

Estates and REALTOR® Selection

— *A Guide for* —  
**Selling a Matrimonial Home®**



*Authored by* **Barry Lebow**

*One of Canada's Most Recognized Real Estate Experts, Founder of the Accredited Senior Agent Professional Designation, Master-ASA*

## *Lebow Advice on Divorce*

# Why did I write this guide?

**L**et's face it: divorce can be a nasty part of one's road through life. You probably feel hurt, cheated, angry and you want to get back at your spouse for your own reasons. And maybe the reason are value, very valid, but keep one thing in mind: **it should not be about emotion, it should be about money!**

And this money is the most important money in the world because **it is yours!**

I am no longer an active real estate appraiser, but during my career I was involved in thousands of divorce situations, and I continue to see these patterns as an active real estate broker. I have seen and heard it all and I bare my own scars from my own divorce procedure.

I have seen reasonably intelligent people fight and fight, right to the end just to get back at their spouse. The fights would go on for so long that it got to the point of obsessiveness. In the end, **it was not worth it!**

Look again at what I just said: **it was not worth it!**

The professionals made money, including very expensive lawyers, real estate agents and appraisers. But at the end of the day, it is your money, but it will be theirs if your emotions take precedence over logic. You have a choice: you can make professionals rich and yourself poor, or you can complete the process and get on with your life.

Frankly, if revenge is what you're after, the best revenge in the world is to live well – financially, emotionally, physically and spiritually. However, if you try use the judicial system to get your revenge, you will suffer in all fronts. When it is all over, too much time will have passed and it is unlikely that you will have come out ahead.

There is a better way.

Whether you fight your way through the process, or just buckle down and do what you need to move on, the outcome will likely be exactly the same. You will get your divorce or separation agreement. By dragging out the process, your kids will suffer the most, if you have them. They will have to deal with the months and maybe years of bitterness, and unless you are one of the privileged, you will have to downgrade your way of life and living conditions. You cannot win fighting. Your spouse cannot win by fighting, either.

One of the biggest sources of tension is the sale of the matrimonial home. Want to hang on the house for many reasons? If you drag out the process, your costs will continue to mount and prices for the home itself can drop. Again you must ask yourself if it's worth losing out on income from your largest asset just because you don't like your soon-to-be ex? Maximize your return by selling quickly and with minimal fuss. Don't use your biggest investment to get even with each other. Treat the house for what it is: your largest financial source.

You have heard a lot of the lawyers jokes, but having serviced the legal profession since 1968, I have a great deal of respect for lawyers who are at the top in their field. They get frustrated with clients who want their day in court, as the clients will never be happy with the result, never get everything they want and the divorce case becomes a driving part of their lives, driving the lawyers crazy with constant phone calls over minor issues.

My best advice is this: take deep breaths, think it out in terms of financial status and leave the emotions out of the process.

# New Life

# Old Life

If you were to work through your lawyer and set out a settlement and if your spouse did the same, you can mediate or arbitrate but whichever way you go, you save time, and when it's legal time that you're saving it equates to a lot of dollars in your pocket.

I want you to do a small test for yourself. Call a few friends or family members who have gone through a messy divorce. Ask them point blank, if they had the benefit of hindsight, would they have preferred to settle the whole thing quickly or were they satisfied with their process and the time it took.

In my own case, my wife and I focused on the love we had for our children. We acknowledged each other as loving and caring parents. Respect for each other on that level was never an issue but I know that is not the case with all former partners.

We both knew what the ramifications of fighting could bring and we resolved to instruct our lawyers to work together to get us a mutually agreed upon settlement. We had some complex issues and had to retain a knowledgeable accountant which was costly, but in the end we each saved a small fortune, and after the fact we are better friends than we were husband and wife. Best of all, the kids did not have to deal with the usual bitterness that is common in divorce.

One last thing – why did I write this? Why did I write it in the first person and without regard for politically correct wording? Because I am tired of the nightmarish scenarios that I have seen in my lifetime and if I can assist even one person in coming out of this process further ahead, it will be worth it.

