

Connections

Official Publication of the Association of Texas Appraisers, Inc. www.txappraisers.org

Mission Statement of the Association of Texas Appraisers

The Association of Texas Appraisers was organized to provide opportunities for continuing education and professional association for real estate appraisers and other interested parties within the State of Texas: to establish and maintain minimum requirements for membership; to confer membership designations to properly qualified appraisers; and to provide and maintain an organization that serves the needs of its members.

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From the Desk of the President

Happy Holidays!

Candy Cooke, ATA-G

Where has the time gone? Seems like yesterday it was 90 degrees outside. Oh, I guess it was last month.

I am happy to say that we have 13 new members (see page 2 for their names) since the beginning of our fiscal year (September 1). Our initial goal was a 10% increase this year but we lost a few members, we'll have to recruit a few more to stay on target. For a complete list of members, log on to www.txappraisers.org.

Mark your calendar for the ATA Mid-Year Meeting in New Braunfels, February 25-26. The educational offerings will be:

- Friday morning 8:30 am 11:30 am TREC Ethics MCE (Instructor: Candy Cooke, ATA-G)
- Friday afternoon 1:00 pm 5:00 pm Statistical Analysis in Appraisal, No. 055 - 4 hrs continuing education—The course introduces you to the fundamentals of statistics, data analysis and regression analysis with a direct connection to practical applications. (Instructor: Mark Linne, Bailey, CO)
- Saturday 8:00 am 5:00 pm Residential Report Writing, No. 140 8 hrs continuing education—This course provides you with instructions on how to write an appraisal report. The focus is directed toward instruction on the completion of the Uniform Residential Appraisal Report. (Instructor: Diana T. Jacob, Hillsboro, TX)

The Board of Directors will be holding their meeting on Friday at 5:15 p.m. and you are welcome to sit in on their meeting.

We hope you plan to attend our optional dinner on Friday evening. We will be dining at Friesenhaus Restaurant around 6:30 p.m.

Con't on Page 2

2010-2011 Board of Directors

Candy Cooke, ATA-G, President	Ken Becker, Director
Michael Braught, Vice President, ATA-R	Bobby Crisp, ATA-R, Director
John Macy, ATA-R, Secretary	Bobby Shafer, ATA-R, Director
Richard Neighbors, ATA-R, Treasurer	Tom Shirley, ATA-R, Past President
Eileen Brown, Director	

As usual, your registration will cover the classes and breaks for two days and breakfast and lunch on Saturday. You can use the registration form on page 10 of this newsletter to register by mail. You can also pay on-online with your credit card or PayPal account. Log on to our website, www.txappraisers.org, click on the "Meetings" tab and then go to the bottom of the page and select add to cart.

Sie sehen in New Braunfels (See you in New Braunfels...I think).

Designation Awarded

Congratulations to Sara Ingram of San Angelo, who was recently awarded the of Associate of Texas Appraisers - Residential (ATA-R) designation.

If you are interested in applying for a designation with ATA, please go to our website, www.txappraisers.org and click on the Membership link and download the Designation Application.

Welcome New Members



The president and members of the Board of Directors would like to welcome our newest members, Carole Alexander, Laredo, Jo Ann Carr, San Angelo, Scott Coker, Lumberton, James M. Davis, El Paso, Melissa Glover, Lumberton, Sara Millspaugh Ingram, ATA-R San Angelo, Etta Marie Kirchman, Greenville, Mark Novell, Arlington, Bobby G. Partin, Houston, Paulette Partin, Houston, Robert Partin, Houston, Judy Pierce, San Antonio and Carol Webster, Port Lavaco. Welcome aboard!

VA Meeting Recap

The association co-sponsored a meeting with the VA on Sept. 3. There were approximately 225 appraisers in attendance. We used this meeting as a membership/marketing outreach opportunity. Eight new members joined the association during the meeting and three joined shortly after the meeting.

Board members Bobby Crisp, ATA-R, Frank Baker, ATA-R and Bobby Shafer, ATA-R served as hosts for the meeting.

