

[Back](#)[Send to Printer](#)

Real Estate Transaction from hell

Bats in the air conditioning system

Wednesday, April 14, 2004

By [Jerry Fowler](#)

Editor's note: One of the most amazing things about the real estate business is that no two transactions ever go sour exactly the same way. The difference between closing the transaction and having it "DFT" (deal fell through) is directly correlated to the agent's problem-solving skills and how well the agent's represent their client's interests. Inman News would like you to share your personal "Transaction from Hell" that you successfully or unsuccessfully closed. Be sure to provide the "gory details" and what you did to close the transaction. We will publish the best of these in future columns. Send to: hell@inman.com.



An older couple, we'll call them John and Mary Jones, purchased a house in the Southeastern Columbia area. They didn't know, nor were they advised by their agent to have a home inspection, even though the house they were buying was more than 30 years old. The couple didn't even know they had the right to a final walk-through inspection prior to closing. Apparently, their agent was either very inexperienced or had better things to do than to help his or her clients.

After they closed on the house and moved in, Mary was emptying water in the kitchen sink one day and it started backing up. The next day, the washing machine overflowed. John took a look under the house and found several leaks, so the Jones's called a plumber. The plumber came out, and as he was tapping on a drain, the entire bathroom floor fell in.

Later, the clothes dryer door was not closing properly so the couple called a local repair company. The person they spoke to told them the repair company had been to the house before and had told the previous owner that parts were no longer made for that particular dryer.

The biggest problem started when the air conditioning system failed to work properly. The service person discovered there wasn't a filter in the unit, which caused it to malfunction. The repairman decided to go into the attic to investigate further and discovered thousands of bats that were covering the eaves, preventing proper ventilation in the attic.



Jerry Fowler, Jerry Fowler and The Results Team Realtors

But here's the nasty part: five 55-gallon containers of bat guano - yes, that's what you think it is - had to be removed from the attic. The guano had penetrated the insulation and wood in the attic and as a result, Mary developed a rare disease associated with being exposed to bat guano, which destroyed her peripheral vision.

The Jones's sued everyone involved, but some sharp defense lawyers caused them to have to settle for much less than the actual damages. The couple ended up moving out of the house, but still making the mortgage payments and living in a house donated by their church.

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This story was very sad and it could have been avoided if the Joneses had had access to a little more information about choosing the right Realtor.

What could the Joneses done to avoid such a horrible situation?

They could have:

- Obtained a professional home inspection by making the contract subject to this inspection.
- Obtained a CL100 Termite Letter completed prior to closing by a company they selected.
- Obtained a heating and air letter completed prior to closing using their own company.
- Completed a final walk-through checking all items in the home the day before closing, including a walk through the attic.
- Demanded a written property disclosure from the seller.
- Visited neighbors around the property to find out whether they knew anything about the house or conditions. In this case the neighbors had knowledge of the bats.

When buying a home, investigate, investigate, investigate.

This story is real and involves real people. I featured them on a one-hour radio show that I host in the Columbia area. When they bought this house, there was no mandatory disclosure law in effect in South Carolina. Now there is one, so the public has additional protection.

An update to this story as of September 2003: The couple finally restored this house. The sad part is they now have invested \$169,000 in a house that is worth only \$89,000.

Jerry Fowler is the broker of [Jerry Fowler and The Results Team Realtors](#) in Columbia, S.C.

Do you have a "transaction from hell?" If so, we want to hear from you! Send it to Hell@inman.com.

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