types of transactions in one year, there is the possibility of triggering UBIT.

In addition, when conducting these types of transactions, it's important that there's some "skin in the game," or a significant capital investment, proportionate to the gains on the particular property acquisition.

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John Bowens is National Educator and Manager, Retail Sales at Equity Trust Company.

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### Wholesalers Who Cloud Title

By Jeffery S. Watson

Prequent social media posts contain comments regarding wholesaling that astonish me.

As a real estate attorney who has influenced wholesaling on a national basis (visit watsoninvested.com/wholesaling to watch videos I did for National REIA with the Ohio Division of Real Estate which have been used to educate and train investigators and regulators in multiple states), I want to clarify some things that

seem to cause confusion in the wholesaling arena.

Let's talk about a couple of fundamental terms. "Clouding the title" occurs when an individual files on public record, typically with the county recorder's office, a legal document acceptable for recording that indicates they have some sort of contractual or equitable interest in a property. There is, on occasion, a legitimate time and place for doing this.

"Slander of title" is a particular cause of action or lawsuit that can be filed by the

owner of property against someone who has improperly, illegally, or fraudulently filed something on public record clouding the title to the property.

An egregious example would be if someone tried to use identity theft and steal someone's property via filing a false deed. In addition to filing a claim of fraud, you would also file a claim regarding slander of title.

This is where wholesalers need to pay attention. Just because you have a "contract" to buy a house DOES NOT

mean you have the right to cloud title. Let's break this down further.

Do you even really have a contract? A necessary element of a valid contract is that both parties have entered into an agreement with the express intent, ability, and capacity to perform according to the terms set forth in the contract. Many wholesalers do not have the express intent, ability, and capacity to actually perform on the contracts which they are signing. Instead, many wholesalers are trying to

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### The Toolbox You Need to Streamline Your Numbers

### Accounting Processes are a Cakewalk!

By Gita Faust

**T** f you ask a room full of real estate professionals, "Who likes accounting?" you will likely be met with crickets. L If anything, you might receive a few halfhearted "Me"s from around the room—but for most real estate pros, accounting is the last thing they would want to be doing.

Still, that does not mean that accounting is not a thing that needs to get done. Accounting and finance are significant aspects of any business, but many business owners push it off and off until tax time rolls around and then chaos ensues.

Accounting does not have to be a task you dread. Accounting does not have to be mind-numbing. It can be quick, easy, and even satisfying! (For those of you who enjoy accounting, this is not a diss. I enjoy it, too, but I am well aware that there are many people who do not.)

At this point, you're probably wondering, "How do you achieve this quick, easy, satisfying accounting?" The answer is simple: put together a powerful accounting system that turns the whole process into a cakewalk.

Each business is unique in its specific needs, so, unfortunately, I cannot tell you exactly what to use to create this almighty system. However, I can lay the groundwork for you with a few suggestions, and you can take it from there (or, if you reach out to our team, we can help guide you!). So, without further ado, here are some applications you can use to streamline your accounting system and make life easier:

### Scanner App

There are plenty of these in the app store—Handy Scanner, Genius Scan, and so on—and some of them are even free!

These scanners will take a photo, convert it into a PDF, and might even send it to a different device, depending on which application you use. Look for an app that lets you crop, scan multiple pages, and clean up the image; it should not be too hard to find, and those capabilities will come in handy down the line.

How does this help with your accounting? Well, I am sure you have plenty of receipts stashed away somewhere. With a scanner app, you no longer have to stuff paper upload them to where they need to be.

#### HammerZen

HammerZen is a unique app that automatically uploads your purchases into QuickBooks. Most real estate (and construction!) professionals have made purchases from the Home Depot that go toward a property, and HammerZen makes transferring that purchase data from the Home Depot Pro account to your accounting software a breeze.

Rather than manually entering everything from one place to another, you can let HammerZen seamlessly integrate your Home Depot account with your QuickBooks software.

#### **Google Drive**

Google Drive is one of those things that you cannot believe is free. As a competitor of Microsoft Office, that is one hold it has. It does lack some of the more advanced functionalities that Microsoft Office has, but the system is super easy to use, whether you are writing up a document, creating a slides presentation, uploading PDFs, and so on.

Best of all, all of your documents can be managed in an easy-to-navigate web-based filing system. You can even sync your folders to your computer!

After you scan all of your receipts and documents with your scanner app, you can store them in your Google Drive for safekeeping and easy access (and you can even organize them into folders by property, type, etc.).

#### Online Banking

Most tech-savvy and business people nowadays use online banking, and most banks offer this feature for free.

The reason this is so useful is that you can usually download your transaction history in just a few clicks, and then you can upload it into your drive or wherever you want to keep it. All that information can be matched to your receipts and uploaded into a spreadsheet. It's as

However, depending on how many transactions your real estate business makes each month, you might find that matching all of the receipts to the transactions

receipts into a shoebox! You can just scan them and uploading them into a spreadsheet is very timeconsuming. That is why it might be smart to bring somebody else onto your team.

### **Bookkeepers**

You can hire a bookkeeper to help you out with these tasks! Bookkeepers are well-versed in the realm of accounting and have tons of practice keeping the books, so if this is all you need them to do, I definitely recommend bringing one onto your team. FastTracConsulting offers unbeatable bookkeeping services that help you keep your books neat and organized (FTC also specializes in real estate accounting, so as a real estate company, this would definitely be a plus for you).

