How a Well-Drafted Purchase & Sale Agreement Saves You Headaches and Money



Buying or selling a home is one of the biggest financial decisions most people ever make. At first glance, a purchase and sale agreement may look like a pile of legal jargon. But that contract is the blueprint of your deal. When it is not carefully drafted, you could face costly disputes, unexpected obligations, or even a deal that falls through entirely.

That is why working with an experienced purchase and sale agreement attorney is one of the smartest investments you can make.

Purchase and Sale Agreement Basics

This agreement is the roadmap for your real estate transaction. It defines the purchase price and payment terms, the closing dates and contingencies such as inspections and financing, responsibility for repairs, taxes, and utilities, and what happens if either party backs out. A handshake will not protect you if things go wrong. A well-written agreement ensures everyone is on the same page.

Risks of a Weak Agreement

Ambiguous language often leads to disputes. Missed deadlines can kill deals. Weak contracts can leave you covering unexpected repairs, taxes, or fees.

How a Purchase and Sale Agreement Attorney Helps

A skilled attorney does not just fill in the blanks. They anticipate problems before they arise. An attorney will ensure contingencies are realistic and enforceable, flag unfavorable terms or hidden obligations, draft language that protects your financial and legal interests, and keep the transaction moving smoothly toward closing.

Why Legal Review Saves Money

Hiring a lawyer is an upfront expense, but compare that to the cost of litigation, failed financing, or surprise repair bills. A strong purchase and sale agreement can save you thousands of dollars and hours of stress.

Contact Us

A purchase and sale agreement is not paperwork. It is protection. Whether you are buying your first home or selling an investment property, make sure your contract is airtight. Partner with an experienced purchase and sale agreement attorney who will safeguard your interests and help you close with confidence.

Contact DaMore Law today to review your real estate agreement before you sign.

How Tackling Real Estate Title Issues Early Secures Smooth Closings



Why This Matters

Navigating a real estate closing can feel as exciting as it is complex. Buying or selling a home is a significant undertaking, often filled with anticipation for new beginnings. Yet, without proactive legal guidance, that excitement can quickly turn to stress and frustration. At DaMore Law, we bring professional and experienced legal counsel to the process so clients can rest easy knowing their rights are protected and a qualified team is ensuring everything moves as smoothly as possible.

Common Title Challenges That Can Derail Closings

- **Liens or unpaid debts**—tax liens, contractor claims, or other obligations that cloud clear ownership.
- **Errors in public records**—such as misrecorded names or incorrect property descriptions.
- **Boundary disputes or encroachments**—conflicts over property lines can arise unexpectedly.
- **Undisclosed heirs or ownership claims**—unknown parties may surface with competing rights.

The Importance of Early Title Review

Addressing **real estate title issues** early in the process allows DaMore Law to:

- Prevent last-minute delays or cancellations at closing.
- Safeguard both buyers and lenders with clear ownership protection.

- Foster smoother transactions through transparency and proactive problem-solving.
- Ensure compliance with legal requirements across Massachusetts, New Hampshire, Vermont, and Maine.

How DaMore Law Helps

With over 25 years of experience and representation in over 25,000 real estate transactions, DaMore Law provides unmatched professionalism, experience, and client satisfaction.

Our attorneys offer:

- Thorough review of title searches and reports.
- Early detection and resolution of title defects.
- Coordination with title insurers—DaMore Law is an authorized agent for First American, Old Republic, and Fidelity.
- Flexible scheduling and a highly responsive team ready to go the extra mile.

In short: Address title concerns at the start. With DaMore Law overseeing every detail—from title abstracts to closing logistics—you can approach closing day with confidence and ease.

Tips to Increase Your Massachusetts Home's Resale Value



If you are preparing to sell your home, your goal is simple: attract strong offers and close quickly. The challenge? Making sure your home stands out in a competitive market. By taking intentional steps before listing, you can increase home resale value in Massachusetts and appeal to more buyers.

Below are practical strategies that work for sellers across the state.

Make Strategic Renovations That Pay Off

Not all home improvements are worth the investment, especially if you are working on a tight timeline. Focus on updates that give the best return on investment for Massachusetts buyers.

