

Kirchmeyer Klips

"A publication for people in the mortgage industry"

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Dates to remember...

- 10/15 - Wed...APPRAISAL INSTITUTE SEMINAR**
"Property Defects and Real Estate Issues"
@ Buffalo NY Convention Center
- 12/3 - Wed...MBA/WNYAMB/WNYCA/APMW**
Annual Holiday Party @ Salvatore's Restaurant

HELP WANTED...

Kirchmeyer & Associates is looking
for qualified, hard-working appraisers
in every state to accept appraisal
assignments. If you know of any
good appraisers looking to pick up
additional work, have them visit
www.kirchmeyer.com and click on
'Appraiser Application' link.

NAMB Concerned About DO-NOT-CALL AND DO-NOT-FAX Rules

The National Association of Mortgage Brokers (NAMB) is the only national trade association representing the mortgage broker industry. With 46 state affiliates, and more than 14,000 members, their voice is strong.

Do-not-call rules:

Beginning on October 1st, the Federal Trade Commission and the Federal Communications Commission will start enforcing violations of the do-not-call registry. NAMB members should update their do-not-call lists every three months. Companies that fail to comply can be fined up to \$11,000 for each call placed to a phone number that is on the do-not-call registry. Before October 1st, members should remove from their telemarketing lists telephone numbers in the registry before engaging in any marketing activity, including any marketing aimed at prior customers. There are limited exceptions to the regulation for companies that



have an established business relationship with consumers. Please see www.donotcall.gov for detailed compliance information.

The National do-not-call registry is now available on-line from the FTC at <https://telemarketing.donotcall.gov/>. Telemarketers and sellers will be required to search the registry at least every three months and drop from their call lists the phone numbers of consumers who have registered. The dedicated, fully automated and secure Web site at telemarketing.donotcall.gov will provide this information to telemarketers and sellers.

Do-not-fax rules:

Some of you may be questioning why NAMB joined the petition to reconsider the do-not-fax

(continued on page 2.)

About NAMB: Established in 1973, the National Association of Mortgage Brokers (NAMB) promotes the industry through programs and services such as education, professional certification and government affairs representation. NAMB members subscribe to a code of ethics and best lending practices that foster integrity, professionalism and confidentiality when working with consumers. This article was compiled from information provided by NAMB's News from NAMB and www.namb.org. The information is not intended as legal advice and all readers are recommended to seek appropriate counsel.



Do not call... Do not fax...

(continued from page 1.)

rules recently published by the FCC. You may question why NAMB submitted a petition to reconsider the rule because you, and many others like you, do not like receiving unsolicited fax advertisements. What you may not know is that many of those faxes are illegal now! Unsolicited faxes from someone with whom you don't have an established business relationship are illegal now and will continue to be illegal. NAMB is not asking for that to be changed.

However, the rule was so vaguely written that NAMB did ask that much of it be clarified in order to avoid costly lawsuits. For example, it is uncertain whether you would be able to fax documents containing product information back and forth to your customer (such as a Good Faith Estimate). A plaintiff's attorney could interpret this as being illegal if you had not first obtained express written consent from the consumer and might then bring suit against you. Under the rules as they were finalized, you would need to obtain written consent with a signature before faxing that person certain documents. You must also maintain the consent forms and signatures in a file. NAMB petitioned to allow other forms of consent – such as an email – in order to ease the burden of the restrictions. Finally, under this rule, a wholesale lender would not be able to send rate sheets to you without obtaining your express written consent. Further, a mortgage broker would be prohibited from sending its own rate sheets to any realtors or other entities without their express written consent. We asked that the FCC allow entities, with whom a company or individual has an established business relationship, to fax materials to that company or individual. NAMB continues to support initiatives that will eliminate threats of litigation for the mortgage broker industry.