Houston Meeting

We will hold an FHA class on June 4, 2011 at the Courtyard Marriott, 12401 Katy Freeway. The cost for this 8-hour CE course is \$60 for members and \$120 for non-members. The hotel room rate is \$99 per night.



Please let your Houston area colleagues know that we are coming to their area in 2011 and hope to make this an annual event.

Success isn't how far you got, but the distance you traveled from where you started.

Appraisal Summit and Expo

ATA members Joseph Benes, ATA-G, Bobby Crisp, ATA-R, George Harrison, Diana Jacob and Rene Latham attended the 2nd Annual Appraisal Summit and Expo, Sept. 22-24 in Las Vegas. Bobby was asked to give a presentation on maintaining a state coalition/association which was well received.

George Harrison was elected the first President of the new National Association of Appraisers (NAA) which recruited 17 members during the meeting. Any member that joins before December 31 will be a charter member of the new association.

The Board is branding NAA as the association for all appraisers. For details or information on NAA, contact George at (800) 766-1936.

Rio Grande Valley State Certified Appraisers Conference

RGV State Certified Appraisers Conference will be held at the McAllen Grande Plaza Hotel on January 18. For details, contact Arturo Palacious at (956) 664-0073. Bobby Crisp, ATA-R will be teaching a USPAP class the day before the conference.

If you know someone in the McAllen area that will be attending this conference, please tell them to stop by the ATA booth.

Proposed 2011 TALCB Legislative Agenda Items

The following is the proposed 2011 TALCB legislative agenda items. If you have comments, please direct them to aables@supportfact.org.

Stand Alone Bill

Require Appraisal Management Companies (AMCs) to be licensed and regulated in Texas as per the federal requirements and guidelines and consistent with consumer protection goals

New federal law requires states to have in place a registration/licensing system for AMCs by July 2013. Expect an industry bill to be proposed this fall, with TALCB input.

Federal Law Compliance Issues

Amend 5% audit requirement of certification candidates to 100% to conform to federal rule Federal law requires 100% audit, which TALCB has implemented. Update state law.

Change "reciprocal" license issue provisions to conform to new federal law and change expiration date to NOT be based on reciprocity state expiration; substitute 2 year standard

Federal law changes require updates to state laws on reciprocity standards. Clarify terms.

Add "ASC required" language to allow automatic 90 extension of 6 month temporary license Federal law requires this simple provision. Amend state law to provide it.

Add authority requiring candidates applying for certain licenses to track all appraisal work on forms approved by the agency

Applicants for license and certification must meet federally required experience requirements that mandate the tracking of appraisal assignments. Standardize the content and forms on which such data is recorded for ease of verification.

TALCB Clean-up Bill Items

Clarify "purpose clause" issues to cover jurisdiction over all appraisal work done in Texas, not just "implement FIRREA"; and as between TALCB and TREC for "appraisals" done by brokers; and clarify distinctions between BPO and similar tools vs. appraisals

Consumer protection is not limited to only federally related transactions, but rather is applicable to all appraisals. Clarify distinction between appraisals and other valuation techniques that are commonly used in the marketplace for specific purposes.

Obtain authority for a committee of the Board to approve the immediate suspension of a licensee or certification holder if the person is believed to present immediate risks, provided that the matter is set for an expedited hearing before SOAH, and add disciplinary authority to probate and place conditions on license issue or continuation

Revocation is limited to most serious cases; need a broader set of tools to manage disciplinary and remedial activity, including emergency suspension in fraud cases, with appropriate due process safeguards through a SOAH hearing.

Obtain the authority to enter a default order if the holder of a license or certification does not respond to charges and request a hearing.

Process currently provides TALCB to proceed to a hearing at SOAH even when respondent completely ignores the disciplinary actions filed based on a verified complaint. This forces undue work and delays in resolving cases within the one-year mandated federal limit. Fix.

Obtain authority for Board to delegate authority to Commissioner to sign "Agreed Orders"

Allow Board to delegate authority for signature on Agreed Orders in appropriate circumstances and within limits set by the Board. Other agencies have this authority which is a common-sense efficiency measure that prevents undue delays in case resolutions when the parties agree on the appropriate outcome.