Just a word of caution, hire someone with experience and has knowledge about real estate accounting, and is certified in the software. Me, personally, I am Advanced Certified in QuickBooks since 1999, and an accountant, a landlord and have been in business since 2001.

Outsourcing to bookkeepers is super easy when you have everything in the cloud or in a web-based drive like Google Drive and QuickBooks Online!

### Backup Systems

When everything is on the web and you have multiple people accessing the information, it might be smart to implement a backup plan in the form of a backup app like Backupify (Did I say backup enough for it to stick?).

Backupify costs about four dollars per user per month, but honestly, it is an insurance policy that is worth the cost. I would much rather pay forty-eight dollars a year and keep my data safe than risk losing everything I have stored in my drive.

### **Property Management Systems**

You should have known this one was coming. It is so critical that you use property management software if you have properties that you are managing (as most real estate professionals do).

One example of property management software is AppFolio, Buildium, and Yardi. Like many other apps

Continued on Page 16

### Legislative Update ... continued from Page 3

financial strain on the nation's health care system, courts, schools, and local governments.

For now, this bill is only focused on developing a national database to track evictions in their various stages, study the various eviction rules and procedures in the states as well as catalogue best management practices for eviction mitigation programs. While these may seem harmless, they are in fact a first step toward nationalizing the eviction process - and if you don't think that is possible, please refer back to the stories above, noting the Supreme Court did not say that the eviction moratorium could not be done, just that the Legislature had to do it... and if evictions are a national crisis, maybe housing will need to be nationally managed.

### Non-Government Scams

Please be aware that phishing scams are at an all time high. If you receive an email from a place of business, especially a bank that you work with, do NOT click on the links or call the number in the email. Please verify the number outside of the email. Many people have been falling for scams in which an email from "their bank" provided a number to address a concern the bank had about an odd charge. The number, while looking legitimate leads to a scammer who walks the person through the process of confirming details about the account, only to set them up and for the real scam.

Finally, as more of us are working from home, with numerous digital devices - be sure to change your password at least annually. Make sure you change the default passwords as those are internationally known and could provide access to your system or cameras to anyone around the world.

### Fake Pay Stub Scams

As if fake emotional support animal letters weren't enough the astute property owner needs to be aware of the extensive utilization of fake pays stubs. Below is an article shared by an experienced SF property manager named Jim Shapiro. The longer version with links to the sites can be found on www.RealEstateInvestingToday. com. His advice is prescient.

My business manages over 350 units and we see a lot of applications - more than most. Today I caught what I think was the 10th instance of fake pay stubs since April when we found the first one. Fake pay stubs from rental applicants are people committing crimes - forgery or fraud - and until this year I'd never seen it. It may have happened before but never at this scale. Those applicants typically give us a fake stubs and fake employer reference name and phone number (usually a friend or family member) who will confirm the falsified employment.

We have to independently verify all the info we get - employer and prior landlord names and phone numbers all have to be looked up online to confirm what's real and what's not. (Fake prior landlords have always been a problem but fake paystubs is new). Making it worse, lots of employers are hesitant to provide info and some tell us to go to web sites to get this info and we have to register and pay \$15 to \$40 for employment verification. One I signed up for yesterday said it would be a week before I was approved to use their site.

I find this very scary and disturbing. I don't

believe most housing providers are going to catch these and so they are going to end up renting to people who cannot pay their rent. That will contribute to a surge in evictions in the future. With the timing, we can expect that surge will end up being blamed on the end of the Eviction Moratorium. In reality I think this is a new impact of COVID - even as we see employers unable to hire workers we're seeing this new trick to deceive housing providers.

We all want to see fewer evictions, and unfortunately, this is only going to lead to more. Realize that an owner who get's tricked and rents to these people - and most of them will find someone who does not catch the deception - will end up moving them in. When they cannot pay, the owner will not know it's because they are really not employed. They will think "this person has a job" so they will accept excuses and give them more time to make the payment. Some will hear "I got COVID" related excuses and give them time and be fearful to go see them. (When you knock on a door and the resident you came to see says through the door "I'm in quarantine - I tested positive for COVID" there's not much you can do - and I heard that more times than I can recall now. Some were legit, but it's difficult to know. That may be a good time to go back and double check their application for fake pay stubs.

- Jim Shapiro, Owner of a property management company 🖤





Two common forms of investment strategies that smart investors use to grow their wealth with passive income include creating a diversified portfolio of stocks and investing in real estate. While investing in the stock market is beneficial for numerous reasons, investing in private market properties like multifamily provides several advantages.







SCAN TO READ HOW YOU CAN DIVERSIFY YOUR PORTFOLIO AND BUILD PASSIVE INCOME

### To Flood or Not to Flood ... continued from Page 1

is my mortgage company requiring me to purchase a separate Flood Insurance policy?" Two reasons, first your mortgage company is required to order a Flood Zone Determination for the property being held as collateral for your mortgage. If your property is located in a Special Flood Hazard Area which are Flood Zones A and V, you are required to purchase flood insurance. Second, if they have been around for a while and your loan officer has a lot of grey hair, they have probably experienced an uninsured loss due to flood.

Flood zones are defined as the area that will be inundated by a flood event having a 1 percent chance of being equaled or exceeded in any given year. Under the Flood Disaster Protection Act of 1973 individuals buying, building or improving property located in identified areas of special flood hazards within a participating community are required to purchase flood insurance as a prerequisite for receiving any type of direct or indirect federal financial assistance, for example,



a loan, grant or subsidy or disaster assistance when the building is the subject of or security for such assistance.