- **Kitchen updates:** A modern, functional kitchen is a major selling point. You do not need a complete remodel; even replacing outdated cabinet hardware, upgrading light fixtures, or adding a new backsplash can have a big impact.
- **Bathroom refresh:** Fresh grout, new mirrors, and modern faucets can make bathrooms feel new without a costly renovation.
- **Energy efficiency improvements:** Massachusetts buyers often prioritize homes with energy-efficient features, such as double-pane windows or upgraded insulation.

By focusing on renovations that balance cost and buyer appeal, you can significantly increase home resale value in Massachusetts without overextending your budget.

Enhance Curb Appeal

First impressions matter, and curb appeal often sets the tone for the entire showing. Simple changes like trimming overgrown hedges, planting seasonal flowers, and pressure washing walkways can make your property more inviting.

Fresh exterior paint or a newly stained front door can instantly elevate the look of your home. If you have a lawn, make sure it is well-maintained throughout the selling process. Even in winter, clearing snow from walkways and driveways signals that the home is well cared for.

Stage Your Home for Success

Staging allows potential buyers to envision themselves living in your space. Start by removing clutter, personal photos, and excess furniture. This creates a neutral environment that feels open and welcoming.

Professional stagers understand how to highlight a home's best features, but you can make a difference yourself by rearranging furniture for better flow, adding soft lighting, and incorporating fresh greenery.

According to the National Association of Realtors, staged homes sell faster and for higher prices. If you want to increase home resale value in Massachusetts, staging is one of the most cost-effective ways to do it.

Price Strategically

It can be tempting to list your home at the highest possible price, but overpricing can backfire by driving away interested buyers. Work with a local real estate agent who understands Massachusetts market trends to set a competitive price.

Your agent can provide a comparative market analysis, which looks at recent sales of similar properties in your area. This data helps you strike the right balance, attracting buyers while maximizing your return.

Highlight Location Benefits

Massachusetts has diverse real estate markets, from coastal towns to vibrant cities to scenic rural areas. Buyers want to know what makes your location unique. Whether it is proximity to top-rated schools,

public transportation, parks, or cultural attractions, make sure your listing emphasizes these advantages.

For example, if your home is near Boston's commuter rail, highlight the convenience. If you are on the Cape, emphasize access to beaches and seasonal tourism. These selling points can help increase home resale value in Massachusetts because they speak directly to buyer priorities.

Take Professional Photos

With most buyers starting their search online, high-quality listing photos are non-negotiable. Professional photography captures your home in its best light, using the right angles and lighting to make every room look inviting.

If possible, schedule the shoot for a sunny day to maximize natural light. Include exterior shots from multiple angles, as well as images of key rooms like the kitchen, living room, and primary bedroom.

Time Your Sale Wisely

Timing can have a big influence on your final sale price. In Massachusetts, the spring and early summer markets tend to be the most active, with more buyers actively searching. Listing during this peak period can increase competition and potentially lead to multiple offers.

However, every market is different, and seasonal patterns can vary depending on your location. Your real estate agent can help you determine the best time to list based on local conditions.

Set Your Home Up for Maximum Value

Selling your home is one of the largest financial transactions you will ever make. By making targeted improvements, presenting your property at its best, and pricing strategically, you can increase home resale value in Massachusetts and attract serious buyers.

If you are preparing to sell and want expert legal guidance to protect your interests throughout the process, DaMore Law is here to

help. From reviewing contracts to ensuring a smooth closing, our team can safeguard your transaction from start to finish.

Contact us today to learn how we can support you in maximizing your home sale.

Estate Planning for Young Adults: Why Start Now



Estate Planning When You’re Young, Single, or Child-Free

Why estate planning isn’t just for retirees or parents

When most people hear the term “estate planning,” they picture retirees dividing assets among children or grandparents leaving heirlooms to the next generation. But the truth is, estate planning is not just for people with families or those approaching retirement. If you are in your twenties or thirties, single, and without children, you still have assets, responsibilities, and wishes that deserve legal protection.

Estate planning for young adults ensures that your finances, medical preferences, and personal belongings are handled according to your instructions, not left to chance. It can be the difference between a smooth process for your loved ones and a stressful, expensive legal situation.