Repeal authority for an ALJ to impose confidentiality terms via PFD on certain Final Orders Confidentiality of license related administrative actions are inappropriate. This provision does not appear in other license law contexts; unknown origin of this unusual provision.

Prohibit reapplication for licensure within 5 years of revocation or suspension of a TALCB license A one year interval in the law mandates denial of a re-application when felony other serious misbehavior results in a revocation or suspension (add surrender) of a prior license. This is too brief a time to regain the trust lost by a betrayal of the profession. If such an application is denied, an appraiser must then wait 2 years before filing another application. This minor inconsistency creates an enforcement dilemma. Using a common standard resolves the gap.

Repeal or limit issue of 2 year (currently renewable to 5 years) "provisional" licenses, with one 2 year renewal and only to applicants in counties with populations of 25,000 or less

Provisional licenses are available to those who cannot find sponsors. This issue is realistic for smaller communities or remote areas; inapplicable to metropolitan areas. Also, with 2 year licenses, having a 5 year limit is problematic. Change to 4 years from 60 months.

Delete "annual" fee for Trainee approval/license to clarify that a two year license term is allowed Potential conflict could be claimed between annual fees and a two-year license term. Clarify.

Apply 3 times exam taking limit to all license types; provide for additional education to retest

The Board does not seek to limit the number of times a person may take an exam, but rather to simply acknowledge that after 3 consecutive exam failures, some additional course work is clearly needed for better exam preparation. After taking a set number of hours of core education, 3 more tries would be allowed. No time interval. Repeat until successful.

Require licensees to provide and maintain current primary email address and phone to agency *Today's efficiencies require electronic methods of communication and business transactions. Use of email and phone are more effective, immediate and saves the agency resources.*

Amend law to reflect electronic delivery of licenses, such as "custody"; "surrender"; "delivery"

These terms belong to an age when a license was a valuable individual piece of paper, not a right that is granted, recorded and monitored electronically. Update is required.

Obtain a six month "late renewal" rights for all appraiser license types

Currently no interval is allowed to renew an expired license without a new application. This period remedies for inadvertence with only monetary penalties. Over 95% of late license renewals are completed within 6 months of expiration. This fully recognizes this reality.

Obtain the authority for the agency to apply for, accept, administer and expend gifts or grant funds Some federal agencies connected to the real estate industry are authorized to make grants and gifts to state agencies to assist in the accomplishment of their mission, most notably in the area of mortgage fraud and appraisal standards. The agency needs the ability to apply for, accept and spend such funds to make it more effective without raising license fees.

Are You READI?



As the result of legal and economic changes, real estate appraisers are the target of unprecedented litigation and new forms of regulation. These changes call for a strong response and new resources. LIA Administrators & Insurance Services (LIA) has created REAL ESTATE ADVISORS

DEFENSE INSTITUTE (READI) to serve as a platform from which to protect appraisers from unfair risk and liability. READI also exists to support and work with appraiser associations and coalitions.

READI's website www.readimember.org contains specific information and guidance for appraisers about such topics as: emerging liability developments, loss prevention advice, and analysis of appraiser agreements (including AMC contractor agreements). ATA members are eligible to register for free access to resources on www.readimember.org by using access code 201700.

ATA is working with READI and LIA to hold their Loss Prevention for Real Estate Appraisers CE course at the August 2011 Annual Meeting. This seminar will address legal claims and issues affecting residential and commercial real estate appraisers. The information is based on actual claims and lawsuits filed against appraisers. In addition to the interesting facts involved in many of the cases, the seminar provides specific instruction about how appraisers can minimize their risk of being sued and about how to be prepared for such an event if it happens. Their instructor will also discuss current legal issues affecting appraisers, including the spike in FDIC litigation and indemnity provisions in contracts.

New Membership Campaign

Nominate your colleagues for ATA membership! Whenever someone you refer becomes a member, ATA will thank you with a \$20 gift certificate for use toward your membership dues. This campaign will last until February.



- **1.**You can simply provide us with your <u>colleagues' names and contact information</u> and we'll send them a membership information package.
- **2.** You can <u>print membership applications</u> from the website and deliver them in person.
- 3. You can direct them to join online today!