Properties that reside outside Flood Zones A and V typically are far less expensive to insure than those properties in these zones but many of the losses today are coming from these areas that are not designated as an A or a V. What does that tell you about the FEMA maps?

### Flood vs. Water Damage

The question of what constitutes a water claim and what constitutes a flood claim

creates a great deal of confusion among insureds. Water claims are submitted as flood claims and flood claims are submitted as water claims. Insured's may think "what's the difference and why should I be concerned." There is a big difference between the two losses. Flood claims require their own policy whereas water claims are covered under your hazard policy.

Let's first start with what is a water claim. An example of a water claim would be a situation where you have a water pipe break, and the water leaks within the house. A more drastic example would be a situation where the roof is damaged during a thunderstorm, tornado, or hurricane and water is allowed to penetrate into the interior of the property. The secondary interior damage caused by the water resulting from the storm damaged roof would be considered water damage and not flood damage. Water which backs up through drains or sump pumps may be excluded from coverage by the policy without an endorsement to provide this coverage. Water which seeps through foundation walls are also typically excluded by the hazard policy.

A flood claim would be damage which occurred resulting from rising water. A common scenario would be extended rainfall causing rivers and creeks to rise above flood stage. Water then enters the surrounding buildings from the outside. Another common occurrence is storm surge entering structures along the coast from tropical storms or hurricanes. Losses from hurricanes can result in both a flood and a water claim. The winds could damage the roof and allow rain into the interior of the structure. At the same time, water from the storm surge could also penetrate the interior of the structure. This scenario could result in 2 claims for the same loss.

The saying in the insurance industry is if the water comes through the front door or windows, it is a flood. If water starts within the house going out it normally is a hazard. Each claim stands on its own merits and normally needs to be investigated by the adjuster, so do not hesitate submitting a claim for review.

Most importantly, know what claims are covered in your policy. Arcana is recognized nationally as one of the leaders in providing professional claim services. Please contact us with any questions you may have regarding your Arcana Policy or to seek advice on your insurance needs.

Arcana offers members of National REIA multiple insurance products specifically designed for Investors and their tenants. Features include no underwriting or inspections, 24/7 desktop & smartphone certificate delivery system, outstanding claims management service, and a very knowledgeable & courteous staff to handle your insurance needs. For more information, please visit www.nreia.arcanainsurancehub.com.

Martha Teears is SVP – Manager, National Accounts Group of Arcana. She has over 30 years of Insurance and major account relationship experience within the insurance and financial sectors. She has focused on building expertise in risk management exposures relating to catastrophic occurrences such as fire, floods and hurricanes. She has extensive knowledge and experience in Flood insurance.

Susan Gropp is Executive Vice President and a partner at Arcana Insurance Services, LP. She is over the underwriting and claims divisions.



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Real Estate Journal - Fall 2021

### Member Spotlight - Harry & Victoria Diamond

### ... continued from Page 1



Harry buying properties as a "Shark" at the BREIA Shark Tank event

Board. Harry also worked with the city's mayor for 7 years on "Unity in the Community." This is an annual event designed to foster unity among the 27 different ethnic communities within the city limits by holding a free event for over 5,000 people.

### Please tell us a little about who you are and what you did before getting into Real Estate Investing.

Victoria started out as an accountant for one of the country's largest CPA firms before moving on to work for an immigration law firm. She later became an entrepreneur owning a construction company and could often be found "walking the beams" and "Flying Steel." Later, she ran 2 roofing companies giving her the experience and knowledge to expand any future investing opportunities. She owned a multi-family building but never really pursued investing until she met Harry.

Harry was a corporate executive young in life whose company designed, built and supplied pure breathing compressed air and vacuum systems to hospitals, pharmaceutical manufacturing, and high-tech industries, P3 & P4 bio-level research laboratories and military installations throughout the east coast of the Unites States

and Mexico. Harry, then 30 years old, changed his career and had a farm market and country bake shop business in Vermont for 10 years with a cider mill, apple orchard, pick-your-own-berries, cornfield maze and more. His efforts even attracted the attention of the Food Network's Rachael Ray and was featured on her \$40-a-Day program. Good Morning America, Ron Hazelton's House Calls and many more national and local multi-media earned Harry's farm market business a "Must See & Do Destination Stop when in Vermont." Harry was even a guest Chef (Baker) on Albany NY's NBC news program for 4+ years doing his "Julia Child" thing.

### What is your current Market and what is your focus or area of expertise?

Our current market is the South Florida, tri-county area (Broward, Miami-Dade & Palm Beach Counties). Our focus is mainly short sales, but we also deal with probates and wholesale deals. We have been told that we are one of the top 10 specialists in short sales in the tri-county area. Our area of expertise is finding creative solutions for each situation to make each deal a win-win-win-win for all involved. We are also heavily focused on coaching our students as well as BREIA's Mentor Students.



Harry & Victoria "Boating for Dollars"



Harry's Heavenly Dream Bars

### How did you get started?

In March, 2012 we got hooked into a nationwide program (Wealth Rock) thinking "we could do it all" (notes, trailer parks, commercial property, flip houses, apartment buildings, multi-family housing etc.). So, we bought the "biggest" package and spent almost \$50,000 - spread it out over 3 credit cards. It turns out we ended up going nowhere fast. They taught us a little about a lot of things over five 3-day weekends but not enough to pull the trigger on anything in our local market. By August, 2012 Wealth Rock was out of business. Fortunately, we were able to get our money back.