Why Estate Planning for Young Adults Matters

You might think you do not have “enough” to plan for. But estate planning is not just about passing down wealth. It is about protecting yourself and making sure the right people are empowered to act on your behalf if you cannot.

If something unexpected happened to you, who would pay your bills? Who would make medical decisions if you were in the hospital? Who would receive your car, savings account, or even your pet? Without a plan, the state makes those choices for you – and it might not be the outcome you would have wanted.

The earlier you start thinking about these questions, the more prepared and protected you will be.

Key Components

1. A Will

Even if your assets are modest, a will is one of the most important documents you can have. It allows you to:

- Decide who inherits your property
- Name a guardian for pets
- Choose someone you trust to handle your estate

Without a will, Massachusetts intestacy laws decide who gets what, which can lead to delays, disputes, and outcomes you never intended.

2. Health Care Proxy and Advance Directive

If you were in an accident or developed a sudden illness, doctors would need to know who can legally make medical decisions for you. A health care proxy names that person and ensures your wishes are respected. An advance directive, also called a living will, outlines the types of care you want in certain medical situations.

Having these documents in place spares your loved ones from having to guess your preferences during an already emotional time.

3. Power of Attorney

A power of attorney gives someone you trust the authority to handle your financial matters if you are unable to. This can include paying rent, managing bank accounts, or handling insurance claims.

Even if you think you will never need one, it is better to have this document ready than to leave your finances frozen while a court decides who can act for you.

4. Digital Assets Planning

Today, much of our life is online. Estate planning for young adults should include instructions for managing digital assets like email accounts, social media profiles, online banking, and cloud storage.

You can designate someone to manage or close your accounts, protect personal information, and ensure nothing is lost or misused.

Common Misconceptions

One of the biggest myths is that you need significant wealth before creating an estate plan. In reality, your plan is not just about money—it is about decision-making authority and personal wishes.

Another misconception is that estate plans are set in stone. In truth, you can and should update your plan as your life changes. If you get married, buy a home, or have children, your plan can evolve to reflect those milestones.

Lastly, some young adults assume their parents will automatically handle everything. While parents may be first in line under state law, the process can still be complicated without legal documents in place.

Benefits of Estate Planning

Estate planning for young adults also offers benefits that are easy to overlook:

- **Peace of Mind:** Knowing your wishes will be followed reduces anxiety for you and your loved ones.

- **Avoiding Probate Delays:** With certain tools like trusts, you can streamline the transfer of assets and avoid lengthy court involvement.
- **Protecting Non-Traditional Assets:** If you own a small business, have creative works, or collect valuable items, you can decide how they will be handled.

How to Get Started

If you are ready to start your plan, follow these steps:

1. **Take Inventory of Your Assets**
   Include bank accounts, vehicles, personal property, retirement accounts, and digital assets.
2. **Choose Your Decision-Makers**
   Select people you trust to serve as your executor, health care proxy, and power of attorney.
3. **Work with a Professional**
   While there are DIY forms online, Massachusetts estate laws are specific. Working with an experienced attorney ensures your documents are valid and enforceable.
4. **Store Your Documents Safely**
   Keep your estate planning documents in a secure but accessible location, and let your decision-makers know where to find them.

Why Start Early?

The reality is that unexpected events can happen at any age. Estate planning for young adults is not about anticipating the worst, but about being prepared for life's uncertainties. The process can take as little as a few hours with the right guidance, and the benefits can last a lifetime.

By creating your estate plan now, you are protecting your future self and making things easier for the people you care about most.

Protect Your Future

Whether you are single, recently graduated, or early in your career, an estate plan is one of the smartest investments you can make in

your future. You do not need a large estate to have something worth protecting. You simply need a clear plan and the right people to help carry it out.

Ready to take control of your future? Contact us to schedule a consultation.

Before You Close: A Home Seller's Real Estate Checklist



Selling a home is more than just listing it on the market and waiting for offers. It's a complex legal and financial process with many moving parts. Skipping key steps can lead to costly delays or post-sale headaches. That's why every successful seller should have a solid plan in place before heading to the closing table.