Here are 10 tips:

The national do-not-call registry has muddied and muddled telemarketing rules and regulations for many businesses that rely largely or even just occasionally on cold calling to obtain new clients and customers. Real estate is no exception to either the rules or the confusion. Here are 10 tips:

1. Calling a former home seller or buyer with whom you've had a business relationship isn't prohibited under the federal do-not-call rules up to 18 months after the close of the transaction.
2. Calling a potential homebuyer or seller who initiated contact by calling you isn't prohibited up to three months after the consumer initiated call occurred.
3. Calling anyone who has granted you written permission to call isn't prohibited at all.
4. Consider an in-person visit as an alternative to cold-calling for sale-by-owner or expired-listing sellers. The federal rules don't regulate door knocking and some trainers say in-person first impressions are more powerful than those made over the telephone.
5. Scrub your telephone lists regularly before using them. Don't rely on such static do-not-call data as hardcopy printouts or CD-ROMs that can become outdated.
6. Keep meticulous records of your do-not-call compliance program. Following the safe harbor procedures could save you an \$11,000 fine.
7. Ask your clients and customers to tell the people they refer to you that you will be calling them so your call won't be unexpected.
8. Refine your call lists to target only specific niches like current homeowners or renters who could be home-buying prospects.
9. Send U.S. mail to prospects in your area requesting written permission to call them.
10. Businesses that rely on telemarketing might be able to implement consumer incentive programs that will help them avoid breaking the do-not-call rules. For example, one sweepstakes company promises to enter consumers into a sweepstakes or other similar promotion in return for their telephone number and e-mail address. The contest rules state that the business can call sweepstakes entrants even if their telephone number is on the national do-not-call list.

New e-mail addresses to help you!

We at Kirchmeyer & Associates are ALWAYS looking for ways to better service our clients. Two of the most frequently asked questions are "Who do I call if I need a status?" or "Who do I call if I need a revision to an appraisal that I already have?"

The fastest way to get a response would be to contact us via e-mail. The following addresses were created to service our clients:

- If you require the status of an open appraisal, please email your request to status@kirchmeyer.com.
- If you require additional information regarding an appraisal that has been completed, please email your requests to processing@kirchmeyer.com.

All inquiries will be addressed ASAP. We know that you wouldn't be asking if it wasn't important or urgent so even if we have to contact the appraiser to answer your question, we will let you know that we are in receipt of your question and will get back to you ASAP without leaving you stranded with no quick reply. Our staff is here to help you. Please keep these e-mail addresses handy and use them as often as you like. We can also custom-design a report for you that updates you on all your open appraisals and then fax it to you whenever you prefer: daily, weekly, or when you call. For further information, contact Tom Kirchmeyer at tk@kirchmeyer.com.

Other important e-mail addresses to help you:

- Buffalo, NY Office Manager/VP –**
David Hennigan - davidh@kirchmeyer.com
- Rochester, NY Office Manager/VP –**
David Hennigan - davidh@kirchmeyer.com
- Syracuse, NY Office Manager –**
Andrew Dougherty - adoherty@kirchmeyer.com
- Baltimore, MD Office Manager –**
David Nance - dnantz@kirchmeyer.com
- National Manager –**
(all areas of country outside of our office footprint)
Michelle Wilson - michelle@kirchmeyer.com
- Operations, Data Entry, Processing, Status & Quality Control –**
Kelly Copani - kellyc@kirchmeyer.com
- EVP National Sales –**
Tony Acosta - tony@kirchmeyer.com
- EVP National Appraisal Operations –**
Tom Kirchmeyer SRA - tk@kirchmeyer.com
President/CEO – Jim Kirchmeyer - jakirch@real-info.com

If you require the status of an open appraisal please email your request to status@kirchmeyer.com.

If you require additional information regarding an appraisal that has been completed please email your requests to processing@kirchmeyer.com.

And you think our job is... easy?

This is an actual photograph of a house we appraised recently. It is a bank-owned, half-completed, 5,000 square foot, 3-story decadome (10-sided) that has been vacant for over a year. You try and calculate the square footage! We were just happy to hear that the client did not require 3 recently closed geo-dome comps within a mile of the subject.



The main purpose of our website is for our existing clients to get 24/7 access to statuses on their open appraisals.

www.kirchmeyer.com

The Value Is In Our Service !