Since we had gone to many local REIA's, we found one we could trust and feel comfortable with and decided to start in the BREIA (Broward REIA) Mentor Program, in November, 2012. With really no experience in Real Estate, we burned the boats and made a commitment to ourselves to keep an open mind and follow the advice and teachings of our mentors.

In our first 90 days, we had 12 short sale properties under contract with the desire to truly help others and make a difference in the lives of the homeowners. I remember Victoria saying "If we are going to do this, we are going to be different than all others out there. We are going to be the "company with a heart." It is going to be homeowner first and us second."

That is our motto and the motivation that led to our success. We ended up getting married in 2014 and could not be happier!

### Describe a typical work week for you as a real estate investor.

We have both "paid our dues" and put in our time in the past and have a different approach or philosophy than most others out there. We feel that we are blessed being

Continued on Page 13

### Member Spotlight - Harry & Victoria Diamond

### ... continued from Page 12

able to have this opportunity to not only help others but one that allows us to have a flexible schedule by working from home and having the time & freedom that we want. Our work hours each week are also flexible - mostly based on our homeowners' needs. When we started, we were working, maybe, 15 hours a week. We couldn't believe it ourselves. As we expanded and picked up students along with becoming coaches for BREIA's mentor students I firmly believe that we still have not put in a 40-hour work week, yet.

#### How long have you been investing in real estate?

Do we include the year we took off to get married, go on our honeymoon, sell our house, buy and renovate a new one? We began the nationwide program in March, 2012. We got serious with BREIA in April, 2013. Our first deal was closed in October, 2013. We got married in November, 2014. Bought a new house in October, 2015. So, about eight years not counting that year

#### Tell us about your first deal.

Our first deal was a short sale. We followed our mentors to the letter and did everything they told us to do. It was really a stress-free situation as BREIA put up 100% of the money so we had nothing to lose. We were told that short sales take an average of 6 months to complete yet the bank approved this one in 30 days and we were set to close within 60. We got them the waiver of deficiency and some relocation money too.

It was at the closing table when Victoria and I were brought to tears. The homeowner, Carolyn B. was signing the closing documents when she started to cry. What she said changed our whole investing lives forever.

She said, "I have come to the realization that I am losing my home but what I cannot accept is that I feel like such a failure." That is when we knew we were going to help homeowners keep their homes if at all possible. We could not and would not take advantage of anyone just to make money. In fact, all of the homes we work with are identified by the name of the homeowner and not the address. What we do is as personal as it gets.

### How do you fund your investments?

Depending upon the size of the investment, I either self-fund through our



Harry & Victoria at the Broward REIA Expo



The Diamonds received the **Distinguished Community Dedication** Award from BREIA in 2017

company or the ROTH component of our company's solo 401k plan or partner with others. We learned about IRA investing on the 2017 National REIA Cruise.

Do you havea real estate license? No.

#### What projects are you currently working on?

We are working on quite a few short sales, reverse mortgage short sales, some that require probate and all of them requiring creative solutions. We are also focused on coaching our students and the mentor students of the BREIA

### How much time do you put into your real estate education?

We attend monthly BREIA meetings and other trainings that they offer. We have attended several of the National REIA Cruises. We try to stay pluggedin and up to date with current real estate events nationwide.

We believe that if we learn just one thing at an event then it is worth our time.

### Has coaching or mentoring played a part in your success?

ABSOLUTELY!!!!!

Every single successful person has a mentor. We were taken under the wings of several successful long-time investors. And then by our mentor Anish Dave at BREIA.

### What are your current and future goals?

We are continuing to build our taxfree growth ROTH account. Our Future goals are to help other students become successful.

### What has been your top struggle in this business?

Getting motivated to work a 40-hour work week as working from home poses many different challenges.

Also, follow up is difficult. It is getting better. We have recently instituted a new plan to update our follow up list of over 300 on a biweekly basis. Immediately address all new Lis Pendens rapidly and help our students to do the same. If our expectations about post-Covid are correct, we will have a whole new challenge dealing with the volume.

### What do you like most about what you do?

We love making a difference in people's lives. Helping others gives us great satisfaction. We love the time & freedom that we have. This allows us to be able to help others not only in Real Estate but the community we live in.

#### Do you have a tip or advice that you would pass along to other investors?

Always do the right thing and you will never have to look over your shoulder.

### Do you have any interesting hobbies or something unique that you like to do?

We love to travel, meet people, experience different cultures, customs and food. I also collect coins and Al Hirschfeld Artwork. Victoria says my office looks a like an art gallery.

#### How important is joining a local REIA to a new investor?

It is CRITICAL. This is where you build our "TEAM". Your "NETWORK." We highly recommend getting involved in

### What is you favorite selfhelp or business book?

Your Wish is Your Command – by Kevin Trudeau

Think and Grow Rich - by Napoleon Hill The Law of Success - the original 1925 manuscript to Think and Grow Rich

### Does your business have a website?

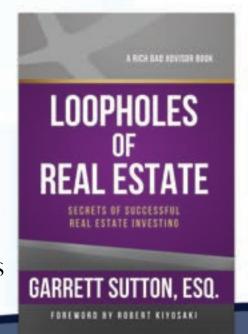
No. We have found we don't really need one. Our business is built on referrals.



The "BREIA Board Room" on a recent National REIA Winter Cruise

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### **How to Invest in Real Estate** in an Overpriced Market

By Daniel Hart

e see the headlines "Will the bubble burst?" or "Housing shortage drives prices sky high." While no one can predict when (or even if) the prices in our real estate markets will crash, or at least level off, we probably can all agree that low interest rates, a shortage of housing supply, and influxes of "cheap money" and institutional investors have driven most real estate markets to record highs. That's certainly great news if you are a seller, but if you are attempting to invest it may seem to be a daunting prospect.