Are you ready to be reasonable but your spouse is not? Send this to them or direct them to my website.

[Money in your pocket or revenge? The choice is yours.](#)

I hope that this article, the preface to this book and the content that follows helps guide you through a difficult process.

Sincerely,



**Barry A. Lebow**, FRI, CRF, Master-ASA, ABR, SRES, CREC, IFAS  
Professional Land Economist, Arbitrator and Mediator

*Founder, Accredited Senior Agent Designation Program*



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## *Step One:*

# A Proper Written Appraisal

**P**rice is the first step. What is it worth? Given that divorce is about financial settlement, and that the house is the single biggest asset for most Canadians, a proper valuation is the essential first step in the process of dealing with a matrimonial property. It sets the stage, and offers everyone a single goal or focus: to work with that financial number! But you want to be sure it's an independent appraisal from a neutral and designated professional. If one partner is buying out the other, an independent appraisal is mandatory.

Yes, real estate agents can price the house, but many are not equipped to properly estimate value or they come in at a price that is not realistic in order to just get the listing. An appraiser has no other service to offer. He or she is not involved in the result; an appraiser is neutral. The courts also want an independent appraisal not a real estate agent valuation.

In many cases, the house is not being sold, at least not on the open market. One partner may be buying out the other. Value has to be set by a professional recognized by the courts. An independent appraiser is necessary for the process. In Canada, appraisers should be designated, either through the Appraisal Institute of Canada or the Canadian National Association of Real Estate Appraisers. An interesting fact: few provinces have licensing for appraisers.

A proper valuation must be carefully researched, analysed and written in a manner that allows the layman or professional to understand the conclusion. Unfortunately, few residential appraisers have the skills for a true market valuation. Most residential appraisers are busy filling in forms for mortgage companies who rely on volume. Mortgage valuation is not an accurate valuation.

Volume appraisers do not take the time or the necessary steps to undertake a quality appraisal. Not only is the report to be tested, but so is the appraiser. It is too common for appraisers to state that they do not testify in court. You may think that your situation will never end in court, but, unfortunately, the courts are filled with people who thought the same way. Ensure that when interviewing an appraiser that s/he have court experience. That is the level of quality to which you want the report written. Avoid mortgage appraisers, where possible.



Finding the right appraiser in each city or town is not always easy. In large cities such as Toronto, a handful of residential appraisers have the necessary skills to value an estate and to testify in court, if that arises. In smaller centres, there may be only a single appraiser, but usually in smaller centres these appraisers have varied experience.

How to find a good appraiser? First ask your lawyer. In Toronto, Jim Parthenis, CRA (416-421-5188) who was my residential appraisal manager for almost two decades is the appraiser of choice by most leading divorce lawyers. Outside of Toronto? Having criss-crossed North America for many years on behalf of clients, I have worked with many fine real estate professionals in various centres. I have retained local appraisers from Texas to Northern Ontario. I can provide a short list of the best qualified appraisers for any property in Ontario, from a single family home to an entire portfolio. For other provinces and states, I have many professional contacts.



## *Step Two: For Sale on the Open Market* **Getting it Ready**

**A top real estate agent must have some experience in family mediation.** It is simple. The process should always start with a grasp of the end goal. The questions are simple:

“Do you want the property sold?”

“When do you want it sold?”

“Roughly how much do you get from your share?”

Sitting down with the parties, even warring parties and asking those hard questions can lead the Real estate agent to state:

“Then let’s work to the result. You don’t like your spouse/partner, then let’s make it simple. The longer we have to deal with the property, the longer you have to deal with each other. The longer you keep the property, the higher the costs. Therefore, let’s work together on achieving the objective, which is selling the property and not focus our attention on the old wounds. Let’s make this happen to have closure, to move on and to make you the most money in the shortest time.”

Sometimes, a tough mediator is needed. When your real estate agent is not equipped with the right experience, an outside mediator can be brought in. Keep the lawyers at bay when possible. Do not allow costs to escalate at your expense.