This Home Seller's Real Estate Checklist is designed to help Massachusetts homeowners navigate the process from listing to closing with clarity and confidence. Whether you're a first-time seller or a seasoned investor, these essential steps can help ensure a smoother, stress-free sale.

1. Hire the Right Real Estate Agent and

Attorney

Your real estate agent is your first line of defense in marketing the property and negotiating offers. But when it comes to reviewing legal documents and protecting your interests, an experienced real estate attorney is essential.

Choose professionals who understand the local market and legal landscape. Your attorney can help review the purchase and sale agreement (P&S), explain contingencies, and flag issues that may delay closing.

The Massachusetts Association of Realtors has helpful resources for choosing an agent or learning more about local real estate practices.

2. Understand the Legal Disclosures You Must Make

In Massachusetts, sellers are required to disclose certain defects, especially those that pose health or safety risks. Failing to disclose known problems (like water damage, mold, or septic issues) can result in legal action later.

While Massachusetts is technically a “buyer beware” state, some disclosures are mandatory, such as the presence of lead paint in homes built before 1978.

Work with your attorney to ensure you’ve reviewed all required disclosures and completed the proper forms. Transparency now prevents conflict later.

3. Schedule a Smoke and Carbon Monoxide Inspection

Before closing, Massachusetts law requires that all homes pass a smoke and carbon monoxide detector inspection, conducted by the local fire department. This is a legal prerequisite for closing the sale.

If the home doesn't meet inspection standards, you'll need to install updated detectors before receiving the required certificate. Schedule this inspection early to avoid a last-minute delay.

4. Handle Final Repairs and Upkeep

Buyers may request certain repairs after the home inspection. If you've agreed to make them, ensure they're completed well before the closing date. Keep receipts and documentation of any contractor work, as you may need to show proof that agreed-upon tasks were finished.

Even if no repairs are required, maintain the property's condition up until the final walkthrough. Buyers have the right to inspect the property just before closing. Any damage or deterioration could delay closing or even derail the deal.

5. Gather Your Closing Documents Early

You'll need to bring (or provide ahead of time) key items like:

- A copy of your deed (public record)
- Government-issued ID
- Property tax records
- Final utility bills or HOA documents (if applicable)
- Keys, garage openers, and appliance manuals
- Proof of smoke/CO detector compliance

Your attorney and real estate agent will help you prepare the final paperwork and review it before closing.

6. Final Utility Readings and Address Updates

Don’t forget to contact your utility companies to arrange for final meter readings and termination of service effective on the closing date. Most buyers will transfer services into their names right after closing.

Also, file a change of address with the USPS and notify your bank, employer, and any subscription or billing services. This step is easy to overlook, but missing important mail can cause problems, especially when tax documents and closing disclosures are involved.

7. Review Your Settlement Statement Carefully

Before closing day, you’ll receive a settlement statement (HUD-1 or Closing Disclosure) that outlines all the financials of the transaction, including:

- Your final sale price
- Taxes, commissions, and legal fees
- Payoffs for outstanding mortgages or liens
- Your expected net proceeds

Review this document carefully with your attorney. Mistakes can and do happen—incorrect fees, missing credits, or miscalculated taxes can all be caught and corrected before funds are disbursed.

8. Plan for Closing Day Logistics

On closing day, you'll typically sign the deed, hand over keys, and finalize the financial transfer. In Massachusetts, closings usually happen at an attorney's office or virtually with remote notary services.

Make sure you know:

- Where to be and when
- What to bring (usually ID and original signed documents)
- How and when you'll receive your proceeds (wire or check)

Ask your attorney to walk you through the timeline process. Being prepared helps reduce stress and ensures everything goes off without a hitch.

9. Don't Forget About Capital Gains Taxes

If your property has significantly appreciated in value, you may owe capital gains taxes. However, many homeowners are eligible for exemptions if the home was your primary residence for at least two of the last five years.

Your attorney or tax advisor can help you understand your tax obligations and recommend ways to minimize your liability. Planning ahead avoids surprise bills during tax season.

10. Stay Available After Closing

Sometimes, buyers have quick follow-up questions after moving in. Where's the water shutoff? How do you operate the alarm system? A quick note or labeled photos left behind can go a long way in creating goodwill.