At first glance, those high prices equate to low returns for investors. How can we compete with Wall Street funds that are content with 4% annual returns? The short answer is that we can't. However, that's not bad news. Allow me to amend my answer; we shouldn't compete, and we don't have to.

Many would agree that we are in an asset bubble affecting all asset classes, from real estate, to automobiles (even before the parts shortages), to equities with record high P/E ratios. Just as we should identify a good deal on a stock pick, one that is undervalued and has solid fundamentals, we should chase our real estate deals the same way. Most stock investors look at the big names they know; perhaps Amazon, Tesla, or Netflix, many of which are considered to be grossly overvalued, but there are those that dive deeper to find the good deals that still exist in the stock market.

In real estate, most investors do the same. They run to the name they know, that is, the MLS; the Multiple Listing Service controlled by the National Association of Realtors. We do so because it's what we've known for so long. We have gotten used to the MLS as the holy grail of real estate for sale. Many investors think that the best deal they can find on the MLS is either "the best deal possible" or is simply not good enough, and that no quality opportunities to invest exist. Guess what? This couldn't be farther from the truth.

Professional real estate investors like myself, a 20-year veteran having had portfolios of dozens and dozens of rental properties, tons of retail sale "flips," a myriad of wholesale contract sales, and millions of dollars lent to other investors, don't use the MLS to buy. I have served on the board of directors for our regional chapter of the National Real Estate Investors Association and know the true "movers and shakers" of our market. Most investors come and go, staying in the business for just a year or two, but the ones who stay, and succeed time and time again, do not even bother glancing at MLS listings. Here's why: They are public. Everyone sees them, and that means that you need to compete. Wouldn't it be easier if you didn't have to compete? Well, those successful investors, like myself, don't compete, and yet we still get the deals, and we know how to thrive in both up and down markets.

So now you're thinking, "How do I find deals where I don't have to compete?". I'll give you that answer, but I'll preface it by saying that just like finding undervalued equities, you have to use your time, and it does require effort, but has easy money ever really been a reality?

Professional investors know that the very best deals are not found, but rather created. How do we do this? First, we identify a segment of our market that both owns property AND has some indication of a motivation to sell, and we call those motivated sellers. This could be owners with repair violations, couples going through divorce, inherited houses, landlords filing for eviction, etc. There are plenty of groups of motivated sellers, and plenty of ways to obtain the lists of those property owners, but there's that caveat; it requires effort.

We take those lists and we find ways to contact those sellers, whether it be by phone, a knock on the door, or a postcard or letter to their mailbox. We contact them over, and over, and over, and guess what, they respond. From our training in sales and negotiation, we learn to listen more than we speak, and we spend a great deal of time listening to what is going on in the property owner's life. We assess their motivation, and if present, we attempt to meet them in person as soon as possible. We know that taking an interest in the property owner, and truly listening, is one of the greatest ways to build rapport, and people want to do business with friends.

So, we take a genuine interest in their problems. With that information we can propose a solution that meets their needs; not just a price, but a solution. What many investors don't realize is that money often isn't the motivation of the seller. It may be a means to an end, but there is often another issue that is more important to them than money, so the cringe worthy line of "What's the least you will take?" is utterly useless. Those that take the time to get to know the property owner do not just get the opportunity to propose a solution that involves purchasing the property, but they get to do so without competition, because the property is not advertised for

As I said earlier, deals are created. So, when we understand the seller's needs, we create a solution that works for both of us. That might be a "cash" purchase, in which case we often use a private or hard money lender funds at 10-15% interest, which seems high, but can often be justified as a cost of doing business, if our deal is good enough, or it could be a "terms" deal where we structure seller financing payments with the seller, making payments to them (perhaps for ½ of the market rent), instead of needing a bank or a pile of cash. If they have an existing mortgage, and the payments are low relative



to the market rent, or there is substantial equity, we may consider taking over the mortgage "subject-to" the existing financing and making the payments ourselves.

Every deal will be unique, but often we can create that deal without a bank, and without using our own cash. In these deals we typically get the deed (ownership) immediately, even with no down payment, or perhaps a very small down payment (think just a few thousand dollars), depending on what is negotiated, and what the seller wants. Asking the seller questions helps us understand what's most important to them; a cash lump sum, a high sales price, monthly payments to supplement social security, relief from a burdensome mortgage? Only when we understand their needs can we find a resource in our "toolbox of skills" to structure a plan that benefits us both. For example, if a seller is fixated on a high sales price, even if the property is worth much less, we can structure long term seller financing with low payments. The income we can generate over those, 10 years, 20 years, or more, justifies the overpayment for the property, which is really just a number on paper.

For example, I purchased a house for double the market value, but was able to negotiate payments of just \$225 a month before taxes and insurance. We created a 40year amortization, with a 20-year balloon (mandatory payoff of the remaining balance). That sounds crazy, or illegal, right? However, it's not, and almost anything you negotiate can be formalized with an attorney and done in a legal and fair way for both parties. That house with the \$225 payment is currently rented for \$1695 a month. The \$225 a month is guaranteed for 20 years. I may have overpaid dramatically for the house, but the income earned over those 20 years will exceed the overpayment by \$200,000.

So, listen, be creative, and create deals that are a winwin. You won't have to compete, even in an overvalued hyper competitive market.