Remember, there is a light at the end of the tunnel. You can make that end come quickly and easily or you can let emotions dominate, and then everyone will lose.

As a university-trained Arbitrator and Mediator it bothers me when a simple process becomes about the parties. Their dislike of each other dominates and bad decisions prevail. Sometimes, an outside professional has to take a rather strong role in the process.

After all, in the end it comes down to one thing - **your money.**



## Step Three:

# Real Estate Agent Selection

**A** qualified, trained real estate agent can guide you through the entire process, bringing in the right experts and service providers and making a complicated situation easy.

How do you find and ultimately choose the best Real estate agent for you?

Well, by choosing the wrong real estate agent it will drag out the process, possibly resulting in the value of the property being less than what can be achieved by hiring a more experienced and focused agent. There are things you can look for that will help you ensure that you are entrusting your real estate situation with the right person, for all the right reasons.

## How to Find your Real Estate Agent

### 1 Know Your Goals; Never Waiver

Start with perceiving the completion of the sale and you'll have a much better chance of achieving it. Not having goals can allow for much more emotional decision-making, and that can be disastrous. It is not easy to speak to your former partner and have a discussion. But if you can, make that conversation about the house, and nothing else. Ask them what "success" means, then compile a list. If it is the intention for one partner to stay, then co-operate to get the valuation and financing in place and move on. If the choice is to sell, then make it happen by mutual co-operation. If that is not possible, one party will have to force the issue through the courts and again - at more costs which equates to an erosion of equity.

### 2 Designations

Most real estate agents list and sell...and that is it. Few of them offer full services. Real estate agents with professional designations are those who have sought higher education to given better service. Some designations that will assist you are real estate agents with ABR, CREC, FRI, SRS amongst others.

### 3 Is Real Estate Their Only Career?

Many people will have real estate as a second, or even third career. You'd have to ask yourself if you would truly be the focus for them, or if they could become distracted and leave you by the wayside. Picking a full time, focused, experienced and dedicated real estate agent ensures that you are their centre of attention.

### 4 Listing Machines

Be careful of super star real estate agents who take abundant listings and then have junior team members to handle your needs. You want accountability from the real estate agent, not from a junior or assistant.



## *Step Three Cont'd:*

# How to Find your Realtor

### **5 Testimonials And Internet Research**

Check the real estate agent's website or social media channels. Do they have many recommendations or positive testimonials? Look at the real estate agent's characteristics about which people offer their words of praise. Do they mirror your "hot buttons?" Your concerns and needs are paramount, and if the testimonials don't add up to the real estate agent's own descriptions of themselves, then perhaps they're not as authentic as you need them to be! Do not forget to Google search the real estate agent as well.

### **6 Look Beyond the Presentation**

Many people will say anything just to get in the door, so don't let your emotions get in the way. Make a logical and rational decision. Make sure the real estate agent you choose has every aspect necessary to make the process run smoothly - and that includes more than just smooth talk, pretty pictures and lovely graphs.

### **7 Don't Just Go with "My Friend/brother/cousin"**

We love our family and friends, but that doesn't mean they're the best choice. Approach their offers to work with you with kindness, but let them know that you're about to embark on a serious mission, with lots at stake. Emotional decisions are easy to make here, because it's tough to say "no" to someone close to us. Review their presentation and background and only select them if they truly are the best option.

### **8 Lowest Commission Loses**

There is no question that some discount brokerages do provide full services and value, but, they are not typical. Many low commission brokerages can treat you like a transaction - they have to do volume. You may save on commission, but you could lose in the end. A full service agent could have possibly made you more money on the sale.

### **9 Number Envy**

Some real estate agents will tout the sheer number of sales they have made. While impressive, again, it doesn't mean that they dealt in your area of need: dealing with a divorce sale. There is much more going on in this situation, and you need to account for the emotional toll that it will take. And then ask yourself: if I'm treated like a transaction, will that be okay, or because of the people involved, and all that must be done, should I aim for someone with a bit more empathy?