While you’re under no legal obligation to remain available after the sale, a little consideration can help avoid disputes and keep the transaction smooth to the very end.

Experienced Real Estate Attorneys

Selling a home is a big deal, and the details matter. We’re here to help you stay ahead of potential issues and protect your interests from listing to closing. With the right preparation and legal support, you’ll feel confident and ready when it’s time to hand over the keys. Our experienced real estate attorneys guide sellers through each step of the process, from offer to closing day.

Contact us today to schedule a consultation and make your sale seamless, secure, and stress-free.

How a Trust for Your Vacation Home Can Protect What Matters Most



How a Trust for Your Vacation Home Can Protect What Matters Most

Owning a vacation home in Massachusetts is more than just an investment—it's a place where memories are made, generations gather, and traditions are born. But what happens to that beloved getaway if something happens to you?

For many families, the answer lies in smart estate planning. Specifically, using a trust for your vacation home can offer long-term protection, simplify the transfer of ownership, and help avoid unnecessary legal complications.

At DaMore Law, we work with individuals and families across Massachusetts to create estate plans that reflect their values and protect their assets, including vacation homes. Here's what you should know.

Why Consider a Trust for Your Vacation Home?

When someone passes away without a proper estate plan, their property, including second homes, usually goes through probate. That process can be time-consuming, expensive, and emotionally draining for your loved ones.

A trust for a vacation home helps you avoid that. It allows you to legally transfer ownership of the property to the trust, so it's no longer considered part of your personal estate. That way, the property can be managed or passed down according to your wishes—without getting tied up in court.

Benefits of Using a Trust for a Vacation Property

1. **Avoid Probate**
    - Probate can be a drawn-out legal process, especially in Massachusetts. With a trust, your vacation home can pass directly to your chosen beneficiaries, bypassing probate entirely.
2. **Protect Family Harmony**
    - Without a clear plan, inheriting a shared family home can lead to tension. A trust lets you outline who can use the home, how costs are shared, and how decisions are made—helping prevent conflict.

3. **Plan for Incapacity**
    - If you become ill or unable to manage your affairs, the trustee can step in to manage the property according to your instructions.
4. **Provide Long-Term Maintenance**
    - Trusts can include provisions for maintenance, insurance, and taxes—so your loved ones aren't left wondering how to cover costs or keep up with upkeep.
5. **Control How and When the Property Is Inherited**
    - You can decide whether your children inherit the property outright, or if it remains in trust for their lifetime. This is especially helpful if you want to keep the property in the family for future generations.

Which Type of Trust Is Best?

The right type of trust depends on your goals. At DaMore Law, we help clients choose the structure that best suits their family and financial situation.

- **Revocable Living Trust**
  Gives you flexibility while you're alive—you can change or revoke it at any time. Great for avoiding probate and maintaining control.

- **Irrevocable Trust**
  Offers stronger asset protection and potential tax benefits, but can't be changed once established.

- **LLC Paired with a Trust**
  For families concerned about liability or long-term co-ownership, we may recommend forming a limited liability company (LLC) and placing the LLC membership interest in a trust.

Common Questions About Vacation Home Trusts

1. **Can I still use my vacation home if it's in a trust?**
   Yes. In a revocable trust, you retain full use and control of the property during your lifetime.

2. **What happens to the property if my children don't want it?**
   A trust can include clear instructions for selling the home and distributing the proceeds. You're in control of the outcome.
3. **Are there tax benefits?**
   Depending on how the trust is structured, you may reduce estate taxes and avoid capital gains in some scenarios. We'll guide you through Massachusetts-specific tax considerations.

How DaMore Law Can Help

Estate planning isn't just about documents—it's about people. At DaMore Law, we offer personalized guidance for families looking to protect what matters most. When it comes to vacation homes, we'll help you:

- Understand your options for structuring a trust
- Ensure the property is properly titled and funded into the trust
- Minimize tax exposure and legal risk
- Keep your wishes legally enforceable and clearly documented

Our team is deeply familiar with Massachusetts estate law, and we take pride in offering clear communication and straightforward advice.