Daniel Hart, Owner of Hart Homes and author of The Real Estate Roadmap (available on Amazon) has been investing in New Jersey and North Carolina real estate since 2004, and has purchased over 100 properties, almost all using creative financing strategies to create passive income. He is a former board member of the Metrolina REIA in Charlotte, NC.

### Wholesalers Who Cloud Title ... continued from Page 6

way they will ever do anything with those contracts is if they find people who want to buy the contracts from

If that is what you are doing, you DO NOT even have a valid contract! If you try to cloud title in that situation, you are subjecting yourself to the potential of being sued for slandering someone's title. You are also acting as a broker, which means you need to be licensed to do it legally.

Let's continue to break this down. If you try to cloud someone's title, you had better be prepared to show that 1) all of the buyer's contingencies in the contract have been satisfied or removed, meaning all those wholesaler "weasel" clauses are gone, and 2) that you have communicated in writing with the seller repeatedly that you are ready, willing, and able to perform the closing. That means you are ready to buy the house, fund the deal, and close on the contract!

I can already hear it – "But, Jeff...!" No buts. If you are going to cloud someone's title, you need to be in a position to legally document and establish that you are ready, willing, and able to perform. That is the only way you are going to be able to cloud title and ultimately make a claim

"tie up" multiple properties while marketing those same for specific performance. Specific performance is the houses, hoping and praying that they can find someone actual underlying goal of clouding title. You ultimately who is willing to pay more for those properties. The only want to buy that property. The only reason you should ever cloud title is because you are ready, willing, and able to perform, and you remain - repeat, REMAIN - ready, willing, and able to do so! That means you can prove that you have had and continue to have the funding available to close and fully perform on that contract. This means if your wholesaling business is mostly all assignments, you should NOT be clouding title.

> I'm calling every wholesaler, particularly those who think they are teaching wholesaling, to a higher standard of character, conduct and practice. It's time to teach the truth and be honest. It's time to be clear and communicate the FACTS. No, you cannot flip houses with just the spare change you find between your couch cushions. You have to have resources to be able to wholesale. You have to pay to market, you need funding, and you must have relationships with good, quality individuals. Most importantly, you must have a knowledge of your state's real estate license laws.

> If you are wholesaling, or especially if you are teaching others to wholesale, share this article and remind everyone that you are not to market for or "put another property under contract" until you have done three things:

1. You have reviewed your state's real estate license

- laws, particularly the definition of a real estate broker.
- Don't market for or put another property under contract until you have established that you actually have multiple funding sources to be able to close all the deals you are putting under contract.
- Make sure you are using a valid, legitimate contract, and that you are entering into it with the intent, ability, and capacity to be able to perform. That means if you put a property under contract and cannot find someone who will take that contract from you on assignment, you actually go ahead and buy the house, fix it up, and sell it. If your marketing says, "I buy houses and pay cash", then that is what you need to do.

Jeffery S. Watson is an attorney who has had an active trial and hearing practice for more than 25 years. As a contingent fee trial lawyer, he has a unique perspective on investing and wealth protection. He has tried over 20 civil jury trials and has handled thousands of contested hearings. Jeff has changed the law in Ohio four times via litigation. Read more of his viewpoints at WatsonInvested.com.

# What Drives Your Management Style?

By Scot Aubrey

s the end of summer looms, I am looking back fondly on all the adventures this season held for me. Like many of you, I found myself behind the wheel driving long distances. One of the things that I have come to realize over the past 25 years of summer travel are that there are two kinds of drivers: those who use cruise control and those I call "tinkerers."

I myself am a cruise-control guy, while my wife falls squarely in the tinkerer category. It's been my experience that despite these very different driving styles, we typically end up reaching our destination at nearly the same time. These same titles can be applied to investors as you manage the tenants of your properties (read that again, because you aren't managing properties, you are really managing relationships with people.)

#### **Cruise Control**

I often find myself on long, straight stretches of freeway in the Southwestern United States, and putting the car in cruise control is one way to make sure things don't get too crazy in regard to speed. The cruise-control management style is more conservative and usually has a combination of the following characteristics:

- **Set it and forget it:** What has worked in the past will more than likely work in the future. Also known as the "if it ain't broke, don't fix it" approach.
- Comfortable with consistency: You are satisfied with the same process and the same results. You like predictable outcomes.
- **Low-risk tolerance:** You know that by using your tried-and-true, proven methods, you get the results you are satisfied with. The potential gain of change is not worth the pain.
- Stay in your lane: You typically invest one way,



whether that is longterm holds, flips, or short-term rentals.

There is absolutely nothing wrong with this style of management; think of it as being a successful, lazy landlord. Predictable patterns predictable create returns, and depending on what you want and where you are in your investment life cycle, this approach makes

sense. We always stress the importance of finding the right "business partner" to be your tenant, and when done properly, that tenant can be expected to pay you \$120,000 over five years. Identifying that right tenant is



critical when you consider those numbers.

#### The Tinkereer

We've all ridden in a car with the tinkerer, and for some it creates great anxiety; for others it is as natural as breathing. The stop-and-go style of driving, weaving in and out of lanes, always looking for a way to get to the destination a little bit quicker, easily define the tinkerer. Considered a more aggressive approach to investing and managing, the tinkerer can be characterized as follows:

- **Speed up, slow down... on repeat:** Unsettled by doing the same old thing, you find the ever-changing pace of managing in this style exhilarating. Imagine riding the waves of real estate and you will have a clearer vision of this characteristic.
- Changing lanes: You are always looking for the latest and greatest opportunities, often willing to give up on one good thing in hope for two of a better thing.
- **Head on a swivel:** Rather than focusing on the ultimate destination, you are constantly looking all around you for opportunities to accelerate your business.
- **Drafting:** Just like on the highway where you fall in behind a larger vehicle, drafting as an investor will often place you behind someone moving faster than you, letting them break the wind and allowing you to capitalize on their successes and style.