### **10 Marketing and Advertising Plan**

No property sells itself. Today, a real estate agent must design a custom program with strong internet presence. Print is dead today. Today's buyers are tech savvy and you require a dedicated website, SEO, and other internet marketing.



## *Step Four:*

# Outside Services

**T**here is an old real estate cliché, “Do you want your property on the market, in the market or ahead of the market?” Putting homes “On the market” is what so many Real estate agents do. They just take the listing, put it on MLS and hope that someone comes along with a buyer, and for this reason, a great percentage of properties expire each month.

A top professional real estate agent does not just list a property: s/he markets it. It takes hard work to find a buyer. It is his/her objective to be both the listing and selling broker. An experienced real estate agent offers additional high-value services and advice. S/he has a group of Exceptional Experts to assist his/her clients.

Some of the outside services that a professional real estate agent may refer:

- Appraisers for art, collectibles, antiques, automobiles
- Auction services to sell possessions you want to turn into cash
- Bed bug removal
- Certified real estate appraisal services
- Charities: which ones take which goods
- Family dispute resolution
- Financial advisors who are neutral and do not sell products
- Handyman services
- Home Inspection
- Housekeeping services
- Mortgage brokerage services for the buyers
- Mould remediation
- Packing and unpacking services
- Quality movers
- Relocation - network with real estate agents across Canada, United States, and other parts of the world
- Smell - too many houses just have strong odours, from cigarettes to pets. They have to be neutralized for first impressions
- Staging to make the home achieve the highest price
- Which consignment shops are best for unwanted items

Before any services are offered, the real estate agent must inspect the premises and submit both a written report and recommendations to you. Sometimes small things like minor sprucing-up of the exterior, which adds to the curb appeal, or removal of old broadloom to expose long-covered hardwood can bring in a much higher price.

## Step Five:

# Dealing With “The Stuff”

**N**othing will hinder a sale or cause more emotional grief than dealing with the dreaded “stuff.” Stuff is divided in various categories:

### **Heirlooms and sentimental objects to be distributed.**

A good real estate agent will work with the partners to divide the contents in a fair manner. If a partner is now living out of the city they will arrange packing and delivery

**Stuff to be Sold for Income.** Forget garage sales. They sap your strength. Moving the contents outside, moving them back, weather problems and worse, bottom feeding hagglers who will give cents for valuables. There is a better and new concept: the online auction. A skilled auctioneer can bring hundreds of people into a house, via the internet or online to attract highest bids, clear out a house and maximize prices for the heirs. Clean, easy and hassle free and with a bigger net. This is an added value service for contracted clients.

Also a professional real estate agent will recommend the best consignment shops in the city for people who want those services.

**Stuff to donate.** Given the bed bug infestation in North America, not all household goods can be donated. Some charities will pick up, some insist solely on drop off. A good Real estate agent knows about obscure charities that will take what mainstream charities will not.

**Stuff to dump.** These are the last things to go and their disposal should be supervised by the real estate agent if there is no family member available.



**Appraisals.** For higher end goods to be sold appraisals with different experts to get a handle on pricing must be arranged.

There are many variables. Simply, a good real estate agent has the knowledge, the skills and the experts who can work to get the stuff out and to take as much pressure off of the parties as possible.

**Advice:** You have to get past “Do you know what we paid for that?” Times have changed. The public today wants newer, more modern and many a fine dining room set for example in the end has to be given away as there are few if any buyers.

A professional Real estate agent has the knowledge to guide you through what is desirable and what has to be given away.

## *Step Six:* **Marketing**

**N**ow that the property is ready, the stuff is cleared, necessary places touched up or repaired and the house possibly staged...it still is not ready to go onto MLS!