Let's Secure Your Legacy

If you own a vacation home in Massachusetts and want to ensure it stays in the family, working with an estate planning attorney is the best next step. Whether you're just getting started or need help updating an old plan, DaMore Law is here to help.

Contact us today to schedule a consultation and explore the right trust structure for your goals.

A Guide to Common Real Estate Disputes



Real estate transactions are some of the largest and most meaningful investments people make in their lives, whether it’s buying a first home, leasing commercial space, or managing a property portfolio. But as with any major financial transaction, things don’t always go according to plan. Real estate disputes can arise at nearly any stage of a deal or ownership cycle, and when they do, they can quickly become costly, stressful, and time-consuming.

In this blog, we’ll explore some of the most common real estate disputes and offer practical insights on how to prevent or resolve them. Whether you’re a buyer, seller, landlord, or investor, understanding these issues can help protect your investment and provide peace of mind.

1. Breach of Contract

One of the most frequent causes of real estate disputes is a breach of contract. Real estate agreements are complex and often contain detailed obligations for both parties. A breach may involve a failure to meet timelines, refusal to complete a sale, missing disclosures, or disagreements over repairs or financing.

Example: A seller agrees to make certain repairs before closing but fails to do so. The buyer wants to walk away or renegotiate the price, leading to a dispute.

How to protect yourself: Always ensure that your purchase agreements are clear and comprehensive. Work with a knowledgeable real estate

attorney to review or draft contracts, and be cautious about signing anything without a full understanding.

2. Boundary and Property Line Disputes

Boundary disputes often arise between neighboring property owners and typically involve disagreements over fences, driveways, trees, or easement rights. These disputes can escalate quickly, especially when property value or long-standing usage is at stake.

Example: A homeowner builds a fence they believe is on their property line, only to have a neighbor challenge it after a new survey is conducted.

How to protect yourself: Before buying or making changes to your property, check existing surveys and consider getting a new one if needed. Title searches and proper permitting are also key steps in preventing boundary issues.

3. Title Issues and Ownership Disputes

A clear title is essential in any real estate transaction. Problems can arise when a title is clouded by liens, prior claims, inheritance issues, or clerical errors. If an ownership dispute surfaces after closing, it can jeopardize your ability to use, finance, or sell the property.

Example: After purchasing a property, a buyer learns that an heir to the previous owner never signed off on the sale and is now contesting ownership.

How to protect yourself: Always conduct a thorough title search and obtain title insurance. If you encounter a title issue, consult an experienced real estate attorney to explore your options for resolving it.

4. Landlord-Tenant Disputes

Rental properties can be a great investment, but they can also come with legal challenges. Landlord-tenant disputes may involve rent payment, lease violations, property damage, security deposits, or disagreements over repairs and maintenance.

Massachusetts landlords must pay close attention to the laws that impact rental properties, including fair housing rules and health and safety codes. Tenants have strong legal protections, making it especially difficult to evict for nonpayment of rent. If you're using a standard lease form, we strongly recommend adding additional provisions to give you more tools if eviction becomes necessary.

We also advise carefully reviewing how thorough your tenant background checks are. To properly search for prior criminal, civil, or housing court cases in Massachusetts, you must search each county's court dockets individually.

For example, you'll need to check the superior, district, and housing courts in every county where the prospective tenant has recently lived. If they've lived in both Middlesex and Essex counties, you must search the courts in both.

If you're a new or less-experienced landlord, feel free to contact us for a consultation.

5. Misrepresentation or Non-Disclosure

In Massachusetts, sellers have limited duties to disclose certain property defects, but misrepresentation can still lead to legal consequences. If a seller knowingly conceals material information about a property, such as water damage, pest infestations, or zoning violations, the buyer may have grounds for a lawsuit.

Example: A seller paints over evidence of water leaks in the basement and fails to disclose a history of flooding. The buyer discovers the issue post-closing.

How to protect yourself: Buyers should always conduct a thorough home inspection and ask detailed questions. Sellers should be honest and transparent because concealing issues often leads to larger problems down the line.

6. Construction and Renovation Disputes

Disputes often arise between property owners and contractors over delays, costs, defective workmanship, or unfinished work. These conflicts can halt progress and cause significant financial losses.