Again, there is absolutely nothing wrong with this style of management. Being inquisitive and willing to take chances has helped generate billions of dollars for investors. Choosing this management style requires more of a risk-taker mentality that many find intimidating, but for those who do it well, the rewards are generous. On a recent podcast, industry expert and Rent Perfect President David Pickron cautioned that "when you start chasing after every new idea or way of investing, it's easy to spread yourself too thin and become distracted." Having the right tenant is even more critical to this type of investor versus the cruise controller. You are constantly changing directions, and using the proper screening tools to identify your perfect tenant is key because you don't have the time or focus to deal with the issues that a less-

than-ideal tenant is sure to bring.

Of course, there is always a hybrid model of these styles, but the majority of investors settle into one of these two major categories. Regardless of how you manage, knowing and sticking to the fundamentals is critical to your success. Having a consistent set of criteria, a personalized lease, and a way to collect rent easily make life easier for all investors. Using professionals who know the industry inside and out will be some of the best money you spend today, and will save you thousands in the future. Finally, knowing who your renter really is by doing professional background screens will help you avoid the pitfalls of having the wrong person occupying your property. As stated before, having the right "business partner" is paramount for whatever investing strategy you adopt.

Having lots of time for "windshield therapy" and contemplating life for you, my fellow landlords, leads me to the same conclusion every time: We are in the best business in the world, with amazing growth potential. Knowing the type of investor you are helps as you navigate through times like those we've been experiencing for the last 18 months. And seeing others' investment styles can generate ideas for the future, as your investing goals may change over time. Most of all, get out there and enjoy the journey and the adventure that comes with being a real-estate investor.

Scot Aubrey is vice-president of Rent Perfect, a private investigator, and a fellow landlord who manages short-term rentals. Subscribe to the weekly Rent Perfect podcast (available on YouTube, Spotify, and Apple Podcasts) to stay up to date on the latest industry news and for expert tips on how to manage your properties.

### The Toolbox You Need to Streamline Your Numbers ... continued from Page 8

listed on here are web-based, making it easy to access from anywhere at any time. Some capabilities include tracking properties, tenants, leases, etc.; setting up online access for investors; intuitive user interface; and the list goes on. However, property management software is not known for its accounting reporting and customizing report capabilities. And definitely are not meant to track investors' finances.

QuickBooks, on the other hand, is great for juggling the numbers. The user interface here is extremely intuitive as well, there are a number of awesome capabilities, and you can run reports in just a few clicks. The downside here is that QuickBooks is not specifically designed for managing properties. However, I can help set up

QuickBooks so that it is tailored for your real estate business. I always say you can use QuickBooks as a Financial Management Software, Accounting Software and a Property Management Software.

### The Formula for Success

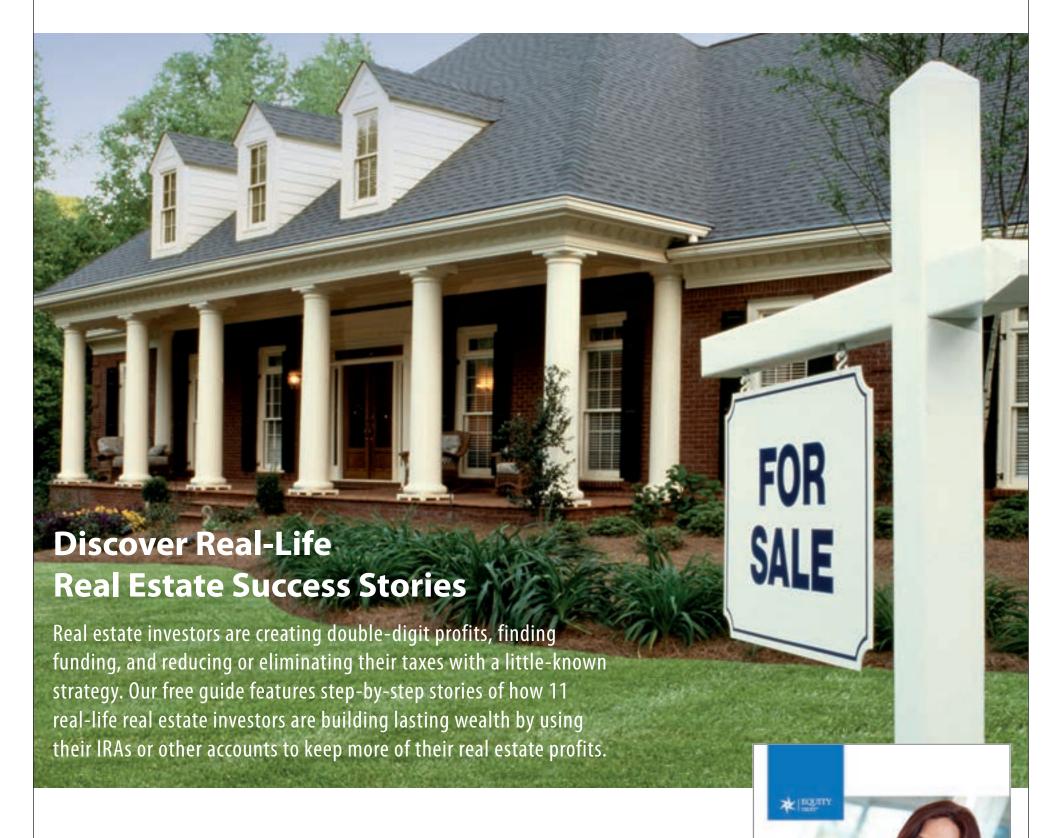
There are going to be some people who only need to use one or two of these apps, there are going to be some people who need to implement all of these apps, and there are even going to be some people who need more than what is listed here. The formula for success is going to be different for every real estate business, so take a moment to assess your wants and needs to determine what system might work best for you.