A pro-active Real estate agent's marketing program has to be more than just putting up a sign and uploading to MLS. Marketing today may include the following, depending on the property, location and circumstances:

- Full Toronto Real Estate Board, MLS exposure to all 39,000± real estate agents
- Real estate agent.ca exposure and web tour for the public
- The use of a professional firm which provides professional photography shoots, uploading to my personal YouTube channel; mass syndication on the internet via Search Engine Optimization (SEO) promotion to 30+ sites; AND a website exclusive for the property
- Brochures and feature sheets where needed
- Open houses (for select properties)
- For buyers, a mortgage feature sheet showing them their costs based on their down payment
- Special open houses premarketing for the area neighbours
- Additional promotions when needed
- Automatic follow-up to each Real estate agent showing one the listing with a short follow-up survey
- To give synopsis each week of action, Real estate agent and buyer feedback.
- And more

Note, to properly market a single family residence, many real estate agents estimate their initial costs to be from \$1,000 to \$2,000. A top real estate agent does not just take a listing: s/he invests in a listing. That is why they do not cut back on promotion, skimp on what is needed to market a house nor do they take overpriced listings. They cannot afford to, for both their investment and their time.

A good Real estate agent does not take a listing only to be heard from when there is an offer. A good Real estate agent keeps clients in the loop at all times.

## *Step Seven:*

# Why A Designated Real Estate Agent?

**What the public does not know about top real estate agents is their education.** A good Real estate agent takes seminars and education courses on a continuing basis. It is proven (National Association of Realtors® survey) that real estate agents with professional designations earn from two to three times the income of a non-designated real estate agent. It's not about income, it is about professionalism, the knowledge that one has to absorb and the dedication that sets a designated real estate agent to be one of the real estate elite. It is estimated that about 6-7% of all of the 39,000± real estate agent members of the Toronto Real Estate Board dominate in sales. A good percentage (estimated at around 17%) never had a sale in the past twelve months! Worse, the majority of real estate agents sell less than 6 houses a year!

So, real estate agent selection can be the difference between a smooth process and a complete disaster. A professional who knows what they are doing can list the house and negotiate the best offer to help you achieve maximum value. Low commissions should not dominate your thinking because you truly get what you pay for.

A designated real estate agent is dedicated to the career of real estate. They have longevity, education, experience, contribution, an established network of exceptional specialists and much more.

Further, check if the real estate agent is active in professional associations. A dedicated professional gives back to their industry. Simply stated, they contribute.

Surveys indicate that more than half of all Real estate agents leave the industry within the first eighteen months. A designated real estate agent has been in their career for years. If you are searching for a true expert - not just someone who has that word on their website or business card - then seek out a designated real estate agent to ensure that you're in the best hands possible. Here are some reasons for you to follow this advice:

- They already have all the connections to help you through the entire process
- They have specific training on relationships, managing the emotional side of moving and dealing with a divorce sale
- They have extensive experience in the real estate industry, and can help guide you through the ins and outs of the process
- They have expertise with divorces which frankly are much more complicated and nerve-wracking than a typical residential sale



## Step Eight:

# You and Your Agent: Communication



In a survey conducted by the National Association of Realtors®, the largest complaint about Real estate agents was a lack of communication. They took a listing and then disappeared until there was some action on the property.

That is obviously wrong. A professional real estate agent keeps the clients well informed and involved in the process. Marketing is complicated, but it should funnel into one very important thing: finding you the qualified buyer who will pay what you deserve for your property.

A set time for information sharing should be established, such as Friday mornings. The real estate agent will call and highlight the week's activities. Progressive real estate offices track each Real estate agent who shows a property. Email surveys go out to the prospective buyers within a short time after their appointment asking for feedback about the overall quality of the listing and the pricing. This is valuable information that has to be conveyed to you. You must be kept in the loop at all times. When there is a lot of activity, you should know and if nothing is happening, then the property listing is not priced to attract buyers. It is always about price, because price dictates everything in real estate.

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### Negotiations: Dealing with offers

As the fun begins, and you start getting offers, things can heat up again. And in the case of divorces, tension can mount, and it can sometimes get downright ugly! The real estate agent has to be trained at dealing with these situations. Many deals are made because the real estate agent you chose is skilled in negotiation and that is why you chose a full-time, trained professional.