Example: A homeowner hires a contractor to remodel a kitchen, but the work drags on for months, and costs spiral beyond the initial estimate.

How to protect yourself: Always have a written contract in place for any work performed. Make sure it includes a detailed scope, timeline, and payment terms. Vet contractors carefully, and keep records of communications and payments.

7. Zoning and Land Use Conflicts

Local zoning laws dictate how land can be used. Disputes may occur when a property owner’s intended use violates zoning rules or when neighboring land use impacts property value or enjoyment.

Example: A homeowner wants to build a detached rental unit on their property, only to discover that zoning restrictions prohibit it.

How to protect yourself: Before purchasing or altering a property, review zoning ordinances and land use regulations. If you’re planning to develop or change a property’s use, consult a real estate attorney who understands local zoning laws.

8. Easement and Right-of-Way Disputes

Easements grant certain rights to access or use another person’s land, often for utilities, driveways, or paths. Disagreements over easement use or boundaries can lead to conflict, especially if one party feels their property rights are being infringed upon.

Example: A neighbor begins using a shared driveway more frequently and blocks access, leading to tension over the original easement agreement.

How to protect yourself: Make sure easement rights are clearly defined and recorded. If there’s any ambiguity, a real estate attorney can help clarify and formalize the agreement.

Preventing and Resolving Real Estate Disputes

Real estate disputes are often complex, and emotions can run high, especially when property, livelihood, or home life are on the line.

But with the right knowledge, preparation, and professional guidance, many conflicts can be avoided or resolved quickly and effectively.

At DaMore Law, our team has extensive experience helping individuals, families, and businesses resolve real estate disputes of all kinds. From reviewing contracts and investigating title issues to representing clients in negotiation or litigation, we provide practical solutions tailored to your situation. Let's connect.

How to Avoid Capital Gain Taxes on an Inherited House

Inheriting a property from a family member can be a great asset to your estate, but it can also have unforeseen tax consequences. If the property you inherited has gone up in value since the original owner obtained it, you could end up being responsible for a sizable capital gains tax if you try to sell it.

As the person who inherited the property, there are a few options that may help you avoid paying capital gains tax that might be worth pursuing.

Capital Gains Tax Rules for Inherited Property

When inheriting property, such as a home or other real estate, the capital gains tax kicks in if you sell that asset at a higher price point than the person you inherited it from paid for it.

The major difference with inherited property is that the IRS allows you to use what's known as a stepped-up basis to calculate capital gains tax liability. The step-up cost basis represents the value of the home when you inherited it compared to the original value.

The step-up cost basis wouldn't prevent you from having to pay any taxes, it would just reduce the amount of capital gains tax that you

would need to pay.

Three Best Ways to Avoid Paying the Capital Gains Tax

If you're standing on inherited property, and looking for ways to avoid paying capital gain tax, there are three possible ways to get it done.

The first option is to sell the property immediately after inheriting it. This way, there won't be enough time for the property to appreciate in value.

A second option is to make the inherited property your primary residence for at least 2 years. The IRS allows single filers to exclude up to $250,000 in capital gains from the sale of a home. The key is that you have to live in the home for at least two of the five years preceding the sale.

The final option is to rent out the property instead of selling it. An inherited home that's treated as an investment property for tax purposes would still be subject to capital gains tax if you decide to sell it. But you could defer paying those taxes if you complete a 1031 exchange to purchase another investment property to replace the one you're selling.

Experts in Capital Gains Tax at Your Assistance

Inheriting a new property can be a trying time for many. It's a whole new challenge resting on your shoulders, and you may need some help navigating your new found responsibilities. Our team of legal real estate experts at DaMore Law are prepared to answer your questions, and guide you through this process. Visit our website for more information on all the ways DaMore Law can help you.

What Is a Settlement Statement Closing Disclosure?

For many people, finding and purchasing their dream house can feel like an endless scavenger hunt. Between making an offer and moving in, along the way you'll have to complete mountains of paperwork, provide closing documentation, and read through all the required settlement statement closing disclosure.

However fed up you may be with reviewing and signing legal documents, there's one in particular that deserves your undivided attention: the Closing Disclosure form.