As I mentioned before, our Fast Trac Consulting team consists of real estate accounting experts—reach out to us now so we can start building a powerful accounting system that will help your business thrive.

Gita Faust is the founder & CEO of HammerZen, which helps businesses save time & money by keeping track of The Home Depot purchases and efficiently importing receipts and statements into QuickBooks. National REIA members receive discounts on QuickBooks services and software. Learn more by visiting www.hammerzen.com/nreia.

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Investments Revealed

### Red and Blue Economics ... continued from Page 1

by May or June 2020 at the latest. It obviously did not work that way and the lockdown stretched for months. Now the question was how much damage the lockdown itself caused and it was significant – 40 million jobs lost, 300,000 businesses closed, tens of millions of people in dire economic straits. Some states elected to come out of the lockdown quickly while others stayed in quarantine. The performance of their economies reflected this decision. The real estate sector felt the impact of the lockdown as the majority of those affected by the layoffs were renters. Today the difference between "red" and "blue" has been noted in the willingness to vaccinate or the tendency to return to old protocols and restrictions.

The second major difference between those of a more  $liberal\,orientation\,and\,those\,of the\,conservative\,persuasion$ focuses on how much help should be coming from the government and in what form. There have been any number of miscalculations over the last year and political desires and orientations have played an outsize role. The initial attempt at stimulus fell short of expectations. It was the tried-and-true response to a recession - throw money at the consumer so they will spend the economy out of the downturn. The problem is that US consumers spend 65% of their disposable income on services and these were largely unavailable. The expectation was that most of those who lost their jobs during the lockdown were only furloughed and would soon be back to work. That was not the case and all that temporary help was extended over and over. The fact that close to 7 million people were getting generous unemployment extensions meant they were not interested in taking jobs as they started to come back and today there are still ten million jobs on offer. Twenty-two states opted out of the program in order to get more people back to work. There has been controversy over rental support as there was \$47 billion allocated to help those who were hurt by the lockdown but to date less than \$10 billion has been used. Mixed in with this conversation have been proposals to forgive student loan debt, extend unemployment benefits and so on. The argument is over the extent to which people should be required to handle their own issues. The real estate community has been watching the debate over evictions very closely. Many of the independent landlords are now facing bankruptcy as they have been unable to collect rent and that reduces the supply of low-cost rentals. There have been threats to the homeowner as well but unlike the recession in 2008, this has not been a period of unusually high foreclosure activity as the majority of the affected population has been in the rental category.

The third issue deals with approaches to other major global issues such as climate change. There is a stark difference between states according to their economic focus. There is considerably less support for restrictions on fossil fuel in states like West Virginia, Texas and North Dakota than in states where alternate sources of energy are available. There is more support for restrictions on driving in areas where mass transit is available than where it isn't. The conflict is between what people want to do, where they want to live and the needs of the larger community. The real estate sector has seen significant migration into exurbs and even rural communities as people seek to flee congestion but this shift creates other demands. There are discussions over whether to tax mileage as opposed to gasoline. This is popular in urban environments where commutes can be short and transit is an option but desperately unpopular if people need to travel significant distances. The move to more distant locales would be interrupted if there was essentially a tax on that move.

There are also many conversations regarding where people will be allowed to live. Will there be restrictions in terms of coastal development or areas that can be prone to wildfires? In California there are efforts to shift people to electric cars by demanding that new housing have charging stations installed. At the same time there are demands for low-cost starter homes and that forces a choice as to what is in the home. Climate change is far from the only global issue that divides states. There

is the issue of immigration, water rights and economic development in general.

We save the most controversial for last. What is more important – individual choice and preference or the good of the community. This debate permeates everything these days – from the decision whether or not to wear masks to the decisions regarding how and where people live. The U.S. has always tried to strike a balance but rarely is equilibrium reached. Seat belts are mandatory but vaccines are not. Zoning laws vary tremendously across the country as local communities seek to ensure their interpretation of acceptable. In very general terms there is more support for the rights of the individual in "red" states and more support for decisions focused on the common good in "blue" states. That usually manifests in terms of regulations and these can complicate the decisions made by real estate investors and developers.

Differences of opinion mark the U.S. in general – that is what it means to be in a democracy. With the right to express an opinion comes responsibility. A democratic system requires people to accept situation where the majority rules against them but at the same time the minority must have protections in place against "the tyranny of the majority." These are both tough concepts. Increasingly people are grouping according to their opinions and beliefs and that is why there are red and blue states – people seeking to live in an area of like-minded people. The problem is that they have little exposure to those that are not like-minded and that creates deeper divisions in the country as a whole.

Chris Kuehl, PhD., is an economist and Managing Director of Armada Corporate Intelligence. Visit www.armada-intel. com for more information.



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