### You + Your Real Estate Agent = Team You!

As you move through the motions of selling the property, your real estate agent is there to help you focus on what's important, keep you informed, and negotiate on your behalf once the offers start rolling in. Not every offer is a good one, but a professional real estate agent will guide you through the process. *Their success should be solidly built on your success, and you should take nothing less than that!*

## *A Bit About* **Barry Lebow**

- Five decades (started in 1968) of exceptional real estate service and dedicated to the future!
- No other Real estate broker in Canada has been accepted by more courts as a real estate expert than Barry Lebow (over 500 trials)
- Awards from major real estate associations, Canadian and American
- Recognized as one of Canada's leading real estate experts
- Teacher, trainer, instructor to thousands of Canadian real estate agents

**I am proud to have written the Canadian textbooks on various real estate topics for real estate agents.** As founder of the Accredited Senior Agent (ASA) professional designation, I have taught hundreds of real estate agents on subjects concerning divorce, appraisals, stigma, agency, litigation, how to deal with Seniors, downsizing, estates and more. Today, with a career spanning nearly five decades in real estate starting in 1968 when I became residential Real estate agent, I am back to my first love: selling real estate and helping people make good real estate decisions.

Over the years I have worked hard to earn 14 recognized real estate designations, spoken or lectured to thousands of appraisers, mortgage brokers, real estate agents, lawyers and other audiences across Canada, the United States, Mexico, the Caribbean and in Central America.

Many regard me as one of Canada's most recognized real estate experts, having testified in more than 500 trials in North America, and been accepted as a multi-faceted expert. I believe that no other Canadian real estate professional matches that record. My professional reports have been accepted by courts around the world and it has been a special honour to have court rulings where I have been appointed to handle a valuation, an arbitration or sale.

Divorce work has been a vital part of my ongoing career, from my early years in appraisal to subsequent years of



Barry was honoured to have received in 2010 the rarely awarded **Meritorious Award for Real Estate Achievement** Toronto Chapter, Real Estate Institute of Canada  
"For outstanding contribution to the profession and high ethical standards"

selling. Divorces require a lot more skill from a professional real estate agent than just listing, putting on MLS® and waiting for offers.

I have learned to deal with families and with their many and varied needs. Usually, a major problem in a divorce is dealing with the stuff, from family heirlooms, valuables, charity items and plain junk. I attempt to make that easy for the family with a combination of my expertise and my network of valuable contacts.

I have settled fights among partners, siblings and heirs and have held hands with sellers whose sentimental attachment has overwhelmed them.

There are a great more skills and needs associated with a divorce sale and this simple booklet outlines what a good real estate agent must do for the sale of a matrimonial property.

I welcome your comments, inquiries and am at your service.

A handwritten signature in black ink, appearing to read 'Barry Lebow'.

**Barry A. Lebow**, FRI, CRF, Master-ASA, ABR, SRES, CREC, IFAS  
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**B**arry Lebow is one of the most accessible, easy to chat with people in real estate. About the content in this guide, if you have questions or challenges, just email or pick up the phone. Your comments and concerns are welcome.

*Thank You*

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## *Suggested Reading and* **Websites on Divorce**



- Getting Divorced, Government of Canada . . . . . <http://tinyurl.com/ygsj8rg>  
About Divorce and Separation, Government of Canada . . . . . <http://tinyurl.com/mqbg4b8>  
Canadian Divorce Laws . . . . . [www.canadiandivorcelaws.com](http://www.canadiandivorcelaws.com)  
Separation and Divorce, Mental Health, CAMH . . . . . <http://tinyurl.com/n578qaj>  
5 Positive Lessons Children Learn from Divorce, Canadian Living . . . . . <http://tinyurl.com/kvkprfo>  
Divorce Costs in Canada, Canadian Legal Organization . . . . . <http://tinyurl.com/k5vkgbr>  
Surviving Your Divorce, Michael C. Cochrane . . . . . <http://tinyurl.com/mq654w3>  
Uncontested Divorce, Law Society of Upper Canada . . . . . <http://tinyurl.com/qzpj8y7>  
General Divorce Information, ezDivorce . . . . . <http://tinyurl.com/lcqwmhw>