What Is a Closing Disclosure?

A Closing Disclosure is a multi-page document that outlines the final terms and expenses of your mortgage. These include terms such as loan amount, monthly payment, interest rate and closing costs. Mortgage lenders are legally required to provide buyers with their Closing Disclosure three days before the loan closing date. That way you and your estate attorney have time to review the terms. Your property's Closing Disclosure is one of the most important documents you will need to review during the mortgage process, so read it carefully.

A Closing Disclosure form includes items pertaining to your mortgage, including:

- Closing costs
- Loan terms
- Loan costs
- Monthly mortgage rate
- Transaction summary table
- Contact information
- Loan disclosure

These terms will be properly labeled and outlined in the Closing Disclosure form, so you won't be left to figure out what they mean on your own.

How To Check Your Closing Disclosure

The most effective way to break down your Closing Disclosure is by utilizing the services of a professional. Your real estate agent should receive a copy of the Closing Disclosure form from the mortgage lender. They can help you check it for any inaccuracies. Take your time reviewing the document.

Here is a checklist of items to review:

- Check to see if your name is spelled correctly
- Loan term should typically be 15-30 years
- Check to see if the loan amount is correct
- Verify if closing costs were rolled into loan amount
- Verify loan type

Legal Experts Here To Support You

The homebuying process can be stressful, and you're going to need all the assistance you can get. At DaMore Law, our team of real estate law professionals are equipped with the knowledge and skills to help you avoid running into any issues with your Closing Disclosure. If you're in need of any legal services, look no further than DaMore Law. Visit our website to learn more about how we can help you.

Litigation vs Arbitration: Key Differences

There are many alternatives to resolving legal disputes than just the court system. Arbitration is a method of resolving disputes between a worker and their employer. A neutral third party performs discovery

on both parties, and then selects the side they believe to be in the right. Said side is then rewarded arbitrary rewards in the form of either financial or compensatory damages.

But what are the key differences between litigation vs arbitration? And how are they often better alternatives to the courts?

Litigation Is Public While Arbitration Is Private

Most of the time, court filings from litigation are available to the public. This means that members of the public, such as reporters, can access the content of the filings and provide them to the public through written articles. This can result in negative publicity for both parties before a decision has been made. The court of public opinion can often be more damaging than any decision made by legal authorities.

In contrast, arbitration is almost always private. There is no public arbitration docket, so there are no public records of the event to access. It’s not required that any motions be filed publicly, and there is typically no media personnel looking for an inside scoop. Even if the matter of conflict is rather sensitive, you can rest easy knowing it can be resolved privately through arbitration.

Litigation Can Be A Slower Process Than Arbitration

Litigation is notorious for moving at a slow speed. With the oversaturation of court applications and lack of resources to efficiently settle every case, it can take 18 to 36 months for a lawsuit to reach the bench. This prolonged experience can cost the parties involved substantially more than they had initially expected to pay.

Arbitration is typically a much quicker process than litigation. In many arbitration cases, the parties may only need to wait a couple of months before the main hearing. While they still follow some civil procedures, arbitration tends to be much less formal, so there is

less potential for competitiveness to slow the process down.

While Litigation Decisions Can Be Appealed, Arbitration Decisions Cannot

Litigation allows for the losing party to exercise their right to appeal a judicial decision. The parties will spend more time and money on litigation by participating in the appeal process. Appeals also introduce uncertainty, as appellate courts could find partly for the appellant and partly for the appellee, so no party comes out of the appeal a clear winner. However, since appellate courts allow for a verdict to potentially be overturned, each party has a reasonable chance at a new outcome with each appeal.

Arbitration, on the other hand, cannot be appealed. The only exceptions are when either party believes there to be bias or fraud involved, or if both parties agree that the decision should be reversed and attempted again.

Litigation vs Arbitration, DaMore Law Has Got You Covered

Different types of legal situations require all different types of legal knowledge. Legal issues are a serious matter, and you need to be equipped with the right person for the job. At DaMore Law, our gifted attorneys cover a wide range of legal areas such as family, estate, and business law. We do all we can to make sure our clients receive the justice they deserve. Visit our website for more information.