We've made referring colleagues to ATA easier than ever and every time you recruit a new member, you strengthen ATA. A vital and growing ATA means greater recognition of the appraisal profession, improved educational and networking opportunities for all members, and the advancement of appraisal profession statewide.

We look forward to your active participation in our 1st Member-Get-A-Member Drive.

On-Line Education Reminder ... Appraisal, Real Estate and much more



Don't forget ATA has signed an agreement with McKissock to offer on-line education via their referral program. McKissock works with educators, professional associations and various businesses to offer the highest quality professional education to their students, members, employees and customers. With over a decade of experience, they have grown to become one of the leading on-line continuing and qualifying education providers in the country. This gives them the ability to work with their partners to fulfill their specific education needs.

For a list of courses and (industries), click on the McKissock logo on the ATA website home page.

Exhibitors and Sponsors



If you know a company that would be interested in exhibiting at or sponsoring an ATA event, please have them contact <u>teresa@txappraisers.org</u> or direct them to the meetings tab on the ATA website.



ATA's Annual Meeting—August 5-6, 2011 Holiday Inn Townlake, Austin, TX

USPAP ISSUES

By: Bobby Crisp, ATA-R AQB Certified USPAP Instructor #10287

(crispappraisal@gmail.com)



When asked to perform an appraisal on Vacant Land, many see it as a "slam dunk" appraisal. Just go out to the property, nothing to measure, take a few pictures, and fill out that old 1-page form, throw in a Location Map or two, and turn it in. What I would like to discuss briefly is that the majority of appraisers that decide to perform Vacant Land Appraisals, need to think about what they have agreed to do and what a Vacant Land Appraisal Report entails.

Before starting an appraisal of this type, like all appraisals, the appraiser must define the problem to be solved. We've talked about Defining the Problem in many of our classes. First, I'd like to focus on one aspect of the problem to be solved: Standards Rule 1-2 (e). "In developing a real property appraisal, an appraiser must identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, including (i) its location and physical, legal, and economic attributes."

Several E&O Insurance companies have stated that most claims from Vacant Land Appraisals are caused by the appraiser actually appraising the wrong property. Let's face it! It's pretty difficult sometimes trying to find a parcel that is not marked. The problem is that many appraisers just guess. If an appraiser accepts a Vacant Land assignment, it may mean more research than what they are used to performing. There are a lot of "what if's" that need to be asked. What if the parcel doesn't have road access (land locked)? What if the land is not buildable? What if the highest and best use is something other than what your license/certification allows you to render an opinion on? What if.....? An appraiser may need to contact city/county records personnel, communicate with their Appraisal Districts, real estate agents/



brokers, or even contact other appraisers that have some familiarity with land in that area. Standards Rule 1-2(e) goes on to say in item (iv) that appraisers must identify "any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of a similar nature." A lot of these items are not readily visible and may be quite difficult to discover. These are things an appraiser should think about before ever accepting a Vacant Land assignment.

After all Rules within Standard One are addressed, it's time to communicate your opinions and conclusions. This is the second issue I'd like to discuss.

So, what happens? We open our software program and look for that old Vacant Land Appraisal Report form. I will give credit to some of the software providers as there are newer Vacant Land Report forms that go into much more detail. But, the majority of appraisers still use the "old form".

There is absolutely nothing wrong with continued use of the old Vacant Land Report form. But, if you are one of the appraisers that want to continue to using this form...or your software company does not yet provide a more current form, there are some things you will need to address. Remember, YOU must be compliant with USPAP! It's not the report's fault if information is not there. Now, when I say "old form"....that's exactly what I mean! Since that "old form" was released, there have been quite a few USPAP changes over the years....and that form has not had one item changed since it was first released! I remember using it when I first started appraising almost 20 years ago.

As we all know, every appraisal report is to be written in a manner so that the appraiser is in compliance with USPAP Standard Two. I'd like to focus on a couple of the Standards Rules that the "old form" just doesn't address.

First thing appraiser needs to know is that this "old form" does not address what type of report is being prepared. The appraiser will need to identify the report as a Self-Contained Appraisal Report, Summary Appraisal Report or a Restricted Use Appraisal Report. If the intended users include parties other than the client, either a Self-Contained Appraisal Report or a Summary Appraisal Report must be provided.

Most of the Vacant Land assignments I have received are for mortgage lending purposes and my clients typically request a Summary Appraisal Report. So, I will focus on Standards Rule 2-2(b), which addresses this type of report. Remember to follow the appropriate section of Standard Two based on your assignment.

Items that appraisers will need to address, because the "old form" doesn't:

--SR 2-2(b)(i) – state the identity of the client and any intended users by name or type. The "old form" does not address Intended Users.

--SR 2-2(b)(ii) – state the intended use of the appraisal. The "old form" does have a line for "Instructions to Appraiser", but does not address Intended Use.

--SR 2-2(b)(v) – state the type and definition of value and cite the source of the definition. This is a "biggy" that many appraisers do not address properly. Many reports I review contain the 1004B that was used previously for residential appraisals prior to the current 1004 form. It has the Definition of Market Value, a Statement of Limiting Conditions and Appraiser's Certification. Appraisers just pop that form in there and press on! But, the 1004B has a lot of other things on it that do not apply to Vacant Land Appraisals.



Item 2 says "The appraiser provided a sketch in the appraisal report to show approximate dimensions of the improvements..." A sketch? Improvements? This should not be in the Vacant Land Report unless there are, in fact, improvements and the appraiser is providing a sketch. Most of the reports I review do not have a sketch. But, the Limiting Conditions signed by the appraiser, says there is one.

Item 5 says "The appraiser has estimated the value of the land in the cost approach and its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements...." First, on Vacant Land Appraisals, the Cost Approach is not usually applicable – because there are not any improvements. Now, if improvements do exist (barn, shed, water well, septic, etc.), this is another story. But for raw vacant land, this Limiting Condition would not apply.

Item 6 says "The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation...." Again, if this assignment is raw land, this Limiting Condition would not be appropriate.

Item 9 says "The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner." This is a Vacant Land Appraisal. This Limiting Condition is not appropriate.

Certification Item 8 says "I have personally inspected the interior and exterior areas of the subject property." This item goes on to mention "improvements on the subject site".

As you can see, the 1004B may not be the best way to communicate Limiting Conditions and the Appraiser's Certification.

Cite the Source of Definition – many Vacant Land Reports that I review do not address the source of the definition used. Those that do – typically use Fannie Mae as the source. Appraisers need to remember that Fannie Mae does not purchase Vacant Land loans, nor does FHA, VA, etc. Since Fannie Mae does not purchase Vacant Land loans, using them as the source is not totally accurate. If the client has com-

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municated that this definition is what the appraiser is to use, then may I suggest a comment in the report using another source that would be more appropriate (it's the same one used by Fannie Mae, Freddie Mac, FHA, VA):

SOURCE FOR DEFINITION OF MARKET VALUE: The source of the definition of market value is obtained in 12 C.F.R. 34.42 (g).

--SR 2-2(b)(vii) – summarize the scope of work used to develop the appraisal. Remember, the "old form" was published long before there was such terminology as "Scope of Work Rule" in USPAP.



- --SR 2-2(b)(viii) exclusion of the sales comparison approach, cost approach, or income approach must be explained. Plus a summary of the results on analyzing the subject sales, options, and listings in accordance with Standards Rule 1-5 is required. The "old form" does not address the history of the subject.
- --SR 2-2(b)(ix) when an opinion of highest and best use was developed by the appraiser, summarize the support and rationale for that opinion. This item is missed in most appraisal reports, regardless of it being residential, vacant land or whatever!
- --SR 2-2(b)(xi) include a signed certification in accordance with Standards Rule 2-3. Since the 1004B has so many items that are not appropriate for Vacant Land appraisals, you should check with your software vendor. I know that Bradford Technologies has a separate Certification page for Vacant Land Reports and a-lamode has the GPLand (General Purpose Land forms) report forms that address many of the items in this article.

Appraising Vacant Land is not the same as appraising residential property. There is a lot of research and work to be done that may not be so readily available to the appraiser. If you don't believe the fee you charge will compensate you for the amount of work that is required for Vacant Land Appraisals, you are better off not to accept the assignment in the first place.

Food for thought!

Воббу

Thank You Bobby!

Thanks to Bobby for this crystal clear explanation - he is good at that, isn't he! Nothing is as constant as change. But in this case change seems to result in no change. Appraisers must be agile in todays environment - time to find new markets for services if cash flow is restrained due to the AMC funnel. (Am I the only one who thinks that the AMC requirement is a pure example of legislated restraint of trade?). Thanks Bobby and ATA.

Richard Reece, MSA

Lost and Found

Call Teresa at (210) 386-5706 if you lost a cross pen at the Fredericksburg meeting.



Association of Texas Appraisers - Meeting Registration Form

5th Mid-Year Meeting McKenna Events Center February 25-26, 2011

Name:			E-Mail:		
Address:					
			<u>Ma</u>	nil Regist	tration and Payment to
Member Frida Non-Member Member Fri. & Non-Member *Lunch Ticket	Friday a.m. MCE & Sat. Fri. & Sat.	\$25 \$35 \$85 \$170 \$15			172
Total Due	\$		<u>Or</u>	Registe	r and Pay on-line at:
*Saturday lunch is included in your registration fee. Only add \$15 if you are bringing a guest.			www.txappraisers.org (click the Meetings link and go to the bottom of the page and it will take you to Pay Pal)		
For more information Teresa Walker (210) (info@txappraisers.o Rick Neighbors (817) (rick@rickn.com)	386-5706 rg)			be receive	on form and payment must od by February 22. No re- r February 22.
Meeting Times:	Friday MCE Friday ACE Saturday ACE/MCE	Register	er 8:00 a.m. er Noon-1:00 p.m. ast 7:30 a.m.		Class 8:30 - 11:30 a.m. Class 1:00 - 5:00 p.m. Class 8:00 a.m 5:00 p.m.
Optional Dinner:	l plan to atte	end and I	will be br	inging	guests.

Don't forget to make your **Hotel Reservations**

A block of rooms has been reserved for ATA members at the <u>Courtyard Marriott</u>, 750 IH 35 North. Sleeping rooms are \$99 per night for single/double. Reservations must be received by <u>Feb. 4, 2011</u>. After this date, reservations will be accepted on a space and rate availability basis. Call (800) 321-2211 and mention code ATAATAC (king) or ATAATAD (2 queens) to receive this discounted rate.

We have also included a list of other hotels if you wish to stay at a different location.

Look forward to seeing you in February.

Partial List of New Braunfels Hotels

Comfort Suites 1489 N IH 35

New Braunfels, TX 78130

Phone: (830) 643-1100

Sleep Inn & Suites 1477 IH 35 N

New Braunfels, TX 78130

Phone: (830) 625-7700

La Quinta Inn & Suites - New Braunfels 365 S State Hwy 46

New Braunfels, TX 78130 Phone: (830) 627-3333

Baymont Inn & Suites

979 N IH 35

New Braunfels, TX 78130

Phone: (830) 608-0334

Best Western Inn & Suites

1493 IH 35 North

New Braunfels, TX 78130

Phone: (830) 625-7337

Fairfield Inn & Suites

1465 IH 35 N

New Braunfels, TX 78130

Phone: (830) 626-3133

Hampton Inn & Suites - New Braunfels

575 State Hwy 46 S

New Braunfels, TX 78130

Phone: (830) 608-0123

Hilton Garden Inn

1501 IH 35 N

New Braunfels, TX 78130

Phone: (830) 620-4200

Microtel Inn & Suites

1175 N Business 35

New Braunfels, TX 78130

Phone: (830) 557-4409

Quality Inn & Suites

1533 IH 35 N.

New Braunfels, TX 78130

Phone: (830) 643-9300

Wingate by Wyndham

245 FM 306

New Braunfels, TX 78130

Phone: (830) 515-4701



iFeríados felíces!

Nacaciones felices!

Vacances heureuses!

Glückliche Feiertage! Vacanze